

House Study Bill 133 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

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.

DIVISION II

CARRYING WEAPONS AND POSSESSION OF WEAPONS

Sec. 2. 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. 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.

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.

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 ~~b.~~ g. A person who has been specifically authorized by
35 the school to go armed with, carry, or transport a firearm on

1 the school grounds, including for purposes of conducting an
2 instructional program regarding firearms.

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 by striking the
25 section and inserting in lieu thereof the following:

26 **724.5 Carrying weapons — penalty.**

27 1. Except as provided in subsection 2, the availability
28 of a professional or nonprofessional permit to carry weapons
29 under this chapter shall not be construed to impose a general
30 prohibition on the unlicensed carrying, whether openly or
31 concealed, of a dangerous weapon, including a loaded firearm.

32 2. A person shall be prohibited from the unlicensed
33 carrying, whether openly or concealed, of a dangerous weapon,
34 including a loaded firearm unless the person has completed a
35 firearm safety training program described under section 724.9,

1 subsection 1.

2 3. A person who violates subsection 2 commits a simple
3 misdemeanor punishable as a scheduled violation pursuant to
4 section 805.8C, subsection 11.

5 4. A person cited for a violation of subsection 2, who
6 produces to the clerk of the district court prior to the date
7 of the person's court appearance as indicated on the citation
8 proof that the person has completed a firearm safety training
9 program described under section 724.9, subsection 1, shall not
10 be convicted of a violation of subsection 2 and the citation
11 issued shall be dismissed by the court. Upon dismissal, the
12 court shall assess the costs of the action against the person
13 named on the citation.

14 Sec. 8. Section 805.8C, Code 2017, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 11. *Carrying weapons violations.* For
17 violations of section 724.5, the scheduled fine is one thousand
18 dollars.

19 DIVISION III

20 PERMIT TO CARRY WEAPONS AND FIREARM SAFETY TRAINING

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

23 1. File with the sheriff of the county in which the campus
24 is located evidence that the individual has successfully
25 completed an approved ~~firearms~~ firearm safety training ~~program~~
26 under section 724.9. This requirement does not apply to
27 armored car personnel.

28 Sec. 10. Section 724.7, subsection 1, Code 2017, is amended
29 to read as follows:

30 1. Any person who is not disqualified under section 724.8,
31 who satisfies the training requirements of section 724.9, if
32 applicable, and who files an application in accordance with
33 section 724.10 shall be issued a nonprofessional permit to
34 carry weapons. Such permits shall be on a form prescribed and
35 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,~~

1 ~~possession of an honorable discharge or general discharge under~~
2 ~~honorable conditions.~~

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

8 e. Completion of a law enforcement agency ~~firearms~~ firearm
9 safety training course that qualifies a peace officer to carry
10 a firearm in the normal course of the peace officer's duties.

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

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

17 2. 4. Evidence If firearm safety training is required under
18 this section, evidence of qualification under ~~this section~~ such
19 training may be documented by any of the following:

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

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

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

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

35 d. For personnel on active duty or serving in one of the

1 national guard or reserve components of the armed forces of the
2 United States, possession of a certificate of completion of
3 basic training with a service record of successful completion
4 of small arms training and qualification issued prior to the
5 date of the application, or any other official documentation
6 satisfactory to the issuing officer issued prior to the date
7 of the application.

8 3. 5. An issuing officer shall not condition the issuance
9 of a permit on training requirements that are not specified in
10 or that exceed the requirements of [this section](#).

