

House File 517 - Introduced

HOUSE FILE 517
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 133)

A BILL FOR

1 An Act relating to offensive and dangerous weapons, and the
2 justifiable use of reasonable and deadly force, including
3 carrying, possessing, transferring, and acquiring weapons,
4 the purchase and regulation of such weapons, providing
5 penalties, and including effective date and applicability
6 provisions.

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

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DIVISION I

OFFENSIVE WEAPONS

Section 1. Section 724.1, subsection 1, paragraph b, Code 2017, is amended by striking the paragraph.

Sec. 2. NEW SECTION. **724.1C Short-barreled rifle or short-barreled shotgun — penalty.**

1. A person shall not knowingly possess a short-barreled rifle or short-barreled shotgun in violation of federal law.

2. A person who possesses a short-barreled rifle or short-barreled shotgun in violation of subsection 1 commits a class "D" felony.

DIVISION II

CARRYING WEAPONS AND POSSESSION OF WEAPONS

Sec. 3. Section 232.52, subsection 2, paragraph a, subparagraph (4), subparagraph division (a), subparagraph subdivision (viii), Code 2017, is amended to read as follows:

(viii) **Section 724.4,** ~~if the child carried the dangerous weapon on school grounds or 724.4B.~~

Sec. 4. Section 708.8, Code 2017, is amended to read as follows:

708.8 Going armed with intent.

A person who goes armed with any dangerous weapon with the intent to use without justification such weapon against the person of another commits a class "D" felony. The intent required for a violation of this section shall not be inferred from the mere carrying or concealment of any dangerous weapon itself, including the carrying of a loaded firearm, whether in a vehicle or on or about a person's body.

Sec. 5. Section 724.4B, subsection 2, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* A private investigator or private security officer who possesses a valid license pursuant to chapter 80A, while engaged in the performance of duties as a private investigator or private security officer, if the private investigator or private security officer possesses a

1 valid professional or nonprofessional permit to carry weapons
2 issued pursuant to this chapter.

3 Sec. 6. Section 724.4C, Code 2017, is amended to read as
4 follows:

5 **724.4C Possession or carrying of firearms dangerous weapons**
6 **while under the influence.**

7 1. A permit issued under ~~this chapter~~ is invalid if the
8 Except as provided in subsection 2, a person to whom the permit
9 is issued is commits a serious misdemeanor if the person
10 is intoxicated as provided under the conditions set out in
11 section 321J.2, subsection 1-, and the person does any of the
12 following:

13 a. Carries a dangerous weapon on or about the person.

14 b. Carries a dangerous weapon within the person's immediate
15 access or reach while in a vehicle.

16 2. This section shall not apply to any of the following:

17 a. A person who carries or possesses a dangerous weapon
18 while in the person's own dwelling, place of business, or on
19 land owned or lawfully possessed by the person.

20 b. The transitory possession or use of a dangerous weapon
21 during an act of justified self-defense or justified defense of
22 another, provided that the possession lasts no longer than is
23 immediately necessary to resolve the emergency.

24 Sec. 7. Section 724.5, Code 2017, is amended to read as
25 follows:

26 **724.5 Duty to carry permit to carry weapons.**

27 1. A person armed with a revolver, pistol, or pocket billy
28 concealed upon the person shall have in the person's immediate
29 possession the permit provided for in section 724.4, subsection
30 4, paragraph "i", and shall produce the permit for inspection at
31 the request of a peace officer. Failure to so produce a permit
32 is a simple misdemeanor.

33 2. A person charged with a violation of subsection 1 who
34 produces to the clerk of the district court prior to the
35 date of the person's court appearance proof that the person

1 possesses a valid permit to carry weapons which was valid at
2 the time of the alleged offense, shall not be convicted of a
3 violation of subsection 1 and the charge shall be dismissed by
4 the court. Upon dismissal, the court shall assess the costs
5 of the action against the person named on the indictment or
6 information.

7 DIVISION III

8 PERMIT TO CARRY WEAPONS AND FIREARM SAFETY TRAINING

9 Sec. 8. Section 80A.13, subsection 1, Code 2017, is amended
10 to read as follows:

11 1. File with the sheriff of the county in which the campus
12 is located evidence that the individual has successfully
13 completed an approved ~~firearms~~ firearm safety training program
14 under [section 724.9](#). This requirement does not apply to
15 armored car personnel.

16 Sec. 9. Section 724.9, Code 2017, is amended to read as
17 follows:

18 **724.9 Firearm safety training program.**

19 1. An applicant for an initial permit to carry weapons shall
20 demonstrate knowledge of firearm safety by any of the following
21 means:

22 a. Completion of any national rifle association handgun
23 safety training course.

24 b. Completion of any handgun safety training course
25 available to the general public offered by a law enforcement
26 agency, community college, college, private or public
27 institution or organization, or firearms training school,
28 utilizing instructors certified by the national rifle
29 association or the department of public safety or another
30 state's department of public safety, state police department,
31 or similar certifying body.

32 c. Completion of any handgun safety training course offered
33 for security guards, investigators, special deputies, or any
34 division or subdivision of a law enforcement or security
35 enforcement agency approved by the department of public safety.

1 *d.* Completion of small arms training while serving with the
2 armed forces of the United States ~~as evidenced by any of the~~
3 ~~following:~~

4 ~~(1) For personnel released or retired from active duty,~~
5 ~~possession of an honorable discharge or general discharge under~~
6 ~~honorable conditions.~~

7 ~~(2) For personnel on active duty or serving in one of the~~
8 ~~national guard or reserve components of the armed forces of the~~
9 ~~United States, possession of a certificate of completion of~~
10 ~~basic training with a service record of successful completion~~
11 ~~of small arms training and qualification.~~

12 *e.* Completion of a law enforcement agency ~~firearms~~ firearm
13 safety training course that qualifies a peace officer to carry
14 a firearm in the normal course of the peace officer's duties.

15 *f.* Completion of a hunter safety course taken on or after
16 July 1, 2017, that covers handgun safety training.

17 2. The handgun safety training course required in
18 subsection 1 may be conducted over the internet in a live or
19 web-based format, if completion of the course is verified by
20 the instructor or provider of the course.

21 3. Firearm safety training shall not be required for
22 renewals of permits issued after December 31, 2010.

23 ~~2.~~ 4. Evidence If firearm safety training is required under
24 this section, evidence of qualification under ~~this section~~ such
25 training may be documented by any of the following:

26 *a.* A photocopy of a certificate of completion or any
27 similar document indicating completion of any course or
28 class identified in subsection 1 that was completed within
29 twenty-four months prior to the date of the application.

30 *b.* An affidavit from the instructor, school, organization,
31 or group that conducted or taught a course or class identified
32 in subsection 1 that was completed within twenty-four
33 months prior to the date of the application attesting to the
34 completion of the course or class by the applicant.

