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:
DIVISION I
OFFENSIVE WEAPONS

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

DIVISION II
CARRYING WEAPONS AND POSSESSION OF WEAPONS

2 Sec. 2. Section 232.52, subsection 2, paragraph a, 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.

3 Sec. 3. 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.

4 Sec. 4. Section 724.4, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

724.4 Use of a knife in the commission of a crime.
A person who goes armed with a knife on or about the person, and who uses the knife in the commission of a crime, commits an aggravated misdemeanor.

5 Sec. 5. Section 724.4B, Code 2017, is amended to read as follows:

724.4B Carrying weapons on school grounds — penalty — exceptions.
1. A person who goes armed with, carries, or transports a firearm of any kind, whether concealed or not, on the grounds of a school commits a class “D” felony. For the purposes of this section, “school” means a public or nonpublic school as
1 defined in section 280.2.
2 2. Subsection 1 does not apply to the following:
3 a. A person listed under section 724.4, subsection 4,
4 paragraphs "b" through "f" or "j" A peace officer, when the
5 officer’s duties require the person to carry a firearm.
6 b. A member of the armed forces of the United States or
7 of the national guard or person in the service of the United
8 States, when the firearms are carried in connection with the
9 person’s duties as such.
10 c. A correctional officer, when the officer’s duties
11 require, serving under the authority of the Iowa department of
12 corrections.
13 d. A person who for any lawful purpose carries an unloaded
14 pistol, revolver, or other dangerous weapon inside a closed and
15 fastened container or securely wrapped package which is too
16 large to be concealed on the person.
17 e. A person who for any lawful purpose carries or transports
18 an unloaded pistol or revolver in a vehicle inside a closed
19 and fastened container or securely wrapped package which is
20 too large to be concealed on the person or inside a cargo
21 or luggage compartment where the pistol or revolver will not
22 be readily accessible to any person riding in the vehicle or
23 common carrier.
24 f. A law enforcement officer from another state when the
25 officer’s duties require the officer to carry the firearm and
26 the officer is in this state for any of the following reasons:
27 (1) The extradition or other lawful removal of a prisoner
28 from this state.
29 (2) Pursuit of a suspect in compliance with chapter 806.
30 (3) Activities in the capacity of a law enforcement officer
31 with the knowledge and consent of the chief of police of the
32 city or the sheriff of the county in which the activities occur
33 or of the commissioner of public safety.
34 g. A person who has been specifically authorized by
35 the school to go armed with, carry, or transport a firearm on
the school grounds, including for purposes of conducting an
instructional program regarding firearms.

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

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

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

a. Carries a dangerous weapon on or about the person.
b. Carries a dangerous weapon within the person’s immediate
access or reach while in a vehicle.

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

a. A person who carries or possesses a dangerous weapon
while in the person’s own dwelling, place of business, or on
land owned or lawfully possessed by the person.
b. The transitory possession or use of a dangerous weapon
during an act of justified self-defense or justified defense of
another, provided that the possession lasts no longer than is
immediately necessary to resolve the emergency.

Sec. 7. Section 724.5, Code 2017, is amended by striking the
section and inserting in lieu thereof the following:

724.5 Carrying weapons — penalty.

1. Except as provided in subsection 2, the availability
of a professional or nonprofessional permit to carry weapons
under this chapter shall not be construed to impose a general
prohibition on the unlicensed carrying, whether openly or
concealed, of a dangerous weapon, including a loaded firearm.
2. A person shall be prohibited from the unlicensed
carrying, whether openly or concealed, of a dangerous weapon,
including a loaded firearm unless the person has completed a
firearm safety training program described under section 724.9,
subsection 1.
3. A person who violates subsection 2 commits a simple
misdemeanor punishable as a scheduled violation pursuant to
section 805.8C, subsection 11.
4. A person cited for a violation of subsection 2, who
produces to the clerk of the district court prior to the date
of the person’s court appearance as indicated on the citation
proof that the person has completed a firearm safety training
program described under section 724.9, subsection 1, shall not
be convicted of a violation of subsection 2 and the citation
issued shall be dismissed by the court. Upon dismissal, the
court shall assess the costs of the action against the person
named on the citation.
Sec. 8. Section 805.8C, Code 2017, is amended by adding the
following new subsection:
NEW SUBSECTION. 11. Carrying weapons violations. For
violations of section 724.5, the scheduled fine is one thousand
dollars.
DIVISION III
PERMIT TO CARRY WEAPONS AND FIREARM SAFETY TRAINING
Sec. 9. Section 80A.13, subsection 1, Code 2017, is amended
to read as follows:
1. File with the sheriff of the county in which the campus
is located evidence that the individual has successfully
completed an approved firearms firearm safety training program
under section 724.9. This requirement does not apply to
armored car personnel.
Sec. 10. Section 724.7, subsection 1, Code 2017, is amended
to read as follows:
1. Any person who is not disqualified under section 724.8,
who satisfies the training requirements of section 724.9, if
applicable, and who files an application in accordance with
section 724.10 shall be issued a nonprofessional permit to
carry weapons. Such permits shall be on a form prescribed and
published by the commissioner of public safety, which shall
1 be readily distinguishable from the professional permit, and
2 shall identify the holder of the permit. Such permits shall
3 not be issued for a particular weapon and shall not contain
4 information about a particular weapon including the make,
5 model, or serial number of the weapon or any ammunition used in
6 that weapon. All permits so issued after the effective date of
7 this division of this Act shall be for a period of five years
8 the life of the permit holder and shall be valid throughout the
9 state three days after the date of an application for a permit
10 to carry weapons, except where the possession or carrying of a
11 firearm is prohibited by state or federal law.
12 Sec. 11. Section 724.9, Code 2017, is amended to read as
13 follows:
14 724.9 Firearm safety training program.
15 1. An applicant for an initial permit to carry weapons shall
16 demonstrate knowledge of firearm safety by any of the following
17 means:
18   a. Completion of any national rifle association handgun
19      safety training course.
20   b. Completion of any handgun safety training course
21      available to the general public offered by a law enforcement
22      agency, community college, college, private or public
23      institution or organization, or firearms training school,
24      utilizing instructors certified by the national rifle
25      association or the department of public safety or another
26      state's department of public safety, state police department,
27      or similar certifying body.
28   c. Completion of any handgun safety training course offered
29      for security guards, investigators, special deputies, or any
30      division or subdivision of a law enforcement or security
31      enforcement agency approved by the department of public safety.
32   d. Completion of small arms training while serving with the
33      armed forces of the United States as evidenced by any of the
34      following:
35       (1) For personnel released or retired from active duty,
possession of an honorable discharge or general discharge under honorable conditions.