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

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

17 1. Applications for permits to carry weapons shall be made
18 to the sheriff of the county in which the applicant resides.
19 Applications for professional permits to carry weapons for
20 persons who are nonresidents of the state, or whose need to
21 go armed arises out of employment by the state, shall be made
22 to the commissioner of public safety. In either case, the
23 sheriff or commissioner, before issuing the permit, shall
24 determine that the requirements of [sections 724.6 to 724.10](#)
25 have been satisfied. ~~However, for renewal of a permit the~~
26 ~~training program requirements in [section 724.9, subsection 1,](#)~~
27 ~~shall apply or the renewal applicant may choose to qualify on a~~
28 ~~firing range under the supervision of an instructor certified~~
29 ~~by the national rifle association or the department of public~~
30 ~~safety or another state's department of public safety, state~~
31 ~~police department, or similar certifying body. Such training~~
32 ~~or qualification must occur within the twelve-month period~~
33 ~~prior to the expiration of the applicant's current permit.~~
34 A renewal applicant shall apply within thirty days prior to
35 the expiration of the permit, or within thirty days after the

1 expiration of the permit; otherwise the applicant shall be
2 considered an applicant for an initial permit for purposes of
3 renewal fees under subsection 3.

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

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

25 NEW SUBSECTION. 5. An initial or renewal permit shall
26 have a uniform appearance, size, and content prescribed and
27 published by the commissioner of public safety. The permit
28 shall contain the name of the permittee and the effective date
29 of the permit, but shall not contain the permittee's social
30 security number. Such a permit shall not be issued for a
31 particular weapon and shall not contain information about a
32 particular weapon including the make, model, or serial number
33 of the weapon, or any ammunition used in that weapon.

34 DIVISION IV

35 PERMIT TO ACQUIRE FIREARMS AND PROHIBITED TRANSFERS OF FIREARMS

1 Sec. 14. Section 724.11A, Code 2017, is amended to read as
2 follows:

3 **724.11A Recognition.**

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

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

13 **724.15 Acquiring pistols or revolvers.**

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

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

26 a. Is under twenty-one years of age.

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

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

31 3. An issuing officer who finds that a person issued a
32 permit to acquire pistols or revolvers under this chapter prior
33 to the effective date of this division of this Act has been
34 arrested for a disqualifying offense or who is the subject of
35 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 1. In any case where the sheriff or the commissioner of
2 public safety denies an application for or suspends or revokes
3 a permit to carry weapons ~~or an annual permit to acquire~~
4 ~~pistols or revolvers~~, the sheriff or commissioner shall provide
5 a written statement of the reasons for the denial, suspension,
6 or revocation and the applicant or permit holder shall have the
7 right to appeal the denial, suspension, or revocation to an
8 administrative law judge in the department of inspections and
9 appeals within thirty days of receiving written notice of the
10 denial, suspension, or revocation.

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

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

24 NEW SUBSECTION. 8. If an applicant appeals the decision by
25 the sheriff or commissioner to deny an application, or suspend
26 or revoke a permit to carry weapons or a permit to acquire
27 firearms issued prior to the effective date of this division
28 of this Act, and it is later determined the applicant is
29 eligible to be issued or possess such a permit, the applicant
30 shall be awarded court costs and reasonable attorney fees.
31 If the decision of the sheriff or commissioner to deny the
32 application, or suspend or revoke the permit is upheld on
33 appeal, the political subdivision of the state representing the
34 sheriff or the commissioner shall be awarded court costs and
35 reasonable attorney fees.

1 that minor.

2 DIVISION VI

3 RECORDS KEPT BY COMMISSIONER — CONFIDENTIALITY

4 Sec. 23. 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. 24. Section 724.28, Code 2017, is amended by striking
7 the section and inserting in lieu thereof the following:

8 **724.28 State preemption — prohibition of firearms, firearm**
9 **accessories, and ammunition regulation by political subdivisions.**

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

23 2. As used in this section:

24 *a. "Ammunition"* means fixed cartridge ammunition, shotgun
25 shells, the individual components of fixed cartridge ammunition
26 and shotgun shells, projectiles for muzzleloading firearms, and
27 any propellant used in firearms or in firearms ammunition.

28 *b. "Firearm"* means a pistol, revolver, rifle, shotgun,
29 machine gun, submachine gun, or black powder weapon which is
30 designed to, capable of, or may be readily converted to expel a
31 projectile by the action of an explosive.

32 *c. "Firearm accessory"* means a device specifically adapted
33 to enable the wearing or carrying about one's person, or the
34 storage or mounting in or on a conveyance, of a firearm, or
35 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

1 official action taken by an employee or agent of a political
2 subdivision, including through any legislative, police power,
3 or proprietary capacity, in violation of this section is void.