35 ~~*c.* A copy of any document indicating participation in any~~

1 ~~firearms shooting competition.~~

2 c. For personnel released or retired from active duty in the
3 armed forces of the United States, possession of an honorable
4 discharge or general discharge under honorable conditions
5 issued any time prior to the date of the application.

6 d. For personnel on active duty or serving in one of the
7 national guard or reserve components of the armed forces of the
8 United States, possession of a certificate of completion of
9 basic training with a service record of successful completion
10 of small arms training and qualification issued prior to the
11 date of the application, or any other official documentation
12 satisfactory to the issuing officer issued prior to the date
13 of the application.

14 ~~3.~~ 5. An issuing officer shall not condition the issuance
15 of a permit on training requirements that are not specified in
16 or that exceed the requirements of [this section](#).

17 6. If an applicant applies after expiration of the time
18 periods specified for renewal in section 724.11, firearm safety
19 training shall not be required for a renewal permit under this
20 section.

21 Sec. 10. Section 724.11, subsections 1 and 3, Code 2017, are
22 amended to read as follows:

23 1. Applications for permits to carry weapons shall be made
24 to the sheriff of the county in which the applicant resides.
25 Applications for professional permits to carry weapons for
26 persons who are nonresidents of the state, or whose need to
27 go armed arises out of employment by the state, shall be made
28 to the commissioner of public safety. In either case, the
29 sheriff or commissioner, before issuing the permit, shall
30 determine that the requirements of [sections 724.6 to 724.10](#)
31 have been satisfied. ~~However, for renewal of a permit the~~
32 ~~training program requirements in [section 724.9, subsection 1,](#)~~
33 ~~shall apply or the renewal applicant may choose to qualify on a~~
34 ~~firing range under the supervision of an instructor certified~~
35 ~~by the national rifle association or the department of public~~

~~1 safety or another state's department of public safety, state~~
~~2 police department, or similar certifying body. Such training~~
~~3 or qualification must occur within the twelve-month period~~
~~4 prior to the expiration of the applicant's current permit.~~
5 A renewal applicant shall apply within thirty days prior to
6 the expiration of the permit, or within thirty days after the
7 expiration of the permit; otherwise the applicant shall be
8 considered an applicant for an initial permit for purposes of
9 renewal fees under subsection 3.

10 3. The issuing officer shall collect a fee of fifty dollars
11 for an initial permit, except from a duly appointed peace
12 officer or correctional officer, for each permit issued.
13 Renewal permits or duplicate permits shall be issued for a
14 fee of twenty-five dollars, provided the application for such
15 renewal permit is received by the issuing officer ~~at least~~
16 within thirty days prior to the expiration of the applicant's
17 current permit or within thirty days after the expiration of
18 the applicant's current permit. The issuing officer shall
19 notify the commissioner of public safety of the issuance of
20 any permit at least monthly and forward to the commissioner an
21 amount equal to ten dollars for each permit issued and five
22 dollars for each renewal or duplicate permit issued. All
23 such fees received by the commissioner shall be paid to the
24 treasurer of state and deposited in the operating account
25 of the department of public safety to offset the cost of
26 administering [this chapter](#). Notwithstanding [section 8.33](#), any
27 unspent balance as of June 30 of each year shall not revert to
28 the general fund of the state.

29 Sec. 11. Section 724.11, Code 2017, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 5. An initial or renewal permit shall
32 have a uniform appearance, size, and content prescribed and
33 published by the commissioner of public safety. The permit
34 shall contain the name of the permittee and the effective date
35 of the permit, but shall not contain the permittee's social

1 security number. The permit shall also include a designation
2 that the permit is invalid when the permittee is intoxicated.
3 Such a permit shall not be issued for a particular weapon
4 and shall not contain information about a particular weapon
5 including the make, model, or serial number of the weapon, or
6 any ammunition used in that weapon.

7 DIVISION IV

8 PERMIT TO ACQUIRE PISTOLS OR REVOLVERS

9 Sec. 12. Section 724.11A, Code 2017, is amended to read as
10 follows:

11 **724.11A Recognition.**

12 A valid permit or license issued by another state to any
13 nonresident of this state shall be considered to be a valid
14 permit or license to carry weapons issued pursuant to this
15 chapter, except that such permit or license shall not be
16 considered to be a substitute for ~~an annual~~ a permit to acquire
17 pistols or revolvers issued pursuant to [section 724.15](#).

18 Sec. 13. Section 724.15, subsection 1, unnumbered paragraph
19 1, Code 2017, is amended to read as follows:

20 Any person who desires to acquire ownership of any pistol
21 or revolver shall first obtain ~~an annual~~ a permit. ~~An annual~~
22 A permit shall be issued upon request to any resident of this
23 state unless the person is subject to any of the following:

24 Sec. 14. Section 724.15, subsection 2, unnumbered paragraph
25 1, Code 2017, is amended to read as follows:

26 Any person who acquires ownership of a pistol or revolver
27 shall not be required to obtain ~~an annual~~ a permit if any of the
28 following apply:

29 Sec. 15. Section 724.15, subsection 3, Code 2017, is amended
30 to read as follows:

31 3. The ~~annual~~ permit to acquire pistols or revolvers shall
32 authorize the permit holder to acquire one or more pistols or
33 revolvers during the period that the permit remains valid. If
34 the issuing officer determines that the applicant has become
35 disqualified under the provisions of [subsection 1](#), the issuing

1 officer may immediately revoke the permit and shall provide
2 a written statement of the reasons for revocation, and the
3 applicant shall have the right to appeal the revocation as
4 provided in [section 724.21A](#).

5 Sec. 16. Section 724.16, Code 2017, is amended to read as
6 follows:

7 **724.16 ~~Annual permit~~ Permit to acquire required — transfer**
8 **prohibited.**

9 1. Except as otherwise provided in section 724.15,
10 subsection 2, a person who acquires ownership of a pistol or
11 revolver without a valid ~~annual~~ permit to acquire pistols or
12 revolvers or a person who transfers ownership of a pistol
13 or revolver to a person who does not have in the person's
14 possession a valid ~~annual~~ permit to acquire pistols or
15 revolvers is guilty of an aggravated misdemeanor.

16 2. A person who transfers ownership of a pistol or revolver
17 to a person that the transferor knows is prohibited by section
18 724.15 from acquiring ownership of a pistol or revolver commits
19 a class "D" felony.