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

e. Completion of a law enforcement agency firearm safety training course that qualifies a peace officer to carry a firearm in the normal course of the peace officer’s duties.

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


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

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

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

c. A copy of any document indicating participation in any firearms shooting competition.

d. For personnel released or retired from active duty in the armed forces of the United States, possession of an honorable discharge or general discharge under honorable conditions issued any time prior to the date of the application.
national guard or reserve components of the armed forces of the United States, possession of a certificate of completion of basic training with a service record of successful completion of small arms training and qualification issued prior to the date of the application, or any other official documentation satisfactory to the issuing officer issued prior to the date of the application.

3. An issuing officer shall not condition the issuance of a permit on training requirements that are not specified in or that exceed the requirements of this section.

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

Sec. 12. Section 724.11, subsections 1 and 3, Code 2017, are amended to read as follows:

1. Applications for permits to carry weapons shall be made to the sheriff of the county in which the applicant resides. Applications for professional permits to carry weapons for persons who are nonresidents of the state, or whose need to go armed arises out of employment by the state, shall be made to the commissioner of public safety. In either case, the sheriff or commissioner, before issuing the permit, shall determine that the requirements of sections 724.6 to 724.10 have been satisfied. However, for renewal of a permit the training program requirements in section 724.9, subsection 1, shall apply or the renewal applicant may choose to qualify on a firing range under the supervision of an instructor certified by the national rifle association or the department of public safety or another state’s department of public safety, state police department, or similar certifying body. Such training or qualification must occur within the twelve-month period prior to the expiration of the applicant’s current permit. A renewal applicant shall apply within thirty days prior to the expiration of the permit, or within thirty days after the
expiration of the permit; otherwise the applicant shall be considered an applicant for an initial permit for purposes of renewal fees under subsection 3.

3. The issuing officer shall collect a fee of fifty dollars for an initial permit, except from a duly appointed peace officer or correctional officer, for each permit issued. Renewal permits or duplicate permits shall be issued for a fee of twenty-five dollars, provided the application for such renewal permit is received by the issuing officer at least within thirty days prior to the expiration of the applicant’s current permit or within thirty days after the expiration of the applicant’s current permit. The issuing officer shall notify the commissioner of public safety of the issuance of any permit at least monthly and forward to the commissioner an amount equal to ten dollars for each permit issued and five dollars for each renewal or duplicate permit issued. All such fees received by the commissioner shall be paid to the treasurer of state and deposited in the operating account of the department of public safety to offset the cost of administering this chapter. Notwithstanding section 8.33, any unspent balance as of June 30 of each year shall not revert to the general fund of the state.

Sec. 13. Section 724.11, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 5. An initial or renewal permit shall have a uniform appearance, size, and content prescribed and published by the commissioner of public safety. The permit shall contain the name of the permittee and the effective date of the permit, but shall not contain the permittee’s social security number. Such a permit shall not be issued for a particular weapon and shall not contain information about a particular weapon including the make, model, or serial number of the weapon, or any ammunition used in that weapon.
Sec. 14. Section 724.11A, Code 2017, is amended to read as follows:

724.11A Recognition.

A valid permit or license issued by another state to any nonresident of this state shall be considered to be a valid permit or license to carry weapons issued pursuant to this chapter, except that such permit or license shall not be considered to be a substitute for an annual permit to acquire pistols or revolvers issued pursuant to section 724.15 deemed to satisfy the requirements of section 724.15.

Sec. 15. Section 724.15, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

724.15 Acquiring pistols or revolvers.

1. It is the intent of this section to satisfy federal requirements of 18 U.S.C. §922(t)(3) in order to acquire pistols or revolvers. As of July 1, 2017, the state shall no longer issue a permit to acquire. In order to acquire a pistol or revolver from a federally licensed firearms dealer, a person is required to have a valid permit to carry weapons issued in accordance with this chapter, or if the permit does not satisfy federal requirements, the person must complete a satisfactory national instant criminal background check pursuant to 18 U.S.C. §922(t).

2. A person shall not acquire a pistol or revolver who is subject to any of the following:

a. Is under twenty-one years of age.

b. Is prohibited by section 724.26 or federal law from possessing, shipping, transporting, or receiving a firearm.

c. Is prohibited by court order from possessing, shipping, transporting, or receiving a firearm.

3. An issuing officer who finds that a person issued a permit to acquire pistols or revolvers under this chapter prior to the effective date of this division of this Act has been arrested for a disqualifying offense or who is the subject of proceedings that could lead to the person’s ineligibility for
1 such permit, may immediately suspend such permit. An issuing
2 officer proceeding under this subsection shall immediately
3 notify the permit holder of the suspension by personal service
4 or certified mail on a form prescribed and published by the
5 commissioner of public safety and the suspension shall become
6 effective upon the permit holder’s receipt of such notice. If
7 the suspension is based on an arrest or a proceeding that does
8 not result in a disqualifying conviction or finding against
9 the permit holder, the issuing officer shall immediately
10 reinstate the permit upon receipt of proof of the matter’s
11 final disposition. If the arrest leads to a disqualifying
12 conviction or the proceedings to a disqualifying finding, the
13 issuing officer shall revoke the permit. The issuing officer
14 may also revoke the permit of a person whom the issuing officer
15 later finds was not qualified for such a permit at the time of
16 issuance or who the officer finds provided materially false
17 information on the permit application. A person aggrieved by a
18 suspension or revocation under this subsection may seek review
19 of the decision pursuant to section 724.21A.
20 Sec. 16. Section 724.16, Code 2017, is amended by striking
21 the section and inserting in lieu thereof the following:
22 724.16 Prohibited transfers of firearms.
23 1. A person shall not transfer a firearm to another person
24 if the person knows or reasonably should know that the other
25 person is prohibited from receiving or possessing a firearm
26 under section 724.26 or federal law.
27 2. A person shall not loan or rent a firearm to another
28 person for temporary use during lawful activities if the person
29 knows or reasonably should know that the person is prohibited
30 from receiving or possessing a firearm under section 724.26 or
31 federal law.
32 3. A person who transfers, loans, or rents a firearm in
33 violation of this section commits a class “D” felony.
34 Sec. 17. Section 724.21A, subsections 1 and 7, Code 2017,
35 are amended to read as follows:
1. In any case where the sheriff or the commissioner of public safety denies an application for or suspends or revokes a permit to carry weapons or an annual permit to acquire pistols or revolvers, the sheriff or commissioner shall provide a written statement of the reasons for the denial, suspension, or revocation and the applicant or permit holder shall have the right to appeal the denial, suspension, or revocation to an administrative law judge in the department of inspections and appeals within thirty days of receiving written notice of the denial, suspension, or revocation.