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

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

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

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

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

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

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

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

1 possession of a firearm.

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

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

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

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

27

DIVISION VIII

28 PISTOLS OR REVOLVERS — CAPITOL BUILDINGS AND GROUNDS

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

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

1 the state laboratories facility, as applicable. Any person
2 violating any rule, except a parking regulation, shall be
3 guilty of a simple misdemeanor. This subsection shall not
4 be construed to allow the director to prohibit the carrying,
5 transportation, or possession of any pistol or revolver in or
6 on any capitol buildings or grounds including in or on the
7 state capitol or grounds when the carrying, transportation, or
8 possession is otherwise lawful under the laws of this state.

9 DIVISION IX

10 EMERGENCY POWERS

11 Sec. 26. Section 29C.3, subsection 4, paragraph e, Code
12 2017, is amended by striking the paragraph.

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

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

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

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

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

28 b. Suspend or revoke, except in accordance with section
29 724.13, a permit issued pursuant to section 724.6, 724.7, or
30 724.15.

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

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

34 a. The temporary closure or limitations on the operating
35 hours of businesses that sell firearms or ammunition if the

1 life or safety of a third party, ~~or requires one to abandon or~~
2 ~~retreat from one's dwelling or place of business or employment.~~

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

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

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

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

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

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

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

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

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

35 b. The person using force knows or has reason to believe

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 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.

8 DIVISION XII

9 SNOWMOBILES AND ALL-TERRAIN VEHICLES

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

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

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

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

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

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

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

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

34 c. A person shall not discharge a firearm while on a
35 snowmobile, except that a nonambulatory person may discharge a

1 firearm from a snowmobile while lawfully hunting if the person
2 is not operating or riding a moving snowmobile.

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

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

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

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

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

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

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

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

33 DIVISION XIII

34 EFFECTIVE DATE AND APPLICABILITY PROVISIONS

35 Sec. 37. EFFECTIVE UPON ENACTMENT. The following

1 provision or provisions of this Act, being deemed of immediate
2 importance, take effect upon enactment:

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

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

5 3. The applicability section of this division of this Act
6 related to amending section 724.23.

7 Sec. 38. APPLICABILITY — RECORDS KEPT BY COMMISSIONER —
8 CONFIDENTIALITY. The section of this Act amending section
9 724.23 applies to holders of nonprofessional permits to carry
10 weapons and permits to acquire firearms and to applicants for
11 nonprofessional permits to carry weapons and permits to acquire
12 firearms on or after the effective date of that section of this
13 Act.

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

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

30 EXPLANATION

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

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

1 includes effective date and applicability provisions. The bill
2 is organized into divisions.

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

9 DIVISION II — CARRYING WEAPONS AND POSSESSION OF WEAPONS.
10 The bill amends Code section 724.4 by striking the current
11 penalty for carrying dangerous weapons. Instead, the bill
12 creates a new crime of going armed with a knife in the
13 commission of a crime, an aggravated misdemeanor. The bill
14 makes a conforming change to Code section 232.52, subsection
15 2, relating to the suspension or revocation of a juvenile's
16 driver's license or operating privilege.

17 The bill amends Code section 724.4B relating to carrying
18 weapons on school grounds due to the strike of Code section
19 724.4 in the bill. The amendment to Code section 724.4B
20 preserves current law by keeping the general prohibition on
21 carrying weapons on school grounds but inserts the exceptions
22 to carrying weapons on school grounds previously contained in
23 Code section 724.4.

