

House File 535 - Introduced

HOUSE FILE 535
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 81)

A BILL FOR

1 An Act relating to firearms, including certain confidentiality
2 and purchasing provisions, providing penalties, and
3 including effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 724.23, Code 2013, is amended to read as
2 follows:

3 **724.23 Records kept by commissioner and issuing officers.**

4 1. The commissioner of public safety shall maintain a
5 permanent record of all valid permits to carry weapons and of
6 current permit revocations.

7 2. a. Notwithstanding any other law or rule to the
8 contrary, the commissioner of public safety and any issuing
9 officer shall keep confidential personally identifiable
10 information of holders of nonprofessional permits to carry
11 weapons and permits to acquire pistols or revolvers, including
12 but not limited to the name, social security number, date of
13 birth, residential or business address, and driver's license or
14 other identification number of the applicant or permit holder.

15 b. This subsection shall not prohibit the release of
16 statistical information relating to the issuance, denial,
17 revocation, or administration of nonprofessional permits to
18 carry weapons and permits to acquire pistols or revolvers,
19 provided that the release of such information does not reveal
20 the identity of any individual permit holder.

21 c. This subsection shall not prohibit the release of
22 information to any law enforcement agency or any employee or
23 agent thereof when necessary for the purpose of investigating
24 a possible violation of law or for conducting a lawfully
25 authorized background investigation.

26 d. Except as provided in paragraphs "b" and "c", the
27 release of any confidential information under this section
28 shall require a court order or the consent of the person whose
29 personally identifiable information is the subject of the
30 information request.

31 **Sec. 2. NEW SECTION. 724.29A Fraudulent purchase of**
32 **firearms or ammunition.**

33 1. For purposes of this section:

34 a. "Ammunition" means any cartridge, shell, or projectile
35 designed for use in a firearm.

1 *b.* "*Licensed firearms dealer*" means a person who is licensed
2 pursuant to 18 U.S.C. § 923 to engage in the business of
3 dealing in firearms.

4 *c.* "*Materially false information*" means information that
5 portrays an illegal transaction as legal or a legal transaction
6 as illegal.

7 *d.* "*Private seller*" means a person who sells or offers for
8 sale any firearm or ammunition.

9 2. A person who knowingly solicits, persuades, encourages,
10 or entices a licensed firearms dealer or private seller of
11 firearms or ammunition to transfer a firearm or ammunition
12 under circumstances that the person knows would violate the
13 laws of this state or of the United States commits a class "D"
14 felony.

15 3. A person who knowingly provides materially false
16 information to a licensed firearms dealer or private seller of
17 firearms or ammunition with the intent to deceive the firearms
18 dealer or seller about the legality of a transfer of a firearm
19 or ammunition commits a class "D" felony.

20 4. Any person who willfully procures another to engage in
21 conduct prohibited by this section shall be held accountable
22 as a principal.

23 5. This section shall not apply to a law enforcement officer
24 acting in the officer's official capacity or to a person acting
25 at the direction of such law enforcement officer.

26 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
27 immediate importance, takes effect upon enactment.

28 Sec. 4. APPLICABILITY. The section of this Act amending
29 section 724.23 applies to holders of nonprofessional permits
30 to carry weapons and permits to acquire pistols or revolvers
31 and to applicants for nonprofessional permits to carry weapons
32 and permits to acquire pistols or revolvers on or after the
33 effective date of this Act.

34 EXPLANATION

35 This bill relates to firearms, including certain

1 confidentiality and purchasing provisions, provides penalties,
2 and includes effective date and applicability provisions.

3 PERMIT TO CARRY AND PERMIT TO ACQUIRE RECORDS —
4 CONFIDENTIALITY. Current law requires the commissioner
5 of public safety to maintain a permanent record of all
6 valid permits to carry weapons and of current permit
7 revocations. This bill provides that, notwithstanding any
8 other law or rule to the contrary, the commissioner of public
9 safety and any issuing officer (county sheriff) shall keep
10 confidential personally identifiable information of holders
11 of nonprofessional permits to carry weapons and permits to
12 acquire pistols or revolvers. The release of any confidential
13 information, except as otherwise provided in the bill, requires
14 a court order or the consent of the person whose personally
15 identifiable information is the subject of the information
16 request. The bill does not prohibit release of statistical
17 information relating to the issuance, denial, revocation, or
18 administration of nonprofessional permits to carry weapons and
19 permits to acquire pistols or revolvers if such information
20 does not reveal the identity of any individual permit holder,
21 or the release of information to a law enforcement agency
22 investigating a violation of law or conducting a background
23 check. This provision applies to holders of nonprofessional
24 permits to carry weapons and permits to acquire pistols or
25 revolvers and to applicants for nonprofessional permits to
26 carry weapons and permits to acquire pistols or revolvers on or
27 after the effective date of the bill.

28 FRAUDULENT PURCHASE OF FIREARMS OR AMMUNITION. The bill
29 provides that a person who knowingly solicits, persuades,
30 encourages, or entices a licensed firearms dealer or private
31 seller of firearms or ammunition to transfer a firearm or
32 ammunition under circumstances that the person knows would
33 violate the laws of this state or of the United States commits
34 a class "D" felony. A person who knowingly provides materially
35 false information to a licensed firearms dealer or private

1 seller of firearms or ammunition with the intent to deceive the
2 firearms dealer or seller about the legality of a transfer of a
3 firearm or ammunition commits a class "D" felony. Any person
4 who willfully procures another to engage in conduct prohibited
5 by this Code section shall be held accountable as a principal.

6 The bill does not apply to a law enforcement officer acting
7 in the officer's official capacity or to a person acting at the
8 direction of such law enforcement officer.

9 A class "D" felony is punishable by confinement for no more
10 than five years and a fine of at least \$750 but not more than
11 \$7,500.

12 The bill takes effect upon enactment.