7. In any case where the issuing officer denies an application for, or suspends or revokes a permit to carry weapons or an annual permit to acquire pistols or revolvers solely because of an adverse determination by the national instant criminal background check system, the applicant or permit holder shall not seek relief under this section but may pursue relief of the national instant criminal background check system determination pursuant to Pub. L. No. 103-159, sections 103(f) and (g) and 104 and 28 C.F.R. §25.10, or other applicable law. The outcome of such proceedings shall be binding on the issuing officer.

Sec. 18. Section 724.21A, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 8. If an applicant appeals the decision by the sheriff or commissioner to deny an application, or suspend or revoke a permit to carry weapons or a permit to acquire firearms issued prior to the effective date of this division of this Act, and it is later determined the applicant is eligible to be issued or possess such a permit, the applicant shall be awarded court costs and reasonable attorney fees. If the decision of the sheriff or commissioner to deny the application, or suspend or revoke the permit is upheld on appeal, the political subdivision of the state representing the sheriff or the commissioner shall be awarded court costs and reasonable attorney fees.
Sec. 19. Section 724.27, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The provisions of section 724.8, section 724.15, subsection 1, and section 724.26 shall not apply to a person who is eligible to have the person's civil rights regarding firearms restored under section 914.7 if any of the following occur:

Sec. 20. REPEAL. Sections 724.17, 724.18, 724.19, and 724.20, Code 2017, are repealed.

DIVISION V

POSESSION OF PISTOL OR REVOLVER BY PERSONS UNDER 14 YEARS OF AGE

Sec. 21. Section 724.22, subsection 5, Code 2017, is amended to read as follows:

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

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

Sec. 22. Section 724.22, Code 2017, is amended by adding the following new subsection:

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

DIVISION VI

RECORDS KEPT BY COMMISSIONER — CONFIDENTIALITY

Sec. 23. Section 724.23, Code 2017, is amended to read as follows:

724.23 Records kept by commissioner and issuing officers.

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

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

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

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

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

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

DIVISION VII
STATE PREEMPTION
Sec. 24. Section 724.28, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

724.28 State preemption — prohibition of firearms, firearm accessories, and ammunition regulation by political subdivisions.

1. The purpose of this section is to establish complete state control over firearms, firearm accessories, and ammunition regulation and policy in order to ensure that such regulation and policy is applied uniformly throughout this state to each person subject to the state’s jurisdiction and to ensure protection of the right to keep and bear arms recognized by the Constitution of the United States and under the laws of this state. This section is to be liberally construed to effectuate its purpose. However, this section shall not be construed to limit the ability of a private property owner or a person in lawful possession of private property to prohibit the possession, use, carrying, or transportation of a firearm, firearm accessory, or ammunition on such property.

2. As used in this section:
   a. "Ammunition" means fixed cartridge ammunition, shotgun shells, the individual components of fixed cartridge ammunition and shotgun shells, projectiles for muzzleloading firearms, and any propellant used in firearms or in firearms ammunition.
   b. "Firearm" means a pistol, revolver, rifle, shotgun, machine gun, submachine gun, or black powder weapon which is designed to, capable of, or may be readily converted to expel a projectile by the action of an explosive.
   c. "Firearm accessory" means a device specifically adapted to enable the wearing or carrying about one’s person, or the storage or mounting in or on a conveyance, of a firearm, or an attachment or device specifically adapted to be inserted
1 into or affixed onto a firearm to enable, alter, or improve the
2 functioning or capabilities of the firearm.
3     d. "Person adversely affected" means a person who meets all
4     of the following criteria:
5     (1) Lawfully resides within the United States.
6     (2) Can legally possess a firearm under the laws of this
7     state.
8     (3) Either of the following:
9     (a) Would be subject to the ordinance, measure, enactment,
10     rule, resolution, motion, or policy at issue if the person were
11     present within the jurisdictional boundaries of the enacting
12     political subdivision, regardless of whether such person works,
13     attends school, or resides in such political subdivision.
14     (b) Is a membership organization that includes as a member a
15     person described in subparagraphs (1) and (2) and subparagraph
16     division (a) of this subparagraph and that is dedicated in
17     whole or in part to protecting the rights of those persons
18     who possess, own, or use firearms for competitive, sporting,
19     defensive, or other lawful purposes.
20     e. "Political subdivision" means a county, city, township,
21     school district, regents institution, or any other subunit of
22     this state.
23  3. Except as otherwise provided in this section, the
24     regulation of all of the following is hereby declared to be the
25     exclusive domain of the state:
26     a. Firearms, firearm accessories, and ammunition.
27     b. The ownership, possession, use, discharge, carrying,
28     transportation, registration, transfer, and storage of
29     firearms, firearm accessories, and ammunition.
30     c. Commerce in and taxation of firearms, firearm
31     accessories, and ammunition.
32     d. Any other matter pertaining to firearms, firearm
33     accessories, and ammunition.
34  4. An ordinance, measure, enactment, rule, resolution,
35     motion, or policy adopted by a political subdivision, or an
official action taken by an employee or agent of a political subdivision, including through any legislative, police power, or proprietary capacity, in violation of this section is void.

5. This section shall not be construed to prevent any of the following:

   a. A duly organized law enforcement agency of a political subdivision from adopting and enforcing rules pertaining to firearms, firearm accessories, or ammunition issued to or used by peace officers in the course of their official duties.

   b. An employer from regulating or prohibiting an employee from carrying or possessing firearms, firearm accessories, or ammunition during and in the course of the employee's official duties.

   c. A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within the court's or judge's jurisdiction.

   d. The enactment or enforcement of a generally applicable zoning or business ordinance that includes firearms businesses along with other businesses, provided that an ordinance designed or enforced to effectively restrict or prohibit the sale, purchase, transfer, manufacture, or display of firearms, firearm accessories, or ammunition otherwise lawful under the laws of this state, which is in conflict with this section, is void.

   e. A political subdivision from adopting or enforcing rules of operation and use for any shooting range owned or operated by the political subdivision.

   f. A political subdivision that sponsors or conducts any firearm-related competition or educational or cultural program from adopting rules for participation in or attendance at such a program.

   g. (1) A law enforcement center, jail, municipal holding facility, correctional institution or facility, community-based correctional facility, or other security sensitive area including a courtroom from adopting rules prohibiting the
possession of a firearm.

