

# House Study Bill 46

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ATTORNEY GENERAL  
BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act prohibiting a person who is the subject of a protective  
2 order or who has been convicted of a misdemeanor crime of  
3 domestic violence in violation of federal law from possessing,  
4 transferring, or selling firearms or offensive weapons and  
5 providing a penalty.

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

7 TLSB 1386DP 83

8 rh/rj/5

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1 1 Section 1. Section 724.26, Code 2009, is amended to read  
1 2 as follows:

1 3 724.26 POSSESSION, RECEIPT, TRANSPORTATION, OR DOMINION  
1 4 AND CONTROL OF FIREARMS AND OFFENSIVE WEAPONS BY FELONS AND  
1 5 OTHERS.

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

1 13 2. A person who is subject to a protective order under 18  
1 14 U.S.C. } 922(g)(8) or who has been convicted of a misdemeanor  
1 15 crime of domestic violence under 18 U.S.C. } 922(g)(9), and  
1 16 who knowingly sells, disposes of, possesses, ships,  
1 17 transports, or receives a firearm or offensive weapon, is  
1 18 guilty of a class "D" felony. Such a person shall not be  
1 19 eligible to obtain a permit under this chapter and any permits  
1 20 issued to such a person are deemed revoked.

1 21 3. Except as provided in section 809A.17, subsection 5,  
1 22 paragraph "b", a firearm or offensive weapon seized under this  
1 23 section shall be disposed of in any of the following ways:

1 24 a. Held as evidence if used or intended to be used in any  
1 25 manner or part to facilitate conduct giving rise to a  
1 26 violation described in subsection 2.

1 27 b. Transferred to the custody of a qualified person in  
1 28 this state, as determined by the court. The qualified person  
1 29 shall not reside in the home of a person found guilty of an  
1 30 offense under this section and must be able to lawfully  
1 31 possess a firearm or offensive weapon in this state.

1 32 c. Stored by the county sheriff. The court shall assess  
1 33 the defendant, in addition to any penalty, a fee of fifty  
1 34 dollars plus the cost of any other expenses for storing the  
1 35 firearm or offensive weapon, payable to the county sheriff's  
2 1 office.

## EXPLANATION

2 2 This bill amends Code section 724.26 to prohibit the  
2 3 knowing sale, disposal, possession, shipment, transportation,  
2 4 or receipt of a firearm or offensive weapon by a person who is  
2 5 the subject of a protective order under federal law (18 U.S.C.  
2 6 } 922(g)(8)) or by a person who has been convicted of a  
2 7 misdemeanor crime of domestic violence under federal law (18  
2 8 U.S.C. } 922(g)(9)).

2 9 Violation of the prohibition is a class "D" felony. A  
2 10 class "D" felony is punishable by confinement for no more than  
2 11 five years and a fine of at least \$750 but not more than  
2 12 \$7,500. Such a person shall not be eligible to obtain a  
2 13 permit to carry weapons or a permit to acquire pistols or  
2 14 revolvers.

2 15 The bill further provides that unless a forfeiture

2 17 proceeding has been initiated, a firearm or offensive weapon  
2 18 seized under the bill and Code section 724.26 shall be  
2 19 disposed of in any one of the following ways:  
2 20 1. Held in evidence if the firearm or offensive weapon was  
2 21 used or intended to be used in any part to facilitate conduct  
2 22 giving rise to any of the delineated violations.  
2 23 2. Transferred to a person who does not live with the  
2 24 offender and who is qualified in Iowa to possess a firearm or  
2 25 offensive weapon, as determined by the court.  
2 26 3. Stored by the county sheriff. The court shall assess  
2 27 the defendant, in addition to any other penalty, a fee of \$50  
2 28 plus the costs of any other expenses to cover storage costs.  
2 29 LSB 1386DP 83  
2 30 rh/rj/5