20 Sec. 17. Section 724.17, Code 2017, is amended to read as
21 follows:

22 **724.17 ~~Application for annual permit~~ Permit to acquire —**
23 **criminal history check required.**

24 1. The application for an ~~annual~~ a permit to acquire
25 pistols or revolvers may be made to the sheriff of the county
26 of the applicant's residence and shall be on a form prescribed
27 and published by the commissioner of public safety. The
28 application shall require only the full name of the applicant,
29 the driver's license or nonoperator's identification card
30 number of the applicant, the residence of the applicant,
31 and the date and place of birth of the applicant. The
32 applicant shall also display an identification card that
33 bears a distinguishing number assigned to the cardholder, the
34 full name, date of birth, sex, residence address, and brief
35 description and color photograph of the cardholder, or other

1 identification as specified by rule of the department of public
2 safety. The sheriff shall conduct a criminal history check
3 concerning each applicant by obtaining criminal history data
4 from the department of public safety which shall include an
5 inquiry of the national instant criminal background check
6 system maintained by the federal bureau of investigation or any
7 successor agency. A person who makes what the person knows
8 to be a false statement of material fact on an application
9 submitted under [this section](#) or who submits what the person
10 knows to be any materially falsified or forged documentation in
11 connection with such an application commits a class "D" felony.

12 2. An issuing officer may conduct an annual criminal
13 history check concerning a person issued a permit to acquire by
14 obtaining criminal history data from the department of public
15 safety.

16 Sec. 18. Section 724.18, Code 2017, is amended to read as
17 follows:

18 **724.18 Procedure for making application for ~~annual~~ permit to**
19 **acquire.**

20 A person may personally request the sheriff to mail an
21 application for ~~an annual~~ a permit to acquire pistols or
22 revolvers, and the sheriff shall immediately forward to
23 such person an application for ~~an annual~~ a permit to acquire
24 pistols or revolvers. A person shall upon completion of the
25 application personally deliver such application to the sheriff
26 who shall note the period of validity on the application and
27 shall immediately issue the ~~annual~~ permit to acquire pistols or
28 revolvers to the applicant. For the purposes of [this section](#)
29 the date of application shall be the date on which the sheriff
30 received the completed application.

31 Sec. 19. Section 724.19, Code 2017, is amended to read as
32 follows:

33 **724.19 Issuance of ~~annual~~ permit to acquire.**

34 The ~~annual~~ permit to acquire pistols or revolvers shall be
35 issued to the applicant immediately upon completion of the

1 application unless the applicant is disqualified under the
2 provisions of section 724.15 ~~and~~. The permit shall be on a
3 ~~form~~ have a uniform appearance, size, and content prescribed
4 and published by the commissioner of public safety. The permit
5 shall contain the name of the permittee, ~~the residence of the~~
6 permittee, and the effective date of the permit, but shall not
7 contain the permittee's social security number. Such a permit
8 shall not be issued for a particular pistol or revolver and
9 shall not contain information about a particular pistol or
10 revolver including the make, model, or serial number of the
11 pistol or revolver, or any ammunition used in that pistol or
12 revolver.

13 Sec. 20. Section 724.20, Code 2017, is amended to read as
14 follows:

15 **724.20 Validity of ~~annual~~ permit to acquire pistols or**
16 **revolvers.**

17 The permit shall be valid throughout the state and shall
18 be valid three days after the date of application and shall
19 be invalid ~~one year~~ five years after the date of ~~application~~
20 issuance.

21 Sec. 21. Section 724.21A, subsections 1 and 7, Code 2017,
22 are amended to read as follows:

23 1. In any case where the sheriff or the commissioner of
24 public safety denies an application for or suspends or revokes
25 a permit to carry weapons or ~~an annual~~ a permit to acquire
26 pistols or revolvers, the sheriff or commissioner shall provide
27 a written statement of the reasons for the denial, suspension,
28 or revocation and the applicant or permit holder shall have the
29 right to appeal the denial, suspension, or revocation to an
30 administrative law judge in the department of inspections and
31 appeals within thirty days of receiving written notice of the
32 denial, suspension, or revocation.

33 7. In any case where the issuing officer denies an
34 application for, or suspends or revokes a permit to carry
35 weapons or ~~an annual~~ a permit to acquire pistols or revolvers

1 solely because of an adverse determination by the national
 2 instant criminal background check system, the applicant or
 3 permit holder shall not seek relief under **this section** but
 4 may pursue relief of the national instant criminal background
 5 check system determination pursuant to Pub. L. No. 103-159,
 6 sections 103(f) and (g) and 104 and **28 C.F.R. §25.10**, or other
 7 applicable law. The outcome of such proceedings shall be
 8 binding on the issuing officer.

9

DIVISION V

10 POSSESSION OF PISTOL OR REVOLVER BY PERSONS UNDER 14 YEARS OF
 11 AGE

12 Sec. 22. Section 724.22, subsection 5, Code 2017, is amended
 13 to read as follows:

14 5. a. A parent or guardian or spouse who is twenty-one
 15 years of age or older, of a person ~~fourteen years of age but~~
 16 ~~less than~~ under the age of twenty-one may allow the person,
 17 while under direct supervision, to possess a pistol or revolver
 18 or the ammunition therefor for any lawful purpose ~~while~~
 19 ~~under the direct supervision of the parent or guardian or~~
 20 ~~spouse who is twenty-one years of age or older,~~ or while the
 21 person receives instruction in the proper use thereof from an
 22 instructor twenty-one years of age or older, with the consent
 23 of such parent, guardian or spouse.

24 b. As used in this section, "direct supervision" means
 25 supervision provided by the parent, guardian, or spouse who is
 26 twenty-one years of age or older and who maintains visual and
 27 verbal contact at all times with the supervised person.

28 Sec. 23. Section 724.22, Code 2017, is amended by adding the
 29 following new subsection:

30 NEW SUBSECTION. 8. A parent or guardian or spouse who is
 31 twenty-one years of age or older, of a minor under the age of
 32 fourteen years who allows that minor to possess a pistol or
 33 revolver or the ammunition pursuant hereto, shall be strictly
 34 liable to an injured party for all damages resulting from the
 35 possession of the pistol or revolver or ammunition therefor by

1 that minor.

2 DIVISION VI

3 RECORDS KEPT BY COMMISSIONER — CONFIDENTIALITY

4 Sec. 24. Section 724.23, Code 2017, is amended to read as
5 follows:

6 **724.23 Records kept by commissioner and issuing officers.**

7 1. The commissioner of public safety shall maintain a
8 permanent record of all valid permits to carry weapons and of
9 current permit revocations.

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

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

24 c. This subsection shall not prohibit the release of
25 information to any law enforcement agency or any employee or
26 agent thereof when necessary for the purpose of investigating
27 a possible violation of law and probable cause exists, or for
28 conducting a lawfully authorized background investigation.

29 d. This subsection shall not prohibit the release of
30 information relating to the validity of a professional permit
31 to carry weapons to an employer who requires an employee or an
32 agent of the employer to possess a professional permit to carry
33 weapons as part of the duties of the employee or agent.

34 e. Except as provided in paragraphs "b", "c", and "d", the
35 release of any confidential information under this section

1 shall require a court order or the consent of the person whose
2 personally identifiable information is the subject of the
3 information request.