This paragraph shall not be construed to permit
the judicial branch or a judicial officer to regulate the
possession of a firearm outside of the areas primarily used by
the judicial branch or courts.

6. a. A political subdivision or employee or agent of a
political subdivision that violates the state’s occupation of
the whole field of regulation of firearms, firearm accessories,
and ammunition, as declared in this section, by adopting or
enforcing an ordinance, measure, enactment, rule, resolution,
motion, or policy impacting such occupation of the field shall
be liable as provided in this section.

b. If a political subdivision violates this subsection,
the court shall declare the ordinance, measure, enactment,
rule, resolution, motion, or policy void and issue a permanent
injunction against the political subdivision prohibiting
enforcement of such ordinance, measure, enactment, rule,
resolution, motion, or policy. It is not a defense that the
political subdivision was acting in good faith or upon the
advice of counsel.

7. A person adversely affected by an ordinance, measure,
enactment, rule, resolution, motion, or policy adopted or
enforced in violation of this section may file suit in the
appropriate court for declarative and injunctive relief and
for damages. A court shall award reasonable attorney fees and
costs to the prevailing plaintiff in any such suit.

DIVISION VIII

PISTOLS OR REVOLVERS — CAPITOL BUILDINGS AND GROUNDS

Sec. 25. Section 8A.322, subsection 3, Code 2017, is amended
to read as follows:

3. The director shall establish, publish, and enforce rules
regulating and restricting the use by the public of the capitol
buildings and grounds and of the state laboratories facility
in Ankeny. The rules when established shall be posted in
conspicuous places about the capitol buildings and grounds and
the state laboratories facility, as applicable. Any person violating any rule, except a parking regulation, shall be guilty of a simple misdemeanor. This subsection shall not be construed to allow the director to prohibit the carrying, transportation, or possession of any pistol or revolver in or on any capitol buildings or grounds including in or on the state capitol or grounds when the carrying, transportation, or possession is otherwise lawful under the laws of this state.

DIVISION IX
EMERGENCY POWERS

Sec. 26. Section 29C.3, subsection 4, paragraph e, Code 2017, is amended by striking the paragraph.

Sec. 27. Section 29C.6, subsection 16, Code 2017, is amended to read as follows:

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

Sec. 28. NEW SECTION. 29C.25 Firearms and ammunition — limitations — exceptions — remedies.

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

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

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

c. Seize or confiscate firearms and ammunition possessed in accordance with the laws of this state.

2. This section shall not prohibit any of the following:

a. The temporary closure or limitations on the operating hours of businesses that sell firearms or ammunition if the
same operating restrictions apply to all businesses in the affected area.

b. The adoption or enforcement of regulations pertaining to firearms and ammunition used or carried for official purposes by law enforcement officers or persons acting under the authority of emergency management agencies or officials.

3. a. A person aggrieved by a violation of this section may seek relief in an action at law or in equity or in any other proper proceeding for actual damages, injunctive relief, or other appropriate redress against a person who commits or causes the commission of such violation.

b. In addition to any other remedy available at law or in equity, a person aggrieved by the seizure or confiscation of a firearm or ammunition in violation of this section may make application pursuant to section 809.3 for its return in the office of the clerk of court for the county in which the property was seized.

c. In an action or proceeding to enforce this section, the court shall award the prevailing plaintiff reasonable court costs and attorney fees.

DIVISION X
JUSTIFIABLE USE OF REASONABLE AND DEADLY FORCE

Sec. 29. Section 704.1, Code 2017, is amended to read as follows:

704.1 Reasonable force.

1. "Reasonable force" is that force and no more which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one's life or safety or the life or safety of another, or it is reasonable to believe that such force is necessary to resist a like force or threat.

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

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

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

Sec. 30. Section 704.2, Code 2017, is amended by adding the
following new subsection:

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

Sec. 31. NEW SECTION. 704.2A Justifiable use of deadly
force.

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

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

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

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

b. The person using force knows or has reason to believe
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1 that any of the conditions set forth in paragraph "a" are
2 occurring.
3 2. The presumption set forth in subsection 1 does not
4 apply if, at the time force is used, any of the following
5 circumstances are present:
6 a. The person using defensive force is engaged in a
7 criminal offense, is attempting to escape from the scene of a
8 criminal offense that the person has committed, or is using the
9 dwelling, place of business or employment, or occupied vehicle
10 to further a criminal offense.
11 b. The person sought to be removed is a child or grandchild
12 or is otherwise in the lawful custody or under the lawful
13 guardianship of the person against whom force is used.
14 c. The person against whom force is used is a peace officer
15 who has entered or is attempting to enter a dwelling, place
16 of business or employment, or occupied vehicle in the lawful
17 performance of the peace officer's official duties, and the
18 person using force knows or reasonably should know that the
19 person who has entered or who is attempting to enter is a peace
20 officer.
21 d. The person against whom the force is used has the right
22 to be in, or is a lawful resident of, the dwelling, place of
23 business or employment, or occupied vehicle of the person using
24 force, and a protective or no-contact order is not in effect
25 against the person against whom the force is used.
26 Sec. 32. Section 704.3, Code 2017, is amended to read as
27 follows:
28 704.3 Defense of self or another.
29 A person is justified in the use of reasonable force when
30 the person reasonably believes that such force is necessary to
31 defend oneself or another from any actual or imminent use of
32 unlawful force.
33 Sec. 33. Section 704.7, Code 2017, is amended to read as
34 follows:
35 704.7 Resisting forcible violent felony.
1. As used in this section, "violent felony" means any felonious sexual abuse involving compulsion or the use of a weapon or any felonious assault, murder, kidnapping, robbery, arson, or burglary.

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

DIVISION XI
FRAUDULENT PURCHASE OF FIREARMS OR AMMUNITION
Sec. 34. NEW SECTION. 724.29A Fraudulent purchase of firearms or ammunition.

