

Senate Study Bill 1184

Bill Text

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1 1 Section 1. NEW SECTION. 724.31 TRANSFER OF FIREARMS
1 2 BETWEEN UNLICENSED PERSONS.
1 3 1. The sale, lease, or other transfer of firearms between
1 4 two or more unlicensed persons shall be conducted through a
1 5 federally licensed firearm dealer and shall comply with all
1 6 applicable federal and state laws. The dealer may charge a
1 7 transfer fee not to exceed five dollars. This subsection does
1 8 not apply to the sale, lease, or other transfer of firearms in
1 9 any of the following situations:
1 10 a. The person transferring the firearm or the person
1 11 acquiring the firearm is a licensed firearm dealer under
1 12 federal law.
1 13 b. The firearm acquired is an antique firearm, a
1 14 collector's item, a device which is not designed or redesigned
1 15 for use as a firearm, a device which is designed solely for
1 16 use as a signaling, pyrotechnic, line-throwing, safety, or
1 17 similar device, or a firearm which is unserviceable by reason
1 18 of being unable to discharge a shot by means of an explosive
1 19 and is incapable of being readily restored to a firing
1 20 condition.
1 21 c. The person acquiring the firearm is authorized to do so
1 22 on behalf of a law enforcement agency.
1 23 d. The person transferring the firearm and the person
1 24 acquiring the firearm are related to one another within the
1 25 second degree of consanguinity or affinity, unless the person
1 26 transferring the firearm knows that the person acquiring the
1 27 firearm would be ineligible to obtain a firearm under federal
1 28 or state law.
1 29 2. An unlicensed person who sells, leases, or transfers a
1 30 firearm to another unlicensed person, or an unlicensed person
1 31 who acquires a firearm from another unlicensed person, without
1 32 the sale, lease, or transfer conducted by a federally licensed
1 33 firearm dealer, commits an aggravated misdemeanor.
1 34 3. A person who sells, leases, or transfers a firearm to
1 35 another person, who the transferor knows or has reason to know
2 1 is prohibited from possessing firearms under federal or state
2 2 law, commits a class "D" felony.
2 3 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
2 4 3, shall not apply to this Act.
2 5 EXPLANATION
2 6 This bill creates new Code section 724.31, relating to the
2 7 sale of firearms between unlicensed persons and providing
2 8 penalties.
2 9 The bill provides that a sale, lease, or other transfer of
2 10 firearms between two or more persons shall be conducted
2 11 through a federally licensed firearm dealer. The bill
2 12 specifically excludes transfers of firearms between persons
2 13 where one person is a federally licensed firearm dealer,
2 14 transfers of firearms to persons authorized to do so on behalf
2 15 of a law enforcement agency, and transfers of firearms between
2 16 relatives, unless the relative transferring the firearm knows
2 17 or has reason to know the person to whom the transfer is made
2 18 would be ineligible to obtain a firearm under state or federal
2 19 law. The bill further excludes antique firearms, collector's
2 20 items, a device not designed or redesigned for use as a
2 21 firearm, a device designed solely for use as a signaling,

2 22 pyrotechnic, line-throwing, safety, or similar device, or a
2 23 firearm which is unserviceable.

2 24 The bill further provides that an unlicensed person who
2 25 sells, leases, or transfers a firearm to another unlicensed
2 26 person, or an unlicensed person who acquires a firearm from
2 27 another unlicensed person, without going through a federally
2 28 licensed firearm dealer commits an aggravated misdemeanor. An
2 29 aggravated misdemeanor is punishable by confinement for no
2 30 more than two years and a fine of at least \$500 but not more
2 31 than \$5,000. A person who sells, leases, or transfers a
2 32 firearm to another individual who the transferor knows or has
2 33 reason to know is prohibited from possessing firearms commits
2 34 a class "D" felony. A class "D" felony is punishable by
2 35 confinement for no more than five years and a fine of at least
3 1 \$750 but not more than \$7,500.

3 2 The bill may include a state mandate as defined in Code
3 3 section 25B.3. The bill makes inapplicable Code section
3 4 25B.2, subsection 3, which would relieve a political
3 5 subdivision from complying with a state mandate if funding for
3 6 the cost of the state mandate is not provided or specified.
3 7 Therefore, political subdivisions are required to comply with
3 8 any state mandate included in the bill.

3 9 LSB 1672XC 79

3 10 rh/cls/14