4 DIVISION VII

5 STATE PREEMPTION

6 Sec. 25. Section 724.28, Code 2017, is amended to read as
7 follows:

8 **724.28 Prohibition of regulation by political subdivisions.**

9 1. A political subdivision of the state shall not enact an
10 ordinance regulating the ownership, possession, legal transfer,
11 lawful transportation, registration, or licensing of firearms
12 when the ownership, possession, transfer, or transportation is
13 otherwise lawful under the laws of this state. An ordinance
14 regulating firearms in violation of this section existing on or
15 after April 5, 1990, is void.

16 2. If a political subdivision, prior to, on, or after
17 July 1, 2017, adopts, makes, enacts, or amends any ordinance,
18 measure, enactment, rule, resolution, motion, or policy
19 regulating the ownership, possession, legal transfer, lawful
20 transportation, registration, or licensing of firearms when the
21 ownership, possession, transfer, transportation, registration,
22 or license is otherwise lawful under the laws of this state, a
23 person adversely affected by the ordinance, measure, enactment,
24 rule, resolution, motion, or policy may file suit in the
25 appropriate court for declarative and injunctive relief for
26 damages. A court shall award reasonable attorney's fees and
27 costs to the prevailing plaintiff in any such suit.

28 DIVISION VIII

29 PISTOLS OR REVOLVERS — CAPITOL BUILDINGS AND GROUNDS

30 Sec. 26. Section 8A.322, subsection 3, Code 2017, is amended
31 to read as follows:

32 3. The director shall establish, publish, and enforce rules
33 regulating and restricting the use by the public of the capitol
34 buildings and grounds and of the state laboratories facility
35 in Ankeny. The rules when established shall be posted in

1 conspicuous places about the capitol buildings and grounds and
2 the state laboratories facility, as applicable. Any person
3 violating any rule, except a parking regulation, shall be
4 guilty of a simple misdemeanor. The rules shall prohibit a
5 person from openly carrying a pistol or revolver in the capitol
6 building and on the grounds surrounding the capitol building
7 including state parking lots and parking garages. However,
8 this subsection shall not be construed to allow the director
9 to prohibit the carrying, transportation, or possession of any
10 pistol or revolver in the capitol building and on the grounds
11 surrounding the capitol building including state parking lots
12 and parking garages when the carrying, transportation, or
13 possession is otherwise lawful under the laws of this state.

14 DIVISION IX

15 EMERGENCY POWERS

16 Sec. 27. Section 29C.3, subsection 4, paragraph e, Code
17 2017, is amended by striking the paragraph.

18 Sec. 28. Section 29C.6, subsection 16, Code 2017, is amended
19 to read as follows:

20 16. Suspend or limit the sale, dispensing, or
21 transportation of alcoholic beverages, ~~firearms~~, explosives,
22 and combustibles.

23 Sec. 29. NEW SECTION. 29C.25 Firearms and ammunition —
24 limitations — exceptions — remedies.

25 1. This chapter shall not be construed to authorize the
26 governor or any other official of this state or any of its
27 political subdivisions or any agent or person acting at the
28 direction of the governor or any such official to do any of the
29 following:

30 a. Prohibit, regulate, or curtail the otherwise lawful
31 possession, carrying, transportation, transfer, or defensive
32 use of firearms or ammunition.

33 b. Suspend or revoke, except in accordance with section
34 724.13, a permit issued pursuant to section 724.6, 724.7, or
35 724.15.

1 the life or safety of another, or it is reasonable to believe
2 that such force is necessary to resist a like force or threat.

3 2. Reasonable force, including deadly force, may be used
4 even if an alternative course of action is available if the
5 alternative action entails a risk to life or safety, or the
6 life or safety of a third party, ~~or requires one to abandon or~~
7 ~~retreat from one's dwelling or place of business or employment.~~

8 3. A person may be wrong in the estimation of the danger or
9 the force necessary to repel the danger as long as there is a
10 reasonable basis for the belief of the person and the person
11 acts reasonably in the response to that belief.

12 4. A person who is not engaged in illegal activity has no
13 duty to retreat from any place where the person is lawfully
14 present before using force as specified in this chapter.

15 Sec. 31. Section 704.2, Code 2017, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 1A. "*Deadly force*" does not include a
18 threat to cause serious injury or death, by the production,
19 display, or brandishing of a deadly weapon, as long as the
20 actions of the person are limited to creating an expectation
21 that the person may use deadly force to defend oneself,
22 another, or as otherwise authorized by law.

23 Sec. 32. NEW SECTION. **704.2A Justifiable use of deadly**
24 **force.**

25 1. For purposes of this chapter, a person is presumed to
26 reasonably believe that deadly force is necessary to avoid
27 injury or risk to one's life or safety or the life or safety of
28 another in either of the following circumstances:

29 a. The person against whom force is used, at the time the
30 force is used, is doing any of the following:

31 (1) Unlawfully entering the dwelling, place of business
32 or employment, or occupied vehicle of the person using force
33 by force or stealth, or has unlawfully entered by force or
34 stealth and remains within the dwelling, place of business or
35 employment, or occupied vehicle of the person using force.

1 (2) Unlawfully removing or is attempting to unlawfully
2 remove another person against the other person's will from the
3 dwelling, place of business or employment, or occupied vehicle
4 of the person using force.

5 b. The person using force knows or has reason to believe
6 that any of the conditions set forth in paragraph "a" are
7 occurring.

8 2. The presumption set forth in subsection 1 does not
9 apply if, at the time force is used, any of the following
10 circumstances are present:

11 a. The person using defensive force is engaged in a
12 criminal offense, is attempting to escape from the scene of a
13 criminal offense that the person has committed, or is using the
14 dwelling, place of business or employment, or occupied vehicle
15 to further a criminal offense.

16 b. The person sought to be removed is a child or grandchild
17 or is otherwise in the lawful custody or under the lawful
18 guardianship of the person against whom force is used.

19 c. The person against whom force is used is a peace officer
20 who has entered or is attempting to enter a dwelling, place
21 of business or employment, or occupied vehicle in the lawful
22 performance of the peace officer's official duties.

23 d. The person against whom the force is used has the right
24 to be in, or is a lawful resident of, the dwelling, place of
25 business or employment, or occupied vehicle of the person using
26 force, and a protective or no-contact order is not in effect
27 against the person against whom the force is used.

28 Sec. 33. Section 704.3, Code 2017, is amended to read as
29 follows:

30 **704.3 Defense of self or another.**

31 A person is justified in the use of reasonable force when
32 the person reasonably believes that such force is necessary to
33 defend oneself or another from any actual or imminent use of
34 unlawful force.