1. For purposes of this section:
   a. "Ammunition" means any cartridge, shell, or projectile designed for use in a firearm.
   b. "Licensed firearms dealer" means a person who is licensed pursuant to 18 U.S.C. §923 to engage in the business of dealing in firearms.
   c. "Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal.
   d. "Private seller" means a person who sells or offers for sale any firearm or ammunition.

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

3. A person who knowingly provides materially false information to a licensed firearms dealer or private seller of firearms or ammunition with the intent to deceive the firearms dealer or seller about the legality of a transfer of a firearm
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1 or ammunition commits a class “D” felony.

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

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

DIVISION XII

SNOWMOBILES AND ALL-TERRAIN VEHICLES

Sec. 35. Section 321G.13, subsection 2, Code 2017, is
amended to read as follows:

2 2. a. A person shall not operate or ride a snowmobile with
3 a firearm in the person’s possession unless it is unloaded and
4 enclosed in a carrying case, except as otherwise provided.
5 However, a nonambulatory person may carry an uncased and
6 unloaded firearm while operating or riding a snowmobile.

7  b. (1) A person may operate or ride on a snowmobile with a
8 loaded firearm, whether concealed or not, without a permit to
9 carry weapons, if the person operates or rides on land owned or
10 possessed by the person, and the person’s conduct is otherwise
11 lawful.
12 (2) If a person is operating or riding on a snowmobile on
13 land that is not owned or possessed by the person, the person
14 may operate or ride the snowmobile with a loaded firearm pistol
15 or revolver, whether concealed or not, if all of the following
16 apply:
17 (a) The firearm is a pistol or revolver and is secured in a
18 retention holster upon the person.
19 (b) The person has in the person’s possession and displays
20 to a peace officer on demand a valid permit to carry weapons
21 which has been issued to the person.
22 (c) The person’s conduct is within the limits of the permit
23 to carry weapons and the person’s conduct is otherwise lawful.

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

Sec. 36. Section 321I.14, subsection 2, Code 2017, is amended to read as follows:

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

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

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

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

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

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

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

DIVISION XIII
EFFECTIVE DATE AND APPLICABILITY PROVISIONS
Sec. 37. EFFECTIVE UPON ENACTMENT. The following
provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 724.22.
2. The section of this Act amending section 724.23.
3. The applicability section of this division of this Act related to amending section 724.23.

Sec. 38. APPLICABILITY — RECORDS KEPT BY COMMISSIONER — CONFIDENTIALITY. The section of this Act amending section 724.23 applies to holders of nonprofessional permits to carry weapons and permits to acquire firearms and to applicants for nonprofessional permits to carry weapons and permits to acquire firearms on or after the effective date of that section of this Act.

Sec. 39. APPLICABILITY — PREEMPTION. The provisions of this Act apply to any ordinance, measure, enactment, rule, resolution, motion, or policy adopted by a political subdivision of this state or to official actions taken by an employee or agent of such political subdivision, on or after July 1, 2017. However, the penalties and remedies prescribed under section 724.28, subsection 6, as enacted in this Act, shall first be imposed ninety days after the effective date of that section of this Act to provide political subdivisions an opportunity to comply with the provisions of this Act.

Sec. 40. APPLICABILITY OF PERMIT TO ACQUIRE ISSUED PRIOR TO EFFECTIVE DATE. A permit to acquire issued under the provisions of chapter 724, Code 2017, prior to July 1, 2017, shall be considered a valid permit to acquire as long as the permit has not expired unless the person becomes ineligible to acquire a pistol or revolver.

EXPLANATION

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

This bill relates to offensive and dangerous weapons, and the use of force, including carrying, possessing, and acquiring weapons, and the purchase and regulation of such weapons and...
includes effective date and applicability provisions. The bill is organized into divisions.

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

DIVISION II — CARRYING WEAPONS AND POSSESSION OF WEAPONS. The bill amends Code section 724.4 by striking the current penalty for carrying dangerous weapons. Instead, the bill creates a new crime of going armed with a knife in the commission of a crime, an aggravated misdemeanor. The bill makes a conforming change to Code section 232.52, subsection 2, relating to the suspension or revocation of a juvenile's driver's license or operating privilege.

The bill amends Code section 724.4B relating to carrying weapons on school grounds due to the strike of Code section 724.4 in the bill. The amendment to Code section 724.4B preserves current law by keeping the general prohibition on to carrying weapons on school grounds but inserts the exceptions to carrying weapons on school grounds previously contained in Code section 724.4.

The bill amends Code section 724.4C relating to the crime of possession or carrying of firearms while under the influence of alcohol or a drug. Current law invalidates a permit to carry weapons if the person to whom the permit is issued is intoxicated, as defined in Code section 321J.2, subsection 1 (while under the influence of an alcoholic beverage or other drug or a combination of such substances, while having an alcohol concentration of .08 or more, or while any amount of a controlled substance is present in the person, as measured in the person's blood or urine). The bill amends this provision to provide that a person commits a serious misdemeanor if the person is intoxicated and the person either carries a
dangerous weapon on or about the person or carries a dangerous weapon within the person's immediate access or reach while in a vehicle. This crime does not apply to situations where a person carries or possesses a dangerous weapon while in the person's own dwelling, place of business, or on the person's land, or the transitory possession or use of a firearm during an act of justified self-defense or justified defense of another, if the possession of the firearm lasts no longer than immediately necessary to resolve the emergency.

The bill strikes Code section 724.5 relating to a person's duty to carry a valid permit to carry certain weapons for which a permit has been issued to the person and replaces that Code section with language providing that the availability of a professional or nonprofessional permit to carry weapons shall not be construed to impose a general prohibition on the unlicensed carrying of a dangerous weapon including a loaded firearm. However, the bill provides that a person shall be prohibited from unlicensed carrying, whether openly or concealed, of a dangerous weapon, including a loaded firearm, unless the person has completed a firearm safety training program described under Code section 724.9(1), which is also amended by the bill. A person who commits the unlicensed carrying of weapons without having completed a firearm safety training program commits a simple misdemeanor punishable as a scheduled fine in the amount of $1,000. However, the bill provides that a person cited for a violation of Code section 724.9, subsection 2, who produces to the clerk of the district court prior to the date of the person's court appearance as indicated on the citation proof that the person has completed a firearm safety training program described under Code section 724.9, subsection 1, shall not be convicted of a violation of Code section 724.9, subsection 2, and the citation issued shall be dismissed by the court. Upon dismissal, the court shall assess the costs of the action against the person named on the citation.
The bill amends Code section 708.8, the crime of going armed with a dangerous weapon with intent, a class "D" felony, to provide that the intent element required for a violation of this crime shall not be inferred from the mere carrying or concealment of a dangerous weapon. "Dangerous weapon" is defined in Code section 702.7 for purposes of use in the criminal code.

