

**House File 2191 - Introduced**

HOUSE FILE 2191

BY RIZER

**A BILL FOR**

1 An Act reclassifying felony offenses when a firearm is  
2 possessed, displayed, used, or attempted to be used during  
3 their commission, and providing penalties.

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

1 Section 1. NEW SECTION. 902.15 Felony offenses —  
2 reclassification — firearms.

3 1. If the trier of fact finds beyond a reasonable doubt that  
4 a person committing a felony was in the immediate possession  
5 and control of a firearm, displayed a firearm in a threatening  
6 manner, or used or attempted to use a firearm, the felony shall  
7 be reclassified for the purpose of sentencing as follows:

8 a. A felony otherwise punishable under section 902.9,  
9 subsection 1, paragraph "a", shall be classified as a class "A"  
10 felony.

11 b. A class "B" felony otherwise classified as punishable by  
12 confinement for no more than fifty years shall be classified  
13 as a class "A" felony.

14 c. A class "B" felony otherwise punishable by confinement  
15 for no more than twenty-five years shall be classified as a  
16 class "B" felony punishable by confinement for no more than  
17 fifty years.

18 d. A class "C" felony shall be reclassified a class "B"  
19 felony punishable by confinement for no more than twenty-five  
20 years.

21 e. A class "D" felony shall be reclassified a class "C"  
22 felony.

23 2. This section does not apply to a class "A" felony.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with  
26 the explanation's substance by the members of the general assembly.

27 This bill reclassifies a felony when a firearm is possessed,  
28 displayed, used, or attempted to be used during its commission,  
29 and provides penalties.

30 The bill provides that if the trier of fact finds beyond  
31 a reasonable doubt that during the commission of a felony  
32 a person was in the immediate possession and control of a  
33 firearm, displayed a firearm in a threatening manner, or  
34 used or attempted to use a firearm, the felony shall be  
35 reclassified.

1 The bill reclassifies a felony as follows: a felony  
2 otherwise punishable under Code section 902.9(1)(a) shall be  
3 classified as a class "A" felony; a class "B" felony otherwise  
4 punishable by confinement for no more than 50 years shall be  
5 classified as a class "A" felony; a class "B" felony otherwise  
6 punishable by confinement for no more than 25 years shall be  
7 classified as a class "B" felony punishable by confinement for  
8 no more than 50 years; a class "C" felony shall be reclassified  
9 as a class "B" felony punishable by confinement for no more  
10 than 25 years; and a class "D" felony shall be reclassified as  
11 a class "C" felony.

12 The bill applies to all felony offenses except class "A"  
13 felonies.

14 The bill does not amend Code section 902.7, which provides  
15 that a person found guilty of participating in a forcible  
16 felony, shall serve a minimum of five years of the sentence  
17 imposed by law, if the trier of fact finds beyond a reasonable  
18 doubt that the person represented that the person was in  
19 the immediate possession and control of a dangerous weapon,  
20 displayed a dangerous weapon in a threatening manner, or was  
21 armed with a dangerous weapon while participating in the  
22 forcible felony.