35 Sec. 34. Section 704.7, Code 2017, is amended to read as

1 follows:

2 **704.7 Resisting ~~forcible~~ violent felony.**

3 1. As used in this section, "violent felony" means any
4 felonious sexual abuse involving compulsion or the use of a
5 weapon or any felonious assault, murder, kidnapping, robbery,
6 arson, or burglary.

7 2. A person who ~~knows~~ reasonably believes that a ~~forcible~~
8 violent felony is being or will imminently be perpetrated is
9 justified in using, ~~against the perpetrator,~~ reasonable force,
10 including deadly force, against the perpetrator or perpetrators
11 to prevent the completion of or terminate the perpetration of
12 that felony.

13 DIVISION XI

14 FRAUDULENT PURCHASE OF FIREARMS OR AMMUNITION

15 Sec. 35. NEW SECTION. **724.29A Fraudulent purchase of**
16 **firearms or ammunition.**

17 1. For purposes of this section:

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

20 b. "Licensed firearms dealer" means a person who is licensed
21 pursuant to 18 U.S.C. §923 to engage in the business of dealing
22 in firearms.

23 c. "Materially false information" means information that
24 portrays an illegal transaction as legal or a legal transaction
25 as illegal.

26 d. "Private seller" means a person who sells or offers for
27 sale any firearm or ammunition.

28 2. A person who knowingly solicits, persuades, encourages,
29 or entices a licensed firearms dealer or private seller of
30 firearms or ammunition to transfer a firearm or ammunition
31 under circumstances that the person knows would violate the
32 laws of this state or of the United States commits a class "D"
33 felony.

34 3. A person who knowingly provides materially false
35 information to a licensed firearms dealer or private seller of

1 firearms or ammunition with the intent to deceive the firearms
2 dealer or seller about the legality of a transfer of a firearm
3 or ammunition commits a class "D" felony.

4 4. A person who willfully procures another to engage in
5 conduct prohibited by this section shall be held accountable
6 as a principal.

7 5. This section does not apply to a law enforcement officer
8 acting in the officer's official capacity or to a person acting
9 under the direction of such law enforcement officer.

10 DIVISION XII

11 SNOWMOBILES AND ALL-TERRAIN VEHICLES

12 Sec. 36. Section 321G.13, subsection 2, Code 2017, is
13 amended to read as follows:

14 2. a. A person shall not operate or ride a snowmobile with
15 a firearm in the person's possession unless it is unloaded and
16 enclosed in a carrying case, except as otherwise provided.

17 However, a nonambulatory person may carry an uncased and
18 unloaded firearm while operating or riding a snowmobile.

19 b. (1) A person may operate or ride on a snowmobile with a
20 loaded firearm, whether concealed or not, without a permit to
21 carry weapons, if the person operates or rides on land owned or
22 possessed by the person, and the person's conduct is otherwise
23 lawful.

24 (2) If a person is operating or riding on a snowmobile on
25 land that is not owned or possessed by the person, the person
26 may operate or ride the snowmobile with a loaded firearm pistol
27 or revolver, whether concealed or not, ~~if all of the following~~
28 ~~apply:~~

29 ~~(a) The firearm is a pistol or revolver and is secured in a~~
30 ~~retention holster upon the person.~~

31 ~~(b) The person has in the person's possession and displays~~
32 ~~to a peace officer on demand a valid permit to carry weapons~~
33 ~~which has been issued to the person.~~

34 ~~(c) The person's conduct is within the limits of the permit~~
35 ~~to carry weapons~~ and the person's conduct is otherwise lawful.

1 c. A person shall not discharge a firearm while on a
2 snowmobile, except that a nonambulatory person may discharge a
3 firearm from a snowmobile while lawfully hunting if the person
4 is not operating or riding a moving snowmobile.

5 Sec. 37. Section 321I.14, subsection 2, Code 2017, is
6 amended to read as follows:

7 2. a. A person shall not operate or ride an all-terrain
8 vehicle with a firearm in the person's possession unless it is
9 unloaded and enclosed in a carrying case, except as otherwise
10 provided. However, a nonambulatory person may carry an uncased
11 and unloaded firearm while operating or riding an all-terrain
12 vehicle.

13 b. (1) A person may operate or ride on an all-terrain
14 vehicle with a loaded firearm, whether concealed or not,
15 without a permit to carry weapons, if the person operates
16 or rides on land owned or possessed by the person, and the
17 person's conduct is otherwise lawful.

18 (2) If a person is operating or riding on an all-terrain
19 vehicle on land that is not owned or possessed by the person,
20 the person may operate or ride the all-terrain vehicle with a
21 loaded firearm pistol or revolver, whether concealed or not,
22 ~~if all of the following apply:~~

23 ~~(a) The firearm is a pistol or revolver and is secured in a~~
24 ~~retention holster upon the person.~~

25 ~~(b) The person has in the person's possession and displays~~
26 ~~to a peace officer on demand a valid permit to carry weapons~~
27 ~~which has been issued to the person.~~

28 ~~(c) The person's conduct is within the limits of the permit~~
29 ~~to carry weapons and the person's conduct is otherwise lawful.~~

30 c. A person shall not discharge a firearm while on an
31 all-terrain vehicle, except that a nonambulatory person may
32 discharge a firearm from an all-terrain vehicle while lawfully
33 hunting if the person is not operating or riding a moving
34 all-terrain vehicle.

35

DIVISION XIII

1 TARGET SHOOTING — PRIVATE PREMISES

2 Sec. 38. Section 481A.123, Code 2017, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 7. Subject to subsection 1, an owner or
5 tenant of private premises located in the unincorporated area
6 of a county, or a person to whom the owner or tenant has given
7 consent, may discharge a firearm for the purpose of target
8 shooting on those private premises. The use of such private
9 premises for target shooting shall not be found to be in
10 violation of a noise ordinance or declared a public or private
11 nuisance or be otherwise prohibited under state or local
12 law. As used in this subsection, "*target shooting*" means the
13 discharge of a firearm at an inanimate object, for amusement or
14 as a test of skill in marksmanship.

15 DIVISION XIV

16 EFFECTIVE DATE AND APPLICABILITY PROVISIONS

17 Sec. 39. EFFECTIVE UPON ENACTMENT. The following
18 provision or provisions of this Act, being deemed of immediate
19 importance, take effect upon enactment:

20 1. The section of this Act amending section 724.22.

21 2. The section of this Act amending section 724.23.

22 3. The applicability section of this division of this Act
23 related to amending section 724.23.

24 Sec. 40. APPLICABILITY — RECORDS KEPT BY COMMISSIONER —
25 CONFIDENTIALITY. The section of this Act amending section
26 724.23 applies to holders of nonprofessional permits to carry
27 weapons and permits to acquire firearms and to applicants for
28 nonprofessional permits to carry weapons and permits to acquire
29 firearms on or after the effective date of that section of this
30 Act.