DIVISION III — PERMIT TO CARRY WEAPONS AND FIREARM SAFETY TRAINING. The bill modifies the current nonprofessional permit to carry weapons process, the duration of the permit, and the firearm safety training required to obtain such a permit.

Under current law, a permit to carry weapons is valid for five years from the date of issuance. The bill specifies that any permit to carry weapons issued on or after July 1, 2017, shall be valid for the life of the permit holder. The bill states that a permit to carry weapons issued after July 1, 2017, shall be valid three days after the date of an application for a permit to carry weapons.

For an applicant's initial nonprofessional permit to carry weapons, the bill and current law require the applicant to demonstrate knowledge of firearm safety by any of the following means: completion of any national rifle association handgun safety training course; completion of any handgun safety training course available to the general public offered by a law enforcement agency, community college, college, private or public institution or organization, or firearms training school; completion of any handgun safety training course offered for security guards, investigators, special deputies, or law or security enforcement approved by the department of public safety; completion of small arms training while serving with the armed forces of the United States as evidenced by any of the following; or completion of a law enforcement agency firearm safety training course that qualifies a peace officer to carry a firearm in the normal course of the peace officer's duties. The bill specifies that the handgun safety
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1 training course may be conducted over the internet in a live or
2 web-based format, if completion of the course is verified by
3 the instructor or provider of the course.
4 Under the bill, for an initial permit to carry weapons,
5 firearm safety training is required and evidence of such
6 training may be documented by any of the following means: a
7 photocopy of a certificate of completion or similar document
8 showing completion of the class or course within 24 months
9 prior to the date of the application; an affidavit from the
10 instructor, school, or organization, or group that taught the
11 course that was completed within 24 months prior to the date
12 of the application; possession of an honorable discharge or
13 general discharge under honorable conditions issued at any
14 time prior to the application; or possession of a certificate
15 of completion of basic training with a service record of
16 successful completion of small arms training issued prior to
17 the date of the application.
18 The bill provides that firearm safety training shall not be
19 required for renewals of permits to carry weapons issued after
20 December 31, 2010.
21 The bill specifies that the permit to carry weapons shall
22 have a uniform appearance, size, and uniform content prescribed
23 and published by the commissioner of public safety.
24 The fees for an initial permit to carry weapons remain at
25 $50, and the renewal fee remains at $25.
26 DIVISION IV — ACQUIRING PISTOLS OR REVOLVERS AND PROHIBITED
27 TRANSFERS OF FIREARMS. Current law provides that any person
28 who intends to purchase a pistol or revolver is required to
29 first obtain an annual permit to acquire pistols or revolvers
30 unless the person is otherwise exempt from obtaining such
31 a permit. It is the intent of the bill to satisfy federal
32 requirements of 18 U.S.C. §922(t)(3) in order to acquire a
33 pistol or revolver. The bill provides that as of July 1, 2017,
34 the state shall no longer issue a permit to acquire. In order
35 to acquire a pistol or revolver from a federally licensed
1 firearms dealer, a person is required to have a valid permit
2 to carry weapons issued in accordance with Code chapter 724,
3 or if the permit does not satisfy federal requirements, the
4 person must complete a satisfactory national instant criminal
5 background check pursuant to 18 U.S.C. §922(t). The bill
6 provides that a valid permit to carry weapons or license issued
7 by another state to any nonresident of this state does not
8 satisfy the requirements to acquire a pistol or revolver in
9 this state.
10 Under the bill, a person is not eligible to acquire a
11 pistol or revolver if the person is less than 21 years of age,
12 is prohibited by Code section 724.26 (felon in possession
13 of a firearm), federal law, or court order from possessing,
14 shipping, transporting, or receiving a firearm.
15 By striking the requirement to obtain a permit to acquire a
16 pistol or revolver, and moving certain requirements to acquire
17 a pistol or revolver into Code section 724.15 as amended in the
18 bill, the bill repeals Code sections 724.17 (application for
19 annual permit to acquire — criminal history check required),
20 724.18 (procedure for making application for annual permit
21 to acquire), 724.19 (issuance of annual permit to acquire),
22 and 724.20 (validity of annual permit to acquire pistols or
23 revolvers).
24 The bill provides a permit to acquire a pistol or revolver
25 issued under Code chapter 724 (2017) prior to July 1, 2017,
26 shall be considered a valid permit to acquire as long as the
27 permit has not expired unless the person becomes ineligible to
28 acquire a pistol or revolver.
29 The bill does not change current law which provides a person
30 who gives a false name or presents false identification, or
31 otherwise knowingly gives false material information to one
32 from whom the person seeks to acquire a pistol or revolver,
33 commits a class “D” felony.
34 The bill, in Code section 724.15, provides that a permit to
35 acquire firearms issued prior to July 1, 2017, may be suspended
1 or revoked by the issuing officer and the aggrieved permit
2 holder may file an appeal with an administrative law judge.
3 The bill strikes the language of current Code section
4 724.16, relating to transferring a pistol or revolver to a
5 person without a permit or acquiring a pistol or revolver
6 without a permit and substitutes language prohibiting the
7 transfer of a firearm to another person who does not possess a
8 permit if the person knows or reasonably should know the person
9 is prohibited from receiving or possessing a firearm under Code
10 section 724.26 or federal law. The bill also provides that a
11 person shall not loan or rent a firearm to another person for
12 temporary use during lawful activities if the person knows or
13 reasonably should know the person is prohibited from receiving
14 or possessing a firearm under Code section 724.26 or federal
15 law. A person who violates this provision commits a class “D”
16 felony.
17 The bill makes a conforming change to Code section 724.27
18 relating to the restoration of firearms rights.
19 DIVISION V — POSSESSION OF PISTOLS AND REVOLVERS BY PERSONS
20 UNDER 14 YEARS OF AGE — EFFECTIVE DATE. Under the bill, a
21 parent or guardian or spouse who is 21 years of age or older,
22 or another with the consent of the minor’s parent or guardian
23 or spouse who is 21 years of age or older, may allow a person
24 under 21 years of age to possess a pistol or revolver or the
25 ammunition therefor, while under direct supervision, which
26 then may be lawfully used. Current law prohibits a parent
27 or guardian or spouse who is 21 years of age or older from
28 allowing a person under 14 years of age from possessing a
29 pistol or revolver or the ammunition. This provision takes
30 effect upon enactment.
31 The bill defines “direct supervision” to mean supervision
32 provided by the parent, guardian, or spouse who is 21 years of
33 age or older and who maintains visual and verbal contact at all
34 times with the supervised person.
35 Except for the circumstances under Code section 724.22(4)
1 (security personnel) or this bill, a person who sells, loans, 2 gives, or makes available a pistol or revolver or ammunition 3 for a pistol or revolver to a person below the age of 21 commits 4 a serious misdemeanor for a first offense and a class "D" 5 felony for second and subsequent offenses.
6 The bill provides that a parent or guardian who is 21 years 7 of age or older, of a minor under the age of 14 years, who 8 allows that minor to possess a pistol or revolver or the 9 ammunition, shall be strictly liable to an injured party for 10 all damages resulting from the possession of the pistol or 11 revolver or ammunition by the minor.
12 A serious misdemeanor is punishable by confinement for no 13 more than one year and a fine of at least $315 but not more than 14 $1,875. A class "D" felony is punishable by confinement for no 15 more than five years and a fine of at least $750 but not more 16 than $7,500.
17 DIVISION VI — RECORDS KEPT BY COMMISSIONER —
18 CONFIDENTIALITY — EFFECTIVE DATE AND APPLICABILITY. Current 19 law requires the commissioner of public safety to maintain a 20 permanent record of all valid permits to carry weapons and of 21 current permit revocations.
22 The bill provides in Code section 724.23 that, 23 notwithstanding any other law or rule to the contrary, the 24 commissioner of public safety and any issuing officer (county 25 sheriff) shall keep confidential personally identifiable 26 information of holders of nonprofessional permits to carry 27 weapons and permits to acquire firearms. The release of any 28 confidential information, except as otherwise provided in the 29 bill, requires a court order or the consent of the person 30 whose personally identifiable information is the subject of 31 the information request. The bill does not prohibit release 32 of statistical information relating to the issuance, denial, 33 revocation, or administration of nonprofessional permits 34 to carry weapons and permits to acquire firearms if such 35 information does not reveal the identity of any individual
permit holder, the release of information to a law enforcement agency investigating a violation of law where probable cause exists, the release for purposes of conducting a background check, or the release of information relating to the validity of a professional permit to carry weapons to an employer who requires an employee or an agent of the employer to possess a professional permit to carry weapons as part of the duties of the employee or agent. This provision applies to holders of nonprofessional permits to carry weapons and permits to acquire firearms and to applicants for nonprofessional permits to carry weapons and permits to acquire firearms on or after the effective date of this provision of the bill.

