

House File 397 - Introduced

HOUSE FILE 397

BY ANDERSON

A BILL FOR

1 An Act relating to firearms, by prohibiting certain persons
2 from possessing, receiving, or transporting firearms,
3 requiring the reporting of the loss or theft of a firearm to
4 a local law enforcement agency, and providing penalties and
5 remedies.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 724.26, Code 2017, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 1A. A person who has been charged with
4 a hate crime under section 729A.2, or stalking under section
5 708.11, and who knowingly has under the person's dominion and
6 control or possession, receives, or transports or causes to be
7 transported a firearm or offensive weapon, while such charges
8 are pending, is guilty of a class "D" felony.

9 NEW SUBSECTION. 1B. A person who has been convicted of
10 a hate crime which is a misdemeanor in violation of section
11 729A.2, or stalking which is a misdemeanor in violation of
12 section 708.11, and who knowingly has under the person's
13 dominion and control or possession, receives, or transports
14 or causes to be transported a firearm or offensive weapon, is
15 guilty of a class "D" felony.

16 Sec. 2. NEW SECTION. **724.32 Reporting loss or theft of a**
17 **firearm or ammunition — criminal penalty — civil remedy.**

18 1. A person shall report the loss or theft of any firearm
19 or ammunition owned by the person to a local law enforcement
20 agency within seventy-two hours after the person knew or should
21 have reasonably known of the loss or theft.

22 2. A local law enforcement agency shall report any loss
23 or theft reported to the agency under subsection 1 to the
24 department of public safety within twenty-four hours of the
25 receipt of the report.

26 3. A person who violates subsection 1 commits a serious
27 misdemeanor.

28 4. If a person fails to report the loss or theft of a
29 firearm or ammunition owned by the person in violation of
30 subsection 1, and such firearm or ammunition is subsequently
31 used in the furtherance of a crime, the victim of the crime may
32 bring a civil action for monetary damages against the person
33 for failing to report the loss or theft.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to firearms, by prohibiting certain
3 persons from possessing, receiving, or transporting firearms,
4 and requiring the reporting of the loss or theft of a firearm
5 to a local law enforcement agency.

6 POSSESSING, RECEIVING, OR TRANSPORTING FIREARMS BY CERTAIN
7 CRIMINAL DEFENDANTS. Code section 724.26(1) currently
8 prohibits a convicted felon from possessing, receiving, or
9 transporting a firearm or offensive weapon.

10 The amendment to Code section 724.26 provides that a
11 person who has been charged with a hate crime under Code
12 section 729A.2, or stalking under Code section 708.11, and
13 who knowingly has under the person's dominion and control or
14 possession, receives, or transports or causes to be transported
15 a firearm or offensive weapon, while such charges are pending,
16 is guilty of a class "D" felony.

17 The amendment to Code section 724.26 also provides that a
18 person who has been convicted of a misdemeanor hate crime in
19 violation of Code section 729A.2, or misdemeanor stalking in
20 violation of Code section 708.11, and who knowingly has under
21 the person's dominion and control or possession, receives, or
22 transports or causes to be transported a firearm or offensive
23 weapon, is guilty of a class "D" felony.

24 REPORTING LOSS OR THEFT OF FIREARMS OR AMMUNITION. The bill
25 requires a person to report the loss or theft of any firearm
26 or ammunition owned by the person to a local law enforcement
27 agency within 72 hours of when the person knew or should have
28 reasonably known of the loss or theft. A person who violates
29 this provision commits a serious misdemeanor.

30 The bill also requires a local law enforcement agency to
31 report to the department of public safety any loss or theft
32 reported to the local law enforcement agency within 24 hours of
33 receipt of the report.

34 If a person fails to report the loss or theft of a firearm
35 or ammunition owned by the person in violation of the bill,

H.F. 397

1 and such firearm or ammunition is subsequently used in the
2 furtherance of a crime, the victim of the crime may bring
3 a civil action for monetary damages against the person for
4 failing to report the loss or theft.