31 EXPLANATION

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

34 This bill relates to offensive and dangerous weapons, and
35 the use of force, including carrying, possessing, and acquiring

1 weapons, and the purchase and regulation of such weapons and
2 includes effective date and applicability provisions. The bill
3 is organized into divisions.

4 DIVISION I — OFFENSIVE WEAPONS. The bill strikes
5 the prohibition on possessing a short-barreled rifle or
6 a short-barreled shotgun. Under current law, a person
7 who possesses such a weapon commits a class "D" felony.
8 Federal law in 18 U.S.C. §922 governs the regulation of a
9 short-barreled rifle or short-barreled shotgun.

10 DIVISION II — CARRYING WEAPONS AND POSSESSION OF WEAPONS.
11 The bill amends Code section 708.8, the crime of going armed
12 with a dangerous weapon with intent, a class "D" felony, to
13 provide that the intent element required for a violation of
14 this crime shall not be inferred from the mere carrying or
15 concealment of a dangerous weapon. "Dangerous weapon" is
16 defined in Code section 702.7 for purposes of use in the
17 criminal code. The bill makes an internal reference change to
18 Code section 232.52, subsection 2, relating to the suspension
19 or revocation of a juvenile's driver's license or operating
20 privilege.

21 The bill provides that a person commits a class "D" felony
22 if the person knowingly possesses a short-barreled rifle or
23 short-barreled shotgun in violation of federal law.

24 The bill provides that a private investigator or private
25 security officer who possesses a valid license pursuant to
26 Code chapter 80A (private investigative agencies and security
27 agents) may go armed with, carry, or transport a firearm of any
28 kind, whether concealed or not, on the grounds of a public or
29 private school while engaged in the performance of duties as a
30 private investigator or private security officer, and if the
31 private investigator or private security officer possesses a
32 valid professional or nonprofessional permit to carry weapons.

33 The bill amends Code section 724.4C relating to the crime of
34 possession or carrying of firearms while under the influence
35 of alcohol or a drug. Current law invalidates a permit to

1 carry weapons if the person to whom the permit is issued is
2 intoxicated, as defined in Code section 321J.2, subsection 1
3 (while under the influence of an alcoholic beverage or other
4 drug or a combination of such substances, while having an
5 alcohol concentration of .08 or more, or while any amount of a
6 controlled substance is present in the person, as measured in
7 the person's blood or urine). The bill amends this provision
8 to provide that a person commits a serious misdemeanor if
9 the person is intoxicated and the person either carries a
10 dangerous weapon on or about the person or carries a dangerous
11 weapon within the person's immediate access or reach while in
12 a vehicle. This crime does not apply to situations where a
13 person carries or possesses a dangerous weapon while in the
14 person's own dwelling, place of business, or on the person's
15 land, or the transitory possession or use of a firearm during
16 an act of justified self-defense or justified defense of
17 another, if the possession of the firearm lasts no longer than
18 immediately necessary to resolve the emergency.

19 The bill amends Code section 724.5 to provide that a person
20 charged with failure to produce a permit to carry weapons to
21 a peace officer who subsequently produces to the clerk of
22 the district court prior to the date of the person's court
23 appearance proof that the person possesses a valid permit
24 to carry weapons which was valid at the time of the alleged
25 offense, shall not be convicted of a violation of Code section
26 724.5 and the charge shall be dismissed with costs assessed
27 against the person.

28 DIVISION III — PERMIT TO CARRY WEAPONS AND FIREARM SAFETY
29 TRAINING. For an applicant's initial nonprofessional permit to
30 carry weapons, the bill and current law require the applicant
31 to demonstrate knowledge of firearm safety by any of the
32 following means: completion of any national rifle association
33 handgun safety training course; completion of any handgun
34 safety training course available to the general public offered
35 by a law enforcement agency, community college, college,

1 private or public institution or organization, or firearms
2 training school; completion of any handgun safety training
3 course offered for security guards, investigators, special
4 deputies, or law or security enforcement approved by the
5 department of public safety; completion of small arms training
6 while serving with the armed forces of the United States; or
7 completion of a law enforcement agency firearm safety training
8 course that qualifies a peace officer to carry a firearm in the
9 normal course of the peace officer's duties. The bill adds
10 completion of a hunter safety course that covers handgun safety
11 taken on or after July 1, 2017, to the list of eligible courses
12 an initial nonprofessional permit applicant is required to
13 take in order to demonstrate knowledge of firearm safety and
14 be issued a permit to carry weapons. The bill specifies that
15 the handgun safety training course may be conducted over the
16 internet in a live or web-based format, if completion of the
17 course is verified by the instructor or provider of the course.

18 Under the bill, for an initial permit to carry weapons,
19 firearm safety training is required and evidence of such
20 training may be documented by any of the following means: a
21 photocopy of a certificate of completion or similar document
22 showing completion of the class or course within 24 months
23 prior to the date of the application; an affidavit from the
24 instructor, school, or organization, or group that taught the
25 course that was completed within 24 months prior to the date
26 of the application; possession of an honorable discharge or
27 general discharge under honorable conditions issued at any
28 time prior to the application; or possession of a certificate
29 of completion of basic training with a service record of
30 successful completion of small arms training issued prior to
31 the date of the application.

32 The bill provides that firearm safety training shall not be
33 required for renewals of permits to carry weapons issued after
34 December 31, 2010.

35 The bill specifies that the permit to carry weapons shall

1 have a uniform appearance, size, and uniform content prescribed
2 and published by the commissioner of public safety. The bill
3 provides that the permit shall also include a designation that
4 the permit is invalid when the permittee is intoxicated.

5 The fees for an initial permit to carry weapons remain at
6 \$50, and the renewal fee remains at \$25.

7 DIVISION IV — PERMIT TO ACQUIRE PISTOLS OR REVOLVERS.

8 Current law and the bill provide that any person who intends
9 to purchase a pistol or revolver is required to first obtain
10 a permit to acquire pistols or revolvers unless the person is
11 otherwise exempt from obtaining such a permit.

12 The bill amends Code section 724.20 by extending the
13 validity of a permit to acquire from one year from the date
14 of the application to five years from the date of issuance.
15 The bill also strikes numerous references in Code chapter 724
16 relating to annual permits to acquire in order to effectuate
17 the change in the duration of the permit to acquire.

18 The bill provides that an issuing officer may conduct an
19 annual criminal history check concerning a person issued a
20 permit to acquire by obtaining criminal history data from the
21 department of public safety.

22 The bill specifies that the permit to acquire shall have a
23 uniform appearance, size, and content, but shall not contain
24 the permittee's social security number or specify that the
25 permit was issued for a particular pistol or revolver and
26 shall not contain any information about a particular pistol or
27 revolver.

