

**Senate File 2106 - Introduced**

SENATE FILE 2106

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**A BILL FOR**

1 An Act relating to carrying and possessing weapons and  
2 acquiring pistols and revolvers, including penalties and  
3 applicability provisions.

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

DIVISION I

CARRYING AND POSSESSING WEAPONS WITHOUT A PERMIT

1  
2 Section 1. Section 232.52, subsection 2, paragraph a,  
3 subparagraph (4), subparagraph division (a), subparagraph  
4 subdivision (viii), Code 2018, is amended to read as follows:

5 (viii) Section 724.4 or 724.4B if the child used the knife  
6 in the commission of a crime on school grounds.  
7

8 Sec. 2. Section 724.2A, Code 2018, is amended to read as  
9 follows:

10 **724.2A Peace officer — defined — reserved peace officer**  
11 **included.**

12 As used in sections 724.4, 724.6, and 724.11, “*peace officer*”  
13 includes a reserve peace officer as defined in section 80D.1A.

14 Sec. 3. Section 724.4, Code 2018, is amended by striking the  
15 section and inserting in lieu thereof the following:

16 **724.4 Use of knife in the commission of a crime.**

17 A person who goes armed with a knife on or about the person,  
18 if the person uses the knife in the commission of a crime,  
19 commits an aggravated misdemeanor.

20 Sec. 4. Section 724.4B, subsection 2, Code 2018, is amended  
21 to read as follows:

22 2. Subsection 1 does not apply to the following:

23 a. A person listed under section 724.4, subsection 4,  
24 paragraphs “b” through “f” or “j”.

25 b. a. A person who has been specifically authorized by  
26 the school to go armed with, carry, or transport a firearm on  
27 the school grounds, including for purposes of conducting an  
28 instructional program regarding firearms.

29 e. b. A licensee under chapter 80A or an employee of  
30 such a licensee, while the licensee or employee is engaged in  
31 the performance of duties, and if the licensee or employee  
32 possesses a valid professional or nonprofessional permit to  
33 carry weapons issued pursuant to this chapter.

34 c. A member of the armed forces of the United States or  
35 of the national guard or person in the service of the United

1 States, when the weapons are carried in connection with the  
2 person's duties as such.

3 d. A correctional officer, when the officer's duties  
4 require, serving under the authority of the Iowa department of  
5 corrections.

6 e. A person who for any lawful purpose carries an unloaded  
7 pistol, revolver, or other dangerous weapon inside a closed and  
8 fastened container or securely wrapped package which is too  
9 large to be concealed on the person.

10 f. A person who for any lawful purpose carries or transports  
11 an unloaded pistol or revolver in a vehicle inside a closed  
12 and fastened container or securely wrapped package which is  
13 too large to be concealed on the person or inside a cargo  
14 or luggage compartment where the pistol or revolver will not  
15 be readily accessible to any person riding in the vehicle or  
16 common carrier.

17 g. A law enforcement officer from another state when the  
18 officer's duties require the officer to carry the weapon and  
19 the officer is in this state for any of the following reasons:

20 (1) The extradition or other lawful removal of a prisoner  
21 from this state.

22 (2) Pursuit of a suspect in compliance with chapter 806.

23 (3) Activities in the capacity of a law enforcement officer  
24 with the knowledge and consent of the chief of police of the  
25 city or the sheriff of the county in which the activities occur  
26 or of the commissioner of public safety.

27 Sec. 5. Section 724.5, Code 2018, is amended by striking the  
28 section and inserting in lieu thereof the following:

29 **724.5 Availability of permit not to be construed as**  
30 **prohibition on unlicensed carrying of weapons.**

31 The availability of a professional or nonprofessional permit  
32 to carry weapons under this chapter shall not be construed  
33 to impose a general prohibition on the unlicensed carrying,  
34 whether openly or concealed, of a deadly weapon, including a  
35 loaded firearm.

DIVISION II

ACQUIRING PISTOLS AND REVOLVERS AND PROHIBITED TRANSFERS

1  
2       Sec. 6. Section 29C.25, subsection 1, paragraph b, Code  
3 2018, is amended to read as follows:

4       *b.* Suspend or revoke, except in accordance with section  
5 724.13, a permit issued pursuant to section 724.6 ~~or 724.7~~  
6 ~~or 724.15~~.

7  
8       Sec. 7. Section 724.11A, Code 2018, is amended to read as  
9 follows:

10       **724.11A Recognition.**

11       A valid permit or license issued by another state to any  
12 nonresident of this state shall be considered to be a valid  
13 permit or license to carry weapons issued pursuant to this  
14 chapter, except that such permit or license shall not be  
15 ~~considered to be a substitute for a permit to acquire pistols~~  
16 ~~or revolvers issued pursuant to section 724.15 deemed to~~  
17 satisfy the requirements of section 724.15.