24 The bill amends Code section 724.4C relating to the crime of
25 possession or carrying of firearms while under the influence
26 of alcohol or a drug. Current law invalidates a permit to
27 carry weapons if the person to whom the permit is issued is
28 intoxicated, as defined in Code section 321J.2, subsection 1
29 (while under the influence of an alcoholic beverage or other
30 drug or a combination of such substances, while having an
31 alcohol concentration of .08 or more, or while any amount of a
32 controlled substance is present in the person, as measured in
33 the person's blood or urine). The bill amends this provision
34 to provide that a person commits a serious misdemeanor if
35 the person is intoxicated and the person either carries a

1 dangerous weapon on or about the person or carries a dangerous
2 weapon within the person's immediate access or reach while in
3 a vehicle. This crime does not apply to situations where a
4 person carries or possesses a dangerous weapon while in the
5 person's own dwelling, place of business, or on the person's
6 land, or the transitory possession or use of a firearm during
7 an act of justified self-defense or justified defense of
8 another, if the possession of the firearm lasts no longer than
9 immediately necessary to resolve the emergency.

10 The bill strikes Code section 724.5 relating to a person's
11 duty to carry a valid permit to carry certain weapons for
12 which a permit has been issued to the person and replaces that
13 Code section with language providing that the availability
14 of a professional or nonprofessional permit to carry weapons
15 shall not be construed to impose a general prohibition on the
16 unlicensed carrying of a dangerous weapon including a loaded
17 firearm. However, the bill provides that a person shall
18 be prohibited from unlicensed carrying, whether openly or
19 concealed, of a dangerous weapon, including a loaded firearm,
20 unless the person has completed a firearm safety training
21 program described under Code section 724.9(1), which is also
22 amended by the bill. A person who commits the unlicensed
23 carrying of weapons without having completed a firearm safety
24 training program commits a simple misdemeanor punishable as
25 a scheduled fine in the amount of \$1,000. However, the bill
26 provides that a person cited for a violation of Code section
27 724.9, subsection 2, who produces to the clerk of the district
28 court prior to the date of the person's court appearance as
29 indicated on the citation proof that the person has completed a
30 firearm safety training program described under Code section
31 724.9, subsection 1, shall not be convicted of a violation of
32 Code section 724.9, subsection 2, and the citation issued shall
33 be dismissed by the court. Upon dismissal, the court shall
34 assess the costs of the action against the person named on the
35 citation.

1 The bill amends Code section 708.8, the crime of going
2 armed with a dangerous weapon with intent, a class "D" felony,
3 to provide that the intent element required for a violation
4 of this crime shall not be inferred from the mere carrying
5 or concealment of a dangerous weapon. "Dangerous weapon"
6 is defined in Code section 702.7 for purposes of use in the
7 criminal code.

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

12 Under current law, a permit to carry weapons is valid for
13 five years from the date of issuance. The bill specifies
14 that any permit to carry weapons issued on or after July
15 1, 2017, shall be valid for the life of the permit holder.
16 The bill states that a permit to carry weapons issued after
17 July 1, 2017, shall be valid three days after the date of an
18 application for a permit to carry weapons.

19 For an applicant's initial nonprofessional permit to carry
20 weapons, the bill and current law require the applicant to
21 demonstrate knowledge of firearm safety by any of the following
22 means: completion of any national rifle association handgun
23 safety training course; completion of any handgun safety
24 training course available to the general public offered by a
25 law enforcement agency, community college, college, private
26 or public institution or organization, or firearms training
27 school; completion of any handgun safety training course
28 offered for security guards, investigators, special deputies,
29 or law or security enforcement approved by the department of
30 public safety; completion of small arms training while serving
31 with the armed forces of the United States as evidenced by
32 any of the following; or completion of a law enforcement
33 agency firearm safety training course that qualifies a peace
34 officer to carry a firearm in the normal course of the peace
35 officer's duties. The bill specifies that the handgun safety

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

1 permit holder, the release of information to a law enforcement
2 agency investigating a violation of law where probable cause
3 exists, the release for purposes of conducting a background
4 check, or the release of information relating to the validity
5 of a professional permit to carry weapons to an employer who
6 requires an employee or an agent of the employer to possess
7 a professional permit to carry weapons as part of the duties
8 of the employee or agent. This provision applies to holders
9 of nonprofessional permits to carry weapons and permits to
10 acquire firearms and to applicants for nonprofessional permits
11 to carry weapons and permits to acquire firearms on or after
12 the effective date of this provision of the bill.

