

FEB 17 2003
PUBLIC SAFETY

HOUSE FILE 207
BY GREIMANN and FORD

(COMPANION TO LSB 2187SS BY HATCH)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the private sale or transfer of firearms
2 between unlicensed persons and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 207

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1 Section 1. NEW SECTION. 724.31 TRANSFER OF FIREARMS
2 BETWEEN UNLICENSED PERSONS.

3 1. The private sale, lease, or other transfer of firearms
4 between two or more unlicensed persons shall be conducted
5 through a federally licensed firearm dealer and shall comply
6 with all applicable federal and state laws. The dealer may
7 charge a transfer fee not to exceed ten dollars. This
8 subsection does not apply to the sale, lease, or other
9 transfer of firearms in any of the following situations:

10 a. The person transferring the firearm or the person
11 acquiring the firearm is a licensed firearm dealer under
12 federal law.

13 b. The firearm acquired is an antique firearm, a
14 collector's item, a device which is not designed or redesigned
15 for use as a firearm, a device which is designed solely for
16 use as a signaling, pyrotechnic, line-throwing, safety, or
17 similar device, or a firearm which is unserviceable by reason
18 of being unable to discharge a shot by means of an explosive
19 and is incapable of being readily restored to a firing
20 condition.

21 c. The person acquiring the firearm is authorized to do so
22 on behalf of a law enforcement agency.

23 d. The person transferring the firearm and the person
24 acquiring the firearm are related to one another within the
25 second degree of consanguinity or affinity, unless the person
26 transferring the firearm knows that the person acquiring the
27 firearm would be ineligible to obtain a firearm under federal
28 or state law.

29 2. An unlicensed person who sells, leases, or transfers a
30 firearm to another unlicensed person, or an unlicensed person
31 who acquires a firearm from another unlicensed person, without
32 the sale, lease, or transfer conducted by a federally licensed
33 firearm dealer, commits an aggravated misdemeanor.

34 3. A person who sells, leases, or transfers a firearm to
35 another person, who the transferor knows or has reason to know

1 is prohibited from possessing firearms under federal or state
2 law, commits a class "D" felony.

3 EXPLANATION

4 This bill creates new Code section 724.31, relating to the
5 sale of firearms between unlicensed persons and providing
6 penalties.

7 The bill provides that a private sale, lease, or other
8 transfer of firearms between two or more persons shall be
9 conducted through a federally licensed firearm dealer. The
10 bill specifically excludes transfers of firearms between
11 persons where one person is a federally licensed firearm
12 dealer, transfers of firearms to persons authorized to do so
13 on behalf of a law enforcement agency, and transfers of
14 firearms between relatives, unless the relative transferring
15 the firearm knows or has reason to know the person to whom the
16 transfer is made would be ineligible to obtain a firearm under
17 state or federal law. The bill further excludes antique
18 firearms, collector's items, a device not designed or
19 redesigned for use as a firearm, a device designed solely for
20 use as a signaling, pyrotechnic, line-throwing, safety, or
21 similar device, or a firearm which is unserviceable.

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

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