

House File 398 - Introduced

HOUSE FILE 398

BY HUNTER and MASCHER

A BILL FOR

1 An Act prohibiting the sale or transfer of semiautomatic
2 assault weapons, providing penalties, and including
3 effective date and applicability provisions.

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

1 Section 1. NEW SECTION. 724.1C Semiautomatic assault weapon
2 defined.

3 1. "*Semiautomatic assault weapon*" means any of the
4 following:

5 a. A semiautomatic rifle that has the capability to accept
6 a detachable ammunition magazine and that has any of the
7 following:

8 (1) A pistol grip or thumbhole stock.

9 (2) A forward grip or any feature capable of functioning as
10 a protruding grip that can be held by the nontrigger hand.

11 (3) A shroud attached to the barrel, or that partially or
12 completely encircles the barrel, allowing the user to hold the
13 firearm with the nontrigger hand without being burned, but
14 excluding a slide that encloses the barrel.

15 (4) A folding, telescoping, or detachable stock.

16 (5) A threaded barrel.

17 (6) A grenade launcher or rocket launcher.

18 b. A semiautomatic rifle that has a fixed magazine with the
19 capability to accept more than ten rounds of ammunition, except
20 for an attached tubular device designed to accept, and capable
21 of operating only with, .22 caliber rimfire ammunition.

22 c. Any part, combination of parts, component, device,
23 attachment, or accessory that is designed or functions to
24 accelerate the rate of fire of a semiautomatic rifle but not
25 convert the semiautomatic rifle into a machine gun.

26 d. A semiautomatic pistol that has the capability to accept
27 a detachable ammunition magazine and that has any of the
28 following:

29 (1) A second pistol grip or any feature capable of
30 functioning as a protruding grip that can be held by the
31 nontrigger hand.

32 (2) A shroud attached to the barrel, or that partially or
33 completely encircles the barrel, allowing the user to hold the
34 firearm with the nontrigger hand without being burned, but
35 excluding a slide that encloses the barrel.

1 (3) A threaded barrel.

2 (4) The capability to accept a detachable ammunition
3 magazine at any location outside the pistol grip.

4 e. A semiautomatic pistol that has a fixed magazine with the
5 capacity to accept more than ten rounds of ammunition.

6 f. A semiautomatic shotgun that has any of the following:

7 (1) The capability to accept a detachable ammunition
8 magazine.

9 (2) A pistol grip.

10 (3) A folding, telescoping, or detachable stock.

11 (4) A fixed ammunition magazine that has the capability to
12 accept more than five rounds of ammunition.

13 (5) A forward grip.

14 (6) A grenade launcher or rocket launcher.

15 g. A shotgun with a revolving cylinder.

16 h. A conversion kit, part, or combination of parts, from
17 which a semiautomatic assault weapon can be assembled if the
18 parts are in the possession of or under the control of the same
19 person.

20 i. A frame or receiver that is identical to, or based
21 substantially on, the frame or receiver of a semiautomatic
22 assault weapon described in paragraph "a", "b", "d", "e", or
23 "f".

24 2. "*Semiautomatic assault weapon*" does not include any of
25 the following:

26 a. A firearm that is manually operated by a bolt, pump,
27 lever, or slide action.

28 b. A firearm that has been rendered permanently inoperable.

29 **Sec. 2. NEW SECTION. 724.22A Sale or transfer of**
30 **semiautomatic assault weapons.**

31 A person who sells or transfers a semiautomatic assault
32 weapon to another person commits a class "D" felony for a first
33 offense and a class "C" felony for a second or subsequent
34 offense.

35 **Sec. 3. EFFECTIVE UPON ENACTMENT.** This Act, being deemed of

1 immediate importance, takes effect upon enactment.

2 Sec. 4. APPLICABILITY. This Act applies to the sale or
3 transfer of a semiautomatic assault weapon sold or transferred
4 on or after the effective date of this Act.

5 EXPLANATION

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

8 This bill prohibits the sale or transfer of semiautomatic
9 assault weapons, provides penalties, and includes effective
10 date and applicability provisions.

11 The bill provides that a person who sells or transfers a
12 semiautomatic assault weapon to another person commits a class
13 "D" felony for a first offense and a class "C" felony for a
14 second or subsequent offense. A class "D" felony is punishable
15 by confinement for no more than five years and a fine of at
16 least \$750 but not more than \$7,500. A class "C" felony is
17 punishable by confinement for no more than 10 years and a fine
18 of at least \$1,000 but not more than \$10,000.

19 The bill defines a semiautomatic assault weapon to include
20 a semiautomatic rifle, pistol, or shotgun with certain
21 characteristics, a conversion kit, part, or combination of
22 parts from which a semiautomatic weapon can be assembled, and a
23 frame or receiver that is identical to or based substantially
24 on the frame or receiver or a semiautomatic assault weapon.
25 The bill excludes a firearm that is manually operated by a
26 bolt, pump, lever, or slide action and a firearm that has
27 been rendered permanently inoperable from the definition of a
28 semiautomatic assault weapon.

29 The bill takes effect upon enactment and applies to the
30 sale or transfer of a semiautomatic assault weapon sold or
31 transferred on or after the effective date of the bill.