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

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

The bill strikes this Code section and provides that the regulation of firearms, firearm accessories, and ammunition is declared to be the exclusive domain of the state. The bill provides that an ordinance, measure, enactment, rule, resolution, motion, or policy of a political subdivision of this state, or an official action of an employee or agent of such political subdivision, including through any legislative, police power, or proprietary capacity, in violation of the bill is void.

The bill defines “political subdivision” to mean a county, city, township, school district, community college, regents institution, or any other subunit of the state.
The bill shall not be construed to prevent a law enforcement agency of a political subdivision from adopting and enforcing rules pertaining to firearms, firearm accessories, or ammunition issued to or used by peace officers in the course of their official duties; an employer from regulating or prohibiting an employee from carrying or possessing firearms, firearm accessories, or ammunition during and in the course of the employee's official duties; a court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within the court's or the judge's jurisdiction; enacting or enforcing a generally applicable zoning or business ordinance that includes firearms businesses along with other businesses, provided that an ordinance which is designed or enforced to effectively restrict or prohibit the sale, purchase, transfer, manufacture, or display of firearms, firearm accessories, or ammunition otherwise lawful under the laws of this state, which is in conflict with the bill, is void; a political subdivision from adopting or enforcing rules of operation and use for a shooting range owned or operated by the political subdivision; a political subdivision that sponsors or conducts any firearm-related competition or educational or cultural program from adopting rules of attendance for such a program; and a law enforcement center, jail, correctional institution or facility, community-based correctional facility, or other security-sensitive area including areas primarily used by the courts from adopting rules prohibiting the possession of a firearm, except the judicial branch or a judicial officer shall not regulate the possession of a firearm outside of the area primarily used by the judicial branch or the courts.

The bill provides that if a political subdivision violates the bill, the court shall declare the ordinance, measure, enactment, rule, resolution, motion, or policy void and issue a permanent injunction against the political subdivision prohibiting enforcement of such ordinance, measure, enactment,
rule, resolution, motion, or policy. It is not a defense that
the political subdivision was acting in good faith or upon the
advice of counsel.

The bill provides that a person adversely affected by an
ordinance, measure, enactment, rule, resolution, motion, or
policy adopted or enforced in violation of the bill may file
suit in the appropriate court for declarative and injunctive
relief and for damages and may, if successful, be awarded
reasonable attorney fees and costs.

This division of the bill applies to any ordinance, measure,
enactment, rule, resolution, motion, or policy adopted by a
political subdivision of this state or to official actions
taken by an employee or agent of such political subdivision,
on or after July 1, 2017. However, the penalties and remedies
prescribed under section 724.28, subsection 6, as enacted
in this Act, shall first be imposed ninety days after the
effective date of that section of this Act to provide political
subdivisions an opportunity to comply with the provisions of
this Act.

DIVISION VIII — PISTOLS OR REVOLVERS — CAPITOL BUILDINGS
AND GROUNDS. The bill amends current law relating to the
authority of the director of the department of administrative
services to regulate and restrict the use by the public of
the capitol buildings and grounds. The bill provides that
this authority shall not be construed to allow the director to
prohibit the carrying, transportation, or possession of any
pistol or revolver in or on any capitol buildings or grounds,
including in or on the state capitol or grounds, when the
carrying, transportation, or possession is otherwise lawful
under the laws of this state.

