

House File 377 - Introduced

HOUSE FILE 377

BY ANDERSON

A BILL FOR

1 An Act relating to the intentional and unintentional discharge
2 of a firearm in a reckless manner, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 724.8, Code 2019, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. Is subject to the relinquishment of
4 the person's firearms, offensive weapons, and ammunition
5 pursuant to section 724.30, subsection 3, paragraph "b",
6 subparagraph (2), or section 724.30, subsection 3, paragraph
7 "c", subparagraph (2).

8 Sec. 2. Section 724.9, subsection 1, unnumbered paragraph
9 1, Code 2019, is amended to read as follows:

10 An applicant for an initial permit to carry weapons, or a
11 person subject to section 724.30, subsection 3, paragraph "a",
12 subparagraph 2, shall demonstrate knowledge of firearm safety
13 by any of the following means:

14 Sec. 3. Section 724.27, subsection 1, unnumbered paragraph
15 1, Code 2019, is amended to read as follows:

16 The provisions of section 724.8, section 724.15, subsection
17 1, and section 724.26, section 724.30, subsection 3, paragraph
18 "b", subparagraph (2), and section 724.30, subsection 3,
19 paragraph "c", subparagraph (2), shall not apply to a person
20 who is eligible to have the person's civil rights regarding
21 firearms restored under section 914.7 if any of the following
22 occur:

23 Sec. 4. Section 724.30, Code 2019, is amended to read as
24 follows:

25 **724.30 Reckless use of a firearm.**

26 1. A person who intentionally discharges a firearm in a
27 reckless manner commits the following:

28 ~~1-~~ a. A class "C" felony if a serious injury occurs.

29 ~~2-~~ b. A class "D" felony if a bodily injury which is not a
30 serious injury occurs.

31 ~~3-~~ c. An aggravated misdemeanor if property damage occurs
32 without a serious injury or bodily injury occurring.

33 ~~4-~~ d. A simple misdemeanor if no injury to a person or
34 damage to property occurs.

35 2. A person who unintentionally discharges a firearm in a

1 reckless manner commits the following:

2 a. A class "D" felony if a serious injury occurs.

3 b. An aggravated misdemeanor if a bodily injury which is not
4 a serious injury occurs.

5 c. A serious misdemeanor if property damage occurs without a
6 serious injury or bodily injury.

7 d. A simple misdemeanor if no injury to a person or damage
8 to property occurs.

9 3. a. In addition to the penalty imposed under subsection
10 1 or 2, a first offense violation of subsection 1 or 2 is
11 punishable by all the following:

12 (1) If applicable, payment of a victim's pecuniary damages
13 pursuant to section 910.2, as part of the person's plan of
14 restitution.

15 (2) If applicable, a person shall not be allowed to hold a
16 permit to carry weapons under this chapter unless the person
17 provides documentation that the person has completed training,
18 a training course, or an education program demonstrating the
19 person's knowledge of firearm safety, as provided in section
20 724.9, subsection 1, and completed subsequent to the person's
21 violation of subsection 1 or 2.

22 b. In addition to the penalty imposed under subsection
23 1 or 2, a second offense violation of subsection 1 or 2 is
24 punishable by all the following:

25 (1) If applicable, payment of a victim's pecuniary damages
26 pursuant to section 910.2, as part of the person's plan of
27 restitution.

28 (2) Relinquishment of the person's firearms, offensive
29 weapons, and ammunition for a period of five years.

30 (3) Revocation of the person's permit to carry weapons
31 issued pursuant to this chapter.

32 c. In addition to the penalty imposed under subsection 1 or
33 2, a third or subsequent offense violation of subsection 1 or 2
34 is punishable by all the following:

35 (1) If applicable, payment of a victim's pecuniary damages

1 pursuant to section 910.2, as part of the person's plan of
2 restitution.

3 (2) Permanent relinquishment of the person's firearms,
4 offensive weapons, and ammunition.

5 EXPLANATION

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

8 Code section 724.30 provides criminal penalties for a
9 person convicted of intentionally discharging a firearm in a
10 reckless manner, ranging from a simple misdemeanor to a class
11 "C" felony. This bill creates the new criminal offense of the
12 unintentional discharge of a firearm in a reckless manner, and
13 provides criminal penalties ranging from a simple misdemeanor
14 to a class "D" felony. An unintentional discharge of a firearm
15 in a reckless manner is a class "D" felony if a serious injury
16 occurs; an aggravated misdemeanor if a bodily injury which is
17 not a serious injury occurs; a serious misdemeanor if property
18 damage occurs without a serious injury or bodily injury
19 occurring; and a simple misdemeanor if no injury to a person
20 or damage to property occurs.

21 A class "D" felony is punishable by confinement for no more
22 than five years and a fine of at least \$750 but not more than
23 \$7,500. An aggravated misdemeanor is punishable by confinement
24 for no more than two years and a fine of at least \$625 but
25 not more than \$6,250. A serious misdemeanor is punishable
26 by confinement for no more than one year and a fine of at
27 least \$315 but not more than \$1,875. A simple misdemeanor is
28 punishable by confinement for no more than 30 days or a fine of
29 at least \$65 but not more than \$625 or by both.

30 The bill provides additional penalties for a first, second,
31 and third or subsequent offense for both the intentional and
32 unintentional discharge of a firearm in a reckless manner.
33 For a first offense, the person is responsible for a victim's
34 pecuniary damages, if any, and the person shall not be allowed
35 to hold a permit to carry weapons unless the person provides

1 current documentation that the person has completed training,
2 a training course, or an education program, as provided in
3 Code section 724.9(1), demonstrating the person's knowledge
4 of firearm safety, completed subsequent to the person's
5 violation of either offense. For a second offense, the person
6 is responsible for a victim's pecuniary damages, if any; the
7 person must relinquish all of the person's firearms, offensive
8 weapons, and ammunition for a period of five years; and the
9 person's permit to carry weapons is revoked. For a third or
10 subsequent offense, the person is responsible for a victim's
11 pecuniary damages, if any, and the person must permanently
12 relinquish all of the person's firearms, offensive weapons, and
13 ammunition.

14 The bill also makes conforming changes to Code sections
15 724.8 (persons ineligible for permit to carry weapons),
16 724.9 (firearm safety training), and 724.27 (restoration of
17 offenders' rights).