

FILED MAR 8 2005

SENATE FILE 310 JUDICIARY
BY DVORSKY

(COMPANION TO HF 292
BY MASCHER)

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

A BILL FOR

1 An Act prohibiting the possession, transfer, or sale of a firearm
2 or offensive weapon by a person who is the subject of a
3 protective order or who has been convicted of a misdemeanor
4 crime of domestic violence in violation of federal law and
5 providing a penalty.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SE 310
JUDICIARY

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1 Section 1. Section 724.26, Code 2005, is amended to read
2 as follows:

3 724.26 POSSESSION, RECEIPT, TRANSPORTATION, OR DOMINION
4 AND CONTROL OF FIREARMS AND OFFENSIVE WEAPONS BY FELONS AND
5 OTHERS.

6 1. A person who is convicted of a felony in a state or
7 federal court, or who is adjudicated delinquent on the basis
8 of conduct that would constitute a felony if committed by an
9 adult, and who knowingly has under the person's dominion and
10 control or possession, receives, or transports or causes to be
11 transported a firearm or offensive weapon is guilty of a class
12 "D" felony.

13 2. A person who is subject to a protective order under 18
14 U.S.C. § 922(g)(8) or who has been convicted of a misdemeanor
15 crime of domestic violence under 18 U.S.C. § 922(g)(9), and
16 who knowingly sells, disposes of, possesses, ships,
17 transports, or receives a firearm or offensive weapon, is
18 guilty of a class "D" felony. Such a person shall not be
19 eligible to obtain a permit under this chapter and any permits
20 issued to such a person are deemed revoked.

21 3. Except as provided in section 809A.17, subsection 5,
22 paragraph "b", a firearm or offensive weapon seized under this
23 section shall be disposed of in any of the following ways:

24 a. Held as evidence if used or intended to be used in any
25 manner or part to facilitate conduct giving rise to a
26 violation described in subsection 2.

27 b. Transferred to the custody of a qualified person in
28 this state, as determined by the court. The qualified person
29 shall not reside in the home of a person found guilty of an
30 offense under this section and must be able to lawfully
31 possess a firearm or offensive weapon in this state.

32 c. Stored by the county sheriff. The court shall assess
33 the defendant, in addition to any penalty, a fee of fifty
34 dollars plus the cost of any other expenses for storing the
35 firearm or offensive weapon, payable to the county sheriff's

1 office.

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EXPLANATION

3 This bill amends Code section 724.26 to prohibit the
4 knowing sale, disposal, possession, shipment, transportation,
5 or receipt of a firearm or offensive weapon by a person who is
6 the subject of a protective order under 18 U.S.C. § 922(g)(8)
7 or by a person who has been convicted of a misdemeanor crime
8 of domestic violence under 18 U.S.C. § 922(g)(9).

9 Violation of the prohibition is a class "D" felony. A
10 class "D" felony is punishable by confinement for no more than
11 five years and a fine of at least \$750 but not more than
12 \$7,500. Such a person shall not be eligible to obtain a
13 permit to carry weapons or a permit to acquire pistols or
14 revolvers.

15 The bill further provides that unless a forfeiture
16 proceeding has been initiated, a firearm or offensive weapon
17 seized under this bill and Code section 724.26 shall be
18 disposed of in any one of the following ways:

19 1. Held in evidence if the firearm or offensive weapon was
20 used or intended to be used in any part to facilitate conduct
21 giving rise to any of the delineated violations.

22 2. Transferred to a person who does not live with the
23 offender and who is qualified in Iowa to possess a firearm or
24 offensive weapon, as determined by the court.

25 3. Stored by the county sheriff. The court shall assess
26 the defendant, in addition to any other penalty, a fee of \$50
27 plus the costs of any other expenses to cover storage costs.

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