18       Sec. 8. Section 724.15, Code 2018, is amended by striking  
19 the section and inserting in lieu thereof the following:

20       **724.15 Acquiring pistols or revolvers.**

21       1. It is the intent of this section to satisfy federal  
22 requirements of 18 U.S.C. §922(t)(3) in order to acquire  
23 pistols or revolvers. As of July 1, 2018, the state shall no  
24 longer issue a permit to acquire. In order to acquire a pistol  
25 or revolver from a federally licensed firearms dealer, a person  
26 is required to have a valid permit to carry weapons issued  
27 in accordance with this chapter or the person must complete  
28 a satisfactory national instant criminal background check  
29 pursuant to 18 U.S.C. §922(t).

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

32       *a.* Is under twenty-one years of age.

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

35       *c.* Is prohibited by court order from possessing, shipping,

1 transporting, or receiving a firearm.

2 3. An issuing officer who finds that a person issued a  
3 permit to acquire pistols or revolvers under this chapter  
4 prior to July 1, 2018, has been arrested for a disqualifying  
5 offense or who is the subject of proceedings that could lead  
6 to the person's ineligibility for such permit, may immediately  
7 suspend such permit. An issuing officer proceeding under  
8 this subsection shall immediately notify the permit holder  
9 of the suspension by personal service or certified mail on a  
10 form prescribed and published by the commissioner of public  
11 safety and the suspension shall become effective upon the  
12 permit holder's receipt of such notice. If the suspension is  
13 based on an arrest or a proceeding that does not result in a  
14 disqualifying conviction or finding against the permit holder,  
15 the issuing officer shall immediately reinstate the permit upon  
16 receipt of proof of the matter's final disposition. If the  
17 arrest leads to a disqualifying conviction or the proceedings  
18 to a disqualifying finding, the issuing officer shall revoke  
19 the permit. The issuing officer may also revoke the permit of  
20 a person whom the issuing officer later finds was not qualified  
21 for such a permit at the time of issuance or who the officer  
22 finds provided materially false information on the permit  
23 application. A person aggrieved by a suspension or revocation  
24 under this subsection may seek review of the decision pursuant  
25 to section 724.21A, Code 2018.

26 Sec. 9. Section 724.16, Code 2018, is amended to read as  
27 follows:

28 ~~724.16 Permit to acquire required — transfer prohibited~~  
29 Pistols and revolvers — acquiring or transferring prohibitions.

30 ~~1. Except as otherwise provided in section 724.15,~~  
31 subsection 2, a A person who acquires ownership of a pistol or  
32 revolver without a valid permit to acquire pistols or revolvers  
33 or a person who transfers ownership of a pistol or revolver  
34 to a person who does not have in the person's possession a  
35 valid permit to acquire pistols or revolvers from a federally

1 licensed firearms dealer in violation of section 724.15 is  
2 guilty of an aggravated misdemeanor.

3 2. A person who transfers ownership of a pistol or revolver  
4 to a person that the transferor knows is prohibited by section  
5 724.15 from acquiring ownership of a pistol or revolver commits  
6 a class "D" felony.

7 Sec. 10. Section 724.21A, subsections 1, 7, and 8, Code  
8 2018, are amended to read as follows:

9 1. In any case where the sheriff or the commissioner of  
10 public safety denies an application for or suspends or revokes  
11 a permit to carry weapons ~~or a permit to acquire pistols~~  
12 ~~or revolvers~~, the sheriff or commissioner shall provide a  
13 written statement of the reasons for the denial, suspension, or  
14 revocation and the applicant or permit holder shall have the  
15 right to appeal the denial, suspension, or revocation to an  
16 administrative law judge in the department of inspections and  
17 appeals within thirty days of receiving written notice of the  
18 denial, suspension, or revocation.

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

30 8. If an applicant or permit holder appeals the decision  
31 by the sheriff or commissioner to deny an application for or  
32 suspend or revoke a permit to carry weapons or a permit to  
33 acquire pistols or revolvers, and it is later determined on  
34 appeal the applicant or permit holder is eligible to be issued  
35 or possess a permit to carry weapons or a permit to acquire

1 pistols or revolvers, the applicant or permit holder shall  
2 be awarded court costs and reasonable attorney fees. If the  
3 decision of the sheriff or commissioner to deny an application  
4 for or suspend or revoke a permit to carry weapons ~~or a permit~~  
5 ~~to acquire pistols or revolvers~~ is upheld on appeal, or the  
6 applicant or permit holder withdraws or dismisses the appeal,  
7 the political subdivision of the state representing the sheriff  
8 or the state department representing the commissioner shall be  
9 awarded court costs and reasonable attorney fees.

10 Sec. 11. Section 724.27, subsection 1, unnumbered paragraph  
11 1, Code 2018, is amended to read as follows:

12 The provisions of [section 724.8](#), section 724.15, subsection  
13  $\pm$  2, and [section 724.26](#) shall not apply to a person who is  
14 eligible to have the person's civil rights regarding firearms  
15 restored under [section 914.7](#) if any of the following occur:

16 Sec. 12. REPEAL. Sections 724.17, 724.18, 724.19, and  
17 724.20, Code 2018, are repealed.

18 Sec. 13. APPLICABILITY OF PERMIT TO ACQUIRE ISSUED PRIOR  
19 TO EFFECTIVE DATE. A permit to acquire issued under the  
20 provisions of chapter 724, Code 2018, prior to July 1, 2018,  
21 shall be considered a valid permit to acquire as long as the  
22 permit has not expired unless the person becomes ineligible to  
23 acquire a pistol or revolver.