State Capitol complex buildings include the State
Capitol, Ola Babcock Miller, public safety, Lucas, workforce
development, fleet, Jesse Parker, Grimes, Hoover, Wallace,
state historical, judicial branch, and Iowa utilities
board/office of consumer advocate buildings, central utilities
DIVISION IX — EMERGENCY POWERS. The bill provides that
Code chapter 29C, relating to a public disorder or disaster
emergency proclamation by the governor, shall not be construed
to authorize the governor or any other official of this
state or any of its political subdivisions acting at the
direction of the governor or other official to prohibit,
regulate, or curtail the otherwise lawful possession, carrying,
transportation, transfer, or defensive use of firearms or
ammunition; to suspend or revoke a permit to carry or acquire,
except as otherwise authorized under Code sections 724.6
(professional permit to carry), 724.7 (nonprofessional permit
to carry), and 724.15 (permit to acquire); or to seize or
confiscate firearms or ammunition possessed in accordance with
state law.

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

The bill allows a person aggrieved by a violation of these
emergency powers provisions of the bill to seek relief in an
action at law or in equity or in any other proper proceeding
for actual damages, injunctive relief, or other appropriate
redress, including court costs and attorney fees, against a
person who commits or causes the commission of such violation.
In addition to any other remedy available at law or in equity,
a person aggrieved by the seizure or confiscation of a firearm
or ammunition in violation of the bill may file an application
pursuant to Code section 809.3 for its return in the office of
the clerk of court for the county in which the property was
seized. Court costs and attorney fees shall be awarded to a
prevailing plaintiff under these emergency powers provisions. The bill makes conforming changes to Code sections 29C.3 and 29C.6 relating to the governor's authority under current law to prohibit the possession of firearms or any other deadly weapon by a person other than at that person's place of residence or business and to suspend or limit the sale, dispensing, or transportation of firearms.

DIVISION X — JUSTIFIABLE USE OF REASONABLE AND DEADLY FORCE. Current law provides that a person may use reasonable force, including deadly force, even if an alternative course of action is available if the alternative action entails a risk of life or safety, or the life or safety of a third party, or requires one to abandon or retreat from one's residence or place of business or employment.

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

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

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

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

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

Under the bill, a person is presumed to be justified in using deadly force if the person reasonably believes that deadly force is necessary to avoid injury or risk to one's life or safety or the life or safety of another under the following circumstances: the person against whom force is used is unlawfully entering the dwelling, place of business or employment, or occupied vehicle of the person using force by force or stealth, or has unlawfully entered by force or stealth and remains within a dwelling, place of business or employment, or occupied vehicle of the person using force; or the person against whom force is used is unlawfully removing or attempting to remove another person against the other person's will from a dwelling, place of business or employment, or occupied vehicle of the person using force. In addition, the person using force must know or have reason to believe that the aforementioned circumstances are occurring.

The presumption of the use of justifiable deadly force under the bill does not apply at the time force is used in the following circumstances: the person using defensive force is engaged in a criminal offense or activity; the person sought to be removed is a child or grandchild or is otherwise in the lawful custody of the person against whom force is used; the person against whom force is used is a peace officer who has entered or is attempting to enter a dwelling, place of business or employment, or occupied vehicle in the lawful performance of the peace officer's official duties, and the person using force knows or reasonably should know that the person who has entered or who is attempting to enter is a peace officer; or the person against whom force is used has the right to be in, or is a lawful resident of, the dwelling, place of business or employment, or occupied vehicle of the person using force, and a protective or no-contact order is not in effect against the person against whom the force is used.

The bill provides that a person is justified in the use of
1 reasonable force when the person reasonably believes that such
2 force is necessary to defend oneself or another from any actual
3 as well as imminent use of unlawful force.
4 The bill also provides that a person who reasonably
5 believes that a violent felony is being or will imminently be
6 perpetrated is justified in using reasonable force, including
7 deadly force, against a perpetrator to prevent or terminate the
8 perpetration of that felony. The bill defines "violent felony"
9 to mean any felonious assault, murder, violent or forced sexual
10 abuse, kidnapping, robbery, arson, or burglary.
11 DIVISION XI — FRAUDULENT PURCHASE OF FIREARMS OR
12 AMMUNITION. The bill provides that a person who knowingly
13 solicits, persuades, encourages, or entices a licensed firearms
14 dealer or private seller of firearms or ammunition to transfer
15 a firearm or ammunition under circumstances that the person
16 knows would violate the laws of this state or of the United
17 States commits a class "D" felony. A person who knowingly
18 provides materially false information to a licensed firearms
19 dealer or private seller of firearms or ammunition with the
20 intent to deceive the firearms dealer or seller about the
21 legality of a transfer of a firearm or ammunition commits a
22 class "D" felony. Any person who willfully procures another to
23 engage in conduct prohibited by this Code section shall be held
24 accountable as a principal.
25 The Code section does not apply to a law enforcement officer
26 acting in the officer's official capacity or to a person acting
27 at the direction of such law enforcement officer.
28 DIVISION XII — SNOWMOBILES AND ALL-TERRAIN VEHICLES.
29 The bill modifies the requirements for carrying a pistol or
30 revolver when operating a snowmobile or all-terrain vehicle on
31 land that is not owned or possessed by the person. In addition
32 to carrying a permit to carry weapons on the person and acting
33 within the limits of the permit, current law requires a person
34 operating or riding on a snowmobile or all-terrain vehicle,
35 with a loaded pistol or revolver, to secure the loaded pistol
1 or revolver in a retention holster, if the person is operating
2 or riding a snowmobile or all-terrain vehicle on land that is
3 not owned or possessed by the person.
4 The bill strikes the requirements that the loaded pistol or
5 revolver be secured in a retention holster and that a person
6 has in the person's possession a valid permit to carry weapons
7 which has been issued to the person, and act within the limits
8 of that permit. Thus, the change in the bill allows a person
9 operating or riding on a snowmobile or all-terrain vehicle to
10 carry a loaded pistol or revolver without a retention holster
11 and without a permit to carry weapons as long as the person's
12 conduct is otherwise lawful.
13 The bill does not modify the requirement, applicable to most
14 persons, that a firearm, other than a pistol or revolver, be
15 unloaded and enclosed in a carrying case while a person is
16 operating or riding on a snowmobile or all-terrain vehicle on
17 land that is not owned or possessed by the person.