

House File 2398 - Introduced

HOUSE FILE 2398

BY WOLFE

A BILL FOR

1 An Act relating to the possession of firearms, offensive
2 weapons, and ammunition by persons arrested for or convicted
3 of committing harassment involving a threat to commit a
4 forcible felony and providing penalties.

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

1 Section 1. Section 664A.5, Code 2020, is amended to read as
2 follows:

3 **664A.5 Modification — entry of permanent no-contact order.**

4 If a defendant is convicted of, receives a deferred judgment
5 for, or pleads guilty to a public offense referred to in
6 section 664A.2, subsection 1, or is held in contempt for a
7 violation of a no-contact order issued under [section 664A.3](#)
8 or for a violation of a protective order issued pursuant to
9 chapter 232, [235F](#), [236](#), [236A](#), [598](#), or [915](#), the court shall
10 either terminate or modify the temporary no-contact order
11 issued by the magistrate. The court may enter a no-contact
12 order or continue the no-contact order already in effect for
13 a period of five years from the date the judgment is entered
14 or the deferred judgment is granted, regardless of whether
15 the defendant is placed on probation. The court may continue
16 a no-contact order already in effect containing firearm
17 restrictions pursuant to section 708.7, subsection 5B, for a
18 period of up to five years, but the firearm restriction shall
19 be in effect for no more than one year from the date the court
20 enters the order.

21 Sec. 2. Section 708.7, Code 2020, is amended by adding the
22 following new subsections:

23 NEW SUBSECTION. 5A. When entering a temporary no-contact
24 order pursuant to section 664A.3 against a person arrested for
25 harassment involving a threat to commit a forcible felony,
26 a court may include a condition prohibiting the person from
27 possessing, shipping, transporting, or receiving a firearm,
28 offensive weapon, or ammunition.

29 NEW SUBSECTION. 5B. When entering a permanent no-contact
30 order pursuant to section 664A.5 against a person convicted
31 of, receiving a deferred judgment for, or pleading guilty to
32 harassment involving a threat to commit a forcible felony,
33 a court may include a condition prohibiting the person from
34 possessing, shipping, transporting, or receiving a firearm,
35 offensive weapon, or ammunition. However, the firearm

1 restriction shall be in effect for no more than one year from
2 the date the court enters the order.

3 Sec. 3. Section 724.26, subsection 2, paragraph a, Code
4 2020, is amended to read as follows:

5 a. Except as provided in paragraph "b", a person who is
6 subject to a protective order under 18 U.S.C. §922(g)(8), ~~or~~
7 who has been convicted of a misdemeanor crime of domestic
8 violence under 18 U.S.C. §922(g)(9), or who is subject to
9 a no-contact order prohibiting the person from possessing,
10 shipping, transporting, or receiving a firearm, offensive
11 weapon, or ammunition pursuant to section 708.7, subsection
12 5A or 5B, and who knowingly possesses, ships, transports, or
13 receives a firearm, offensive weapon, or ammunition is guilty
14 of a class "D" felony.

15 Sec. 4. Section 724.26, subsection 3, Code 2020, is amended
16 to read as follows:

17 3. Upon the issuance of a protective order, no-contact
18 order, or entry of a judgment of conviction described in
19 subsection 2, the court shall inform the person who is the
20 subject of such order or conviction that the person shall not
21 possess, ship, transport, or receive a firearm, offensive
22 weapon, or ammunition while such order is in effect, ~~or~~ until
23 such conviction is vacated, or until the person's rights have
24 been restored in accordance with [section 724.27](#).

25 EXPLANATION

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

28 This bill relates to the possession of firearms, offensive
29 weapons, and ammunition by persons arrested for or convicted of
30 committing harassment involving a threat to commit a forcible
31 felony.

32 The bill provides that a court, upon entering a temporary
33 no-contact order against a person arrested for harassment
34 involving a threat to commit a forcible felony, may include a
35 condition prohibiting the person from possessing, shipping,

1 transporting, or receiving a firearm, offensive weapon, or
2 ammunition. The bill provides that a court, upon entering
3 a permanent no-contact order against a person convicted of,
4 receiving a deferred judgment for, or pleading guilty to
5 harassment involving a threat to commit a forcible felony, may
6 include a condition prohibiting the person from possessing,
7 shipping, transporting, or receiving a firearm, offensive
8 weapon, or ammunition. The firearm restrictions in a permanent
9 no-contact order entered under the bill shall be in effect for
10 no more than one year from the date a court enters the order.
11 A person against whom a no-contact order has been entered
12 under the provisions of the bill who knowingly possesses,
13 ships, transports, or receives a firearm, offensive weapon, or
14 ammunition is guilty of a class "D" felony. A class "D" felony
15 is punishable by confinement for no more than five years and a
16 fine of at least \$750 but not more than \$7,500.

17 The bill requires a court who enters a no-contact order under
18 the bill to inform the person against whom the order has been
19 issued of the firearms restrictions. By operation of law, a
20 court shall enter the name, address, date of birth, driver's
21 license number, or other identifying information of the person
22 subject to an order into the Iowa criminal justice information
23 system, the reason for the order, and the date by which the
24 person is required to comply with any relinquishment order.
25 The court shall find a qualified person in this state to
26 receive any firearm, offensive weapon, or ammunition that the
27 person against whom the order was issued had in the person's
28 possession after the order was entered.

29 By operation of law, a person against whom a no-contact order
30 has been entered under the provisions of the bill is ineligible
31 to be issued a permit to carry weapons or a permit to acquire
32 pistols or revolvers.