

**Senate Study Bill 3081 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ZAUN)

**A BILL FOR**

1 An Act relating to retaining forfeited or abandoned ammunition  
2 and firearms by a local law enforcement agency.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 809.5, subsection 1, paragraph f,  
2 subparagraph (3), Code 2018, is amended to read as follows:

3 (3) Notwithstanding subparagraphs (1) and (2), firearms or  
4 ammunition shall be deposited with the department of public  
5 safety, except as provided in section 809.22. The firearms  
6 or ammunition ~~may be that are~~ held by the department of  
7 public safety ~~and may~~ be used for law enforcement, testing,  
8 or comparisons by the criminalistics laboratory, or may be  
9 destroyed or disposed of by the department of public safety in  
10 accordance with [section 809.21](#).

11 Sec. 2. NEW SECTION. 809.22 Ammunition and firearms  
12 retained by local law enforcement agency.

13 A local law enforcement agency may select to retain  
14 ammunition and firearms for law enforcement purposes pursuant  
15 to section 809.5, subsection 1, or section 809A.17, subsection  
16 5, if the ammunition and firearms are not illegal and are  
17 not offensive weapons as defined by section 724.1. If the  
18 local law enforcement agency no longer uses the retained  
19 ammunition or firearm for law enforcement purposes, the local  
20 law enforcement agency may sell at public auction retained  
21 ammunition or firearms or deposit the ammunition or firearms  
22 with the department of public safety for disposal pursuant to  
23 section 809.21. If the local law enforcement agency sells  
24 ammunition or firearms pursuant to this section, the sale shall  
25 be made only to federally licensed firearms dealers. All  
26 proceeds of a public auction pursuant to this section, less  
27 payment of any court costs that may be owed related to the  
28 seizure of the ammunition or firearm, shall be retained by the  
29 local law enforcement agency.

30 Sec. 3. Section 809A.17, subsection 5, paragraph b, Code  
31 2018, is amended to read as follows:

32 *b.* Forfeited property which is a weapon or ammunition  
33 shall be deposited with the department of public safety to be  
34 disposed of in accordance with the rules of the department,  
35 except as provided in section 809.22. ~~All weapons~~ Weapons or

1 ammunition ~~may be~~ that are held may be used for use in law  
2 enforcement, testing, or comparison by the criminalistics  
3 laboratory, or destroyed. Ammunition and firearms which are  
4 not illegal and are not offensive weapons as defined by section  
5 724.1 may be sold by the department as provided in section  
6 809.21.

7 EXPLANATION

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

10 This bill relates to retaining forfeited or abandoned  
11 ammunition and firearms by a local law enforcement agency.

12 Currently, ammunition and firearms forfeited or abandoned  
13 are to be deposited with the department of public safety and  
14 either used by the department for law enforcement, testing, or  
15 comparisons by the criminalistics laboratory, destroyed, or  
16 sold at public auction as provided in Code section 809.21.

17 The bill permits a local law enforcement agency to select  
18 to retain forfeited or abandoned ammunition and firearms and  
19 use the ammunition and firearms for law enforcement purposes,  
20 if the ammunition and firearms are not illegal and are not  
21 offensive weapons as defined by Code section 724.1. If the  
22 local law enforcement agency no longer uses the retained  
23 ammunition or firearms for law enforcement purposes, the bill  
24 permits the local law enforcement agency to sell at public  
25 auction the retained ammunition or firearms or deposit the  
26 ammunition or firearms with the department of public safety  
27 for disposal pursuant to Code section 809.21. If the local  
28 law enforcement agency sells ammunition or firearms pursuant  
29 to the provisions of the bill, the sale shall be made only to  
30 federally licensed firearms dealers. All proceeds of a public  
31 auction pursuant to the bill, less payment of any court costs  
32 that may be owed related to the seizing of the ammunition or  
33 firearm, shall be retained by the local law enforcement agency.