28 DIVISION V — POSSESSION OF PISTOLS AND REVOLVERS BY PERSONS
29 UNDER 14 YEARS OF AGE — EFFECTIVE DATE. Under the bill, a
30 parent or guardian or spouse who is 21 years of age or older,
31 or another with the consent of the minor's parent or guardian
32 or spouse who is 21 years of age or older, may allow a person
33 under 21 years of age to possess a pistol or revolver or the
34 ammunition therefor, while under direct supervision, which
35 then may be lawfully used. Current law prohibits a parent

1 or guardian or spouse who is 21 years of age or older from
2 allowing a person under 14 years of age from possessing a
3 pistol or revolver or the ammunition. This provision takes
4 effect upon enactment.

5 The bill defines "direct supervision" to mean supervision
6 provided by the parent, guardian, or spouse who is 21 years of
7 age or older and who maintains visual and verbal contact at all
8 times with the supervised person.

9 Except for the circumstances under Code section 724.22(4)
10 (security personnel) or this bill, a person who sells, loans,
11 gives, or makes available a pistol or revolver or ammunition
12 for a pistol or revolver to a person below the age of 21 commits
13 a serious misdemeanor for a first offense and a class "D"
14 felony for second and subsequent offenses.

15 The bill provides that a parent or guardian who is 21 years
16 of age or older, of a minor under the age of 14 years, who
17 allows that minor to possess a pistol or revolver or the
18 ammunition, shall be strictly liable to an injured party for
19 all damages resulting from the possession of the pistol or
20 revolver or ammunition by the minor.

21 A serious misdemeanor is punishable by confinement for no
22 more than one year and a fine of at least \$315 but not more than
23 \$1,875. A class "D" felony is punishable by confinement for no
24 more than five years and a fine of at least \$750 but not more
25 than \$7,500.

26 DIVISION VI — RECORDS KEPT BY COMMISSIONER —
27 CONFIDENTIALITY — EFFECTIVE DATE AND APPLICABILITY. Current
28 law requires the commissioner of public safety to maintain a
29 permanent record of all valid permits to carry weapons and of
30 current permit revocations.

31 The bill provides in Code section 724.23 that,
32 notwithstanding any other law or rule to the contrary, the
33 commissioner of public safety and any issuing officer (county
34 sheriff) shall keep confidential personally identifiable
35 information of holders of nonprofessional permits to carry

1 weapons and permits to acquire firearms. The release of any
2 confidential information, except as otherwise provided in the
3 bill, requires a court order or the consent of the person
4 whose personally identifiable information is the subject of
5 the information request. The bill does not prohibit release
6 of statistical information relating to the issuance, denial,
7 revocation, or administration of nonprofessional permits
8 to carry weapons and permits to acquire firearms if such
9 information does not reveal the identity of any individual
10 permit holder, the release of information to a law enforcement
11 agency investigating a violation of law where probable cause
12 exists, the release for purposes of conducting a background
13 check, or the release of information relating to the validity
14 of a professional permit to carry weapons to an employer who
15 requires an employee or an agent of the employer to possess
16 a professional permit to carry weapons as part of the duties
17 of the employee or agent. This provision applies to holders
18 of nonprofessional permits to carry weapons and permits to
19 acquire firearms and to applicants for nonprofessional permits
20 to carry weapons and permits to acquire firearms on or after
21 the effective date of this provision of the bill.

22 The provision in this division of the bill relating to the
23 confidentiality of personally identifiable information of
24 holders of nonprofessional permits to carry weapons and permits
25 to acquire firearms takes effect upon enactment.

26 DIVISION VII — STATE PREEMPTION. Current Code section
27 724.28 prohibits a political subdivision of the state from
28 enacting an ordinance restricting the ownership, possession,
29 legal transfer, lawful transportation, registration, or
30 licensing of firearms when the ownership, possession, transfer,
31 or transportation is otherwise lawful under state law.

32 The bill amends Code section 724.28 to provide that if a
33 political subdivision, prior to, on, or after July 1, 2017,
34 adopts, makes, enacts, or amends any ordinance, measure,
35 enactment, rule, resolution, motion, or policy regulating the

1 ownership, possession, legal transfer, lawful transportation,
2 registration, or licensing of firearms when the ownership,
3 possession, transfer, transportation, registration, or license
4 is otherwise lawful under the laws of this state, a person
5 adversely affected by the ordinance, measure, enactment, rule,
6 resolution, motion, or policy may file suit in the appropriate
7 court for declarative and injunctive relief for damages. A
8 court shall award reasonable attorney's fees and costs to the
9 prevailing plaintiff in any such suit.

10 DIVISION VIII — PISTOLS OR REVOLVERS — CAPITOL BUILDINGS
11 AND GROUNDS. The bill amends current law relating to the
12 authority of the director of the department of administrative
13 services to establish and enforce rules regulating and
14 restricting the use by the public of the capitol buildings and
15 grounds. The bill provides that the rules shall prohibit a
16 person from openly carrying a pistol or revolver in the capitol
17 building and on the grounds surrounding the capitol building
18 including the state parking lots and parking garages. However,
19 the bill specifies that the rules shall not be construed to
20 prohibit the carrying, transportation, or possession of any
21 pistol or revolver in the capitol building and on the grounds
22 surrounding the capitol building including the state parking
23 lots and parking garages when the carrying, transportation, or
24 possession is otherwise lawful under the laws of the state.

25 DIVISION IX — EMERGENCY POWERS. The bill provides that
26 Code chapter 29C, relating to a public disorder or disaster
27 emergency proclamation by the governor, shall not be construed
28 to authorize the governor or any other official of this
29 state or any of its political subdivisions acting at the
30 direction of the governor or other official to prohibit,
31 regulate, or curtail the otherwise lawful possession, carrying,
32 transportation, transfer, or defensive use of firearms or
33 ammunition; to suspend or revoke a permit to carry or acquire,
34 except as otherwise authorized under Code sections 724.6
35 (professional permit to carry), 724.7 (nonprofessional permit

1 to carry), and 724.15 (permit to acquire); or to seize or
2 confiscate firearms or ammunition possessed in accordance with
3 state law.

4 The bill does not prohibit the temporary closure or
5 limitations on the operating hours of businesses that sell
6 firearms or ammunition if the same operating restrictions
7 apply to all businesses in the affected area or the adoption
8 or enforcement of regulations pertaining to firearms used or
9 carried for official purposes by law enforcement officers or
10 persons acting under the authority of emergency management
11 agencies or officials.

12 The bill allows a person aggrieved by a violation of these
13 emergency powers provisions of the bill to seek relief in an
14 action at law or in equity or in any other proper proceeding
15 for actual damages, injunctive relief, or other appropriate
16 redress, including court costs and attorney fees, against a
17 person who commits or causes the commission of such violation.
18 In addition to any other remedy available at law or in equity,
19 a person aggrieved by the seizure or confiscation of a firearm
20 or ammunition in violation of the bill may file an application
21 pursuant to Code section 809.3 for its return in the office of
22 the clerk of court for the county in which the property was
23 seized. Court costs and attorney fees shall be awarded to a
24 prevailing plaintiff under these emergency powers provisions.