24 EXPLANATION

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

27 This bill relates to carrying and possessing weapons and  
28 acquiring pistols and revolvers.

29 DIVISION I — CARRYING AND POSSESSING WEAPONS WITHOUT A  
30 PERMIT. The bill strikes Code section 724.4 relating to the  
31 crime of carrying dangerous weapons, an aggravated misdemeanor,  
32 without a valid permit or in other enumerated circumstances.  
33 Instead, the bill section creates a new crime of going armed  
34 with a knife in the commission of a crime, an aggravated  
35 misdemeanor. The bill makes a conforming change to Code

1 section 232.52, subsection 2, relating to the suspension or  
2 revocation of a juvenile's driver's license or operating  
3 privilege. The bill also makes conforming changes to Code  
4 section 724.4B, relating to the carrying of weapons on school  
5 grounds, by specifically identifying certain categories of  
6 persons who are authorized to carry weapons on school grounds  
7 that were previously identified by reference to Code section  
8 724.4, paragraphs "b" through "f" or "j".

9 The bill strikes Code section 724.5 relating to a person's  
10 duty to carry a valid permit to carry certain weapons for  
11 which a permit has been issued to the person and replaces that  
12 Code section with a provision stating that the availability  
13 of a professional or nonprofessional permit to carry weapons  
14 shall not be construed to impose a general prohibition on the  
15 unlicensed carrying of a deadly weapon including a loaded  
16 firearm.

17 DIVISION II — ACQUIRING PISTOLS AND REVOLVERS AND  
18 PROHIBITED TRANSFERS. Current law provides that any person who  
19 intends to purchase a pistol or revolver is required to first  
20 obtain an annual permit to acquire pistols or revolvers unless  
21 the person is otherwise exempt from obtaining such a permit.  
22 It is the intent of the bill to satisfy federal requirements of  
23 18 U.S.C. §922(t)(3) in order to acquire a pistol or revolver.  
24 The bill provides that as of July 1, 2018, the state shall no  
25 longer issue a permit to acquire. In order to acquire a pistol  
26 or revolver from a federally licensed firearms dealer, a person  
27 is required to have a valid permit to carry weapons issued in  
28 accordance with Code chapter 724 or the person must complete  
29 a satisfactory national instant criminal background check  
30 pursuant to 18 U.S.C. §922(t). The bill provides that a valid  
31 permit to carry weapons or license issued by another state to  
32 any nonresident of this state does not satisfy the requirements  
33 to acquire a pistol or revolver in this state.

34 The bill also makes a conforming change to Code section  
35 29C.25 due to the elimination of the permit to acquire.



1 Under the bill, a person is not eligible to acquire a pistol  
2 or revolver if the person is less than 21 years of age, is  
3 prohibited by Code section 724.26 (felon in possession of a  
4 firearm), federal law, or is prohibited by a court order from  
5 possessing, shipping, transporting, or receiving a firearm.

6 The bill provides a permit to acquire a pistol or revolver  
7 issued under Code chapter 724 (2018) prior to July 1, 2018,  
8 shall be considered a valid permit to acquire as long as the  
9 permit has not expired unless the person becomes ineligible to  
10 acquire a pistol or revolver.

11 The bill, in Code section 724.15, provides that a permit to  
12 acquire firearms issued prior to July 1, 2018, may be suspended  
13 or revoked by the issuing officer and the aggrieved permit  
14 holder may file an appeal with an administrative law judge  
15 under Code section 724.21A as written in the 2018 Code.

16 By striking the requirement to obtain a permit to acquire a  
17 pistol or revolver, and moving certain requirements to acquire  
18 a pistol or revolver into Code section 724.15 as amended in the  
19 bill, the bill repeals Code sections 724.17 (application for  
20 permit to acquire — criminal history check), 724.18 (procedure  
21 for making application for permit to acquire), 724.19 (issuance  
22 of annual permit to acquire), and 724.20 (validity of permit to  
23 acquire pistols or revolvers).

24 The bill amends Code section 724.16 by providing that a  
25 person who acquires ownership of a pistol or revolver from a  
26 federally licensed firearms dealer in violation of Code section  
27 724.15 is guilty of an aggravated misdemeanor. Currently, a  
28 person who acquires ownership of a pistol or revolver without  
29 a valid permit to acquire pistols or revolvers or a person  
30 who transfers ownership of a pistol or revolver to a person  
31 who does not have in the person's possession a valid permit  
32 to acquire pistols or revolvers is guilty of an aggravated  
33 misdemeanor, except as otherwise provided in Code section  
34 724.15(2).

35 The bill makes a conforming change to Code section 724.27

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1 relating to the restoration of firearms rights.