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

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

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

33 The bill defines "political subdivision" to mean a county,
34 city, township, school district, community college, regents
35 institution, or any other subunit of the state.

1 The bill shall not be construed to prevent a law enforcement
2 agency of a political subdivision from adopting and enforcing
3 rules pertaining to firearms, firearm accessories, or
4 ammunition issued to or used by peace officers in the course
5 of their official duties; an employer from regulating or
6 prohibiting an employee from carrying or possessing firearms,
7 firearm accessories, or ammunition during and in the course
8 of the employee's official duties; a court or administrative
9 law judge from hearing and resolving a case or controversy
10 or issuing an opinion or order on a matter within the
11 court's or the judge's jurisdiction; enacting or enforcing
12 a generally applicable zoning or business ordinance that
13 includes firearms businesses along with other businesses,
14 provided that an ordinance which is designed or enforced to
15 effectively restrict or prohibit the sale, purchase, transfer,
16 manufacture, or display of firearms, firearm accessories, or
17 ammunition otherwise lawful under the laws of this state,
18 which is in conflict with the bill, is void; a political
19 subdivision from adopting or enforcing rules of operation and
20 use for a shooting range owned or operated by the political
21 subdivision; a political subdivision that sponsors or conducts
22 any firearm-related competition or educational or cultural
23 program from adopting rules of attendance for such a program;
24 and a law enforcement center, jail, correctional institution
25 or facility, community-based correctional facility, or other
26 security-sensitive area including areas primarily used by the
27 courts from adopting rules prohibiting the possession of a
28 firearm, except the judicial branch or a judicial officer shall
29 not regulate the possession of a firearm outside of the area
30 primarily used by the judicial branch or the courts.

31 The bill provides that if a political subdivision violates
32 the bill, the court shall declare the ordinance, measure,
33 enactment, rule, resolution, motion, or policy void and issue
34 a permanent injunction against the political subdivision
35 prohibiting enforcement of such ordinance, measure, enactment,

1 rule, resolution, motion, or policy. It is not a defense that
2 the political subdivision was acting in good faith or upon the
3 advice of counsel.

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

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

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

31 State Capitol complex buildings include the State
32 Capitol, Ola Babcock Miller, public safety, Lucas, workforce
33 development, fleet, Jesse Parker, Grimes, Hoover, Wallace,
34 state historical, judicial branch, and Iowa utilities
35 board/office of consumer advocate buildings, central utilities

1 plant, facilities management center, and parking structure.

2 DIVISION IX — EMERGENCY POWERS. The bill provides that
3 Code chapter 29C, relating to a public disorder or disaster
4 emergency proclamation by the governor, shall not be construed
5 to authorize the governor or any other official of this
6 state or any of its political subdivisions acting at the
7 direction of the governor or other official to prohibit,
8 regulate, or curtail the otherwise lawful possession, carrying,
9 transportation, transfer, or defensive use of firearms or
10 ammunition; to suspend or revoke a permit to carry or acquire,
11 except as otherwise authorized under Code sections 724.6
12 (professional permit to carry), 724.7 (nonprofessional permit
13 to carry), and 724.15 (permit to acquire); or to seize or
14 confiscate firearms or ammunition possessed in accordance with
15 state law.

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

24 The bill allows a person aggrieved by a violation of these
25 emergency powers provisions of the bill to seek relief in an
26 action at law or in equity or in any other proper proceeding
27 for actual damages, injunctive relief, or other appropriate
28 redress, including court costs and attorney fees, against a
29 person who commits or causes the commission of such violation.
30 In addition to any other remedy available at law or in equity,
31 a person aggrieved by the seizure or confiscation of a firearm
32 or ammunition in violation of the bill may file an application
33 pursuant to Code section 809.3 for its return in the office of
34 the clerk of court for the county in which the property was
35 seized. Court costs and attorney fees shall be awarded to a

1 prevailing plaintiff under these emergency powers provisions.

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

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

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

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

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

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

35 The bill creates presumptions for the justifiable use of

1 deadly force in certain circumstances.

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

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

35 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.