25 The bill makes conforming changes to Code sections 29C.3 and
26 29C.6 relating to the governor's authority under current law to
27 prohibit the possession of firearms or any other deadly weapon
28 by a person other than at that person's place of residence
29 or business and to suspend or limit the sale, dispensing, or
30 transportation of firearms.

31 DIVISION X — JUSTIFIABLE USE OF REASONABLE AND DEADLY
32 FORCE. Current law provides that a person may use reasonable
33 force, including deadly force, even if an alternative course of
34 action is available if the alternative action entails a risk
35 of life or safety, or the life or safety of a third party, or

1 requires one to abandon or retreat from one's residence or
2 place of business or employment.

3 The bill provides that a person may use reasonable force,
4 including deadly force, if it is reasonable to believe such
5 force is necessary to avoid injury or risk to one's life or
6 safety or the life or safety of another, even if an alternative
7 course of action is available if the alternative action entails
8 a risk to life or safety, or the life or safety of a third
9 party.

10 The bill provides that a person may be wrong in the
11 estimation of the danger or the force necessary to repel the
12 danger as long as there is a reasonable basis for the belief
13 and the person acts reasonably in the response to that belief.

14 The bill further provides that a person who is not engaged in
15 an illegal activity has no duty to retreat from any place where
16 the person is lawfully present before using force.

17 The bill provides that a threat to cause serious injury
18 or death by the production, display, or brandishing of a
19 deadly weapon, is not deadly force, as long as the actions of
20 the person are limited to creating an expectation that the
21 person may use deadly force to defend oneself, another, or as
22 otherwise authorized by law.

23 The bill creates presumptions for the justifiable use of
24 deadly force in certain circumstances.

25 Under the bill, a person is presumed to be justified in
26 using deadly force if the person reasonably believes that
27 deadly force is necessary to avoid injury or risk to one's
28 life or safety or the life or safety of another under the
29 following circumstances: the person against whom force is
30 used is unlawfully entering the dwelling, place of business or
31 employment, or occupied vehicle of the person using force by
32 force or stealth, or has unlawfully entered by force or stealth
33 and remains within a dwelling, place of business or employment,
34 or occupied vehicle of the person using force; or the person
35 against whom force is used is unlawfully removing or attempting

1 to remove another person against the other person's will from a
2 dwelling, place of business or employment, or occupied vehicle
3 of the person using force. In addition, the person using force
4 must know or have reason to believe that the aforementioned
5 circumstances are occurring.

6 The presumption of the use of justifiable deadly force
7 under the bill does not apply at the time force is used in the
8 following circumstances: the person using defensive force is
9 engaged in a criminal offense or activity; the person sought
10 to be removed is a child or grandchild or is otherwise in the
11 lawful custody of the person against whom force is used; the
12 person against whom force is used is a peace officer who has
13 entered or is attempting to enter a dwelling, place of business
14 or employment, or occupied vehicle in the lawful performance
15 of the peace officer's official duties; or the person against
16 whom force is used has the right to be in, or is a lawful
17 resident of, the dwelling, place of business or employment, or
18 occupied vehicle of the person using force, and a protective or
19 no-contact order is not in effect against the person against
20 whom the force is used.

21 The bill provides that a person is justified in the use of
22 reasonable force when the person reasonably believes that such
23 force is necessary to defend oneself or another from any actual
24 as well as imminent use of unlawful force.

25 The bill also provides that a person who reasonably
26 believes that a violent felony is being or will imminently be
27 perpetrated is justified in using reasonable force, including
28 deadly force, against a perpetrator to prevent or terminate the
29 perpetration of that felony. The bill defines "violent felony"
30 to mean any felonious assault, murder, violent or forced sexual
31 abuse, kidnapping, robbery, arson, or burglary.

32 DIVISION XI — FRAUDULENT PURCHASE OF FIREARMS OR
33 AMMUNITION. The bill provides that a person who knowingly
34 solicits, persuades, encourages, or entices a licensed firearms
35 dealer or private seller of firearms or ammunition to transfer

1 a firearm or ammunition under circumstances that the person
2 knows would violate the laws of this state or of the United
3 States commits a class "D" felony. A person who knowingly
4 provides materially false information to a licensed firearms
5 dealer or private seller of firearms or ammunition with the
6 intent to deceive the firearms dealer or seller about the
7 legality of a transfer of a firearm or ammunition commits a
8 class "D" felony. Any person who willfully procures another to
9 engage in conduct prohibited by this Code section shall be held
10 accountable as a principal.

11 The Code section does not apply to a law enforcement officer
12 acting in the officer's official capacity or to a person acting
13 at the direction of such law enforcement officer.

14 DIVISION XII — SNOWMOBILES AND ALL-TERRAIN VEHICLES.

15 The bill modifies the requirements for carrying a pistol or
16 revolver when operating a snowmobile or all-terrain vehicle on
17 land that is not owned or possessed by the person. In addition
18 to carrying a permit to carry weapons on the person and acting
19 within the limits of the permit, current law requires a person
20 operating or riding on a snowmobile or all-terrain vehicle,
21 with a loaded pistol or revolver, to secure the loaded pistol
22 or revolver in a retention holster, if the person is operating
23 or riding a snowmobile or all-terrain vehicle on land that is
24 not owned or possessed by the person.

25 The bill strikes the requirements that the loaded pistol or
26 revolver be secured in a retention holster and that a person
27 has in the person's possession a valid permit to carry weapons
28 which has been issued to the person, and act within the limits
29 of that permit. Thus, the change in the bill allows a person
30 operating or riding on a snowmobile or all-terrain vehicle to
31 carry a loaded pistol or revolver without a retention holster
32 and without a permit to carry weapons as long as the person's
33 conduct is otherwise lawful.

34 The bill does not modify the requirement, applicable to most
35 persons, that a firearm, other than a pistol or revolver, be

1 unloaded and enclosed in a carrying case while a person is
2 operating or riding on a snowmobile or all-terrain vehicle on
3 land that is not owned or possessed by the person.

4 DIVISION XIII — TARGET SHOOTING — PRIVATE PREMISES. The
5 bill provides that subject to the restrictions under Code
6 section 481A.123(1), an owner or tenant of private premises
7 located in an unincorporated area of a county, or a person to
8 whom the owner or tenant has given consent, may discharge a
9 firearm for the purpose of target shooting on those private
10 premises. The bill specifies that the use of such private
11 premises for target shooting shall not be found to be a
12 violation of a noise ordinance or declared a public or private
13 nuisance or be otherwise prohibited under state or local law.