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SENATE FILE 163  
BY HATCH, DVORSKY, BOLKCOM,  
and HOLVECK

Passed Senate, Date \_\_\_\_\_ Passed House, 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:

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SF 163  
JUDICIARY

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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