

House File 2130 - Introduced

HOUSE FILE 2130

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A BILL FOR

1 An Act relating to criminal history background checks for the
2 sale or transfer of firearms, providing penalties, and
3 including applicability provisions.

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

1 Section 1. NEW SECTION. 724.33 Sale or transfer of firearms
2 — criminal history background check.

3 1. Unless otherwise authorized by this chapter or federal
4 law, a person shall not sell or transfer a firearm to another
5 person without receiving verification from a licensed firearms
6 dealer that information on the prospective purchaser or
7 transferee has been submitted to the department of public
8 safety for a criminal history background check and that a
9 determination has been received by the department of public
10 safety that the prospective purchaser or transferee is not
11 prohibited under either state or federal law from possessing a
12 firearm. A criminal history background check conducted under
13 this section shall include an inquiry of the national instant
14 criminal background check system maintained by the federal
15 bureau of investigation.

16 2. *a.* Except as provided in paragraph "b", a person who
17 sells or transfers a firearm in violation of this section is
18 guilty of an aggravated misdemeanor.

19 *b.* A person does not violate this section under any of the
20 following circumstances:

21 (1) A sale or transfer of a firearm to a firearm buyback
22 program sponsored by a law enforcement agency.

23 (2) A transfer of a firearm to another person during an
24 act of justified self-defense or justified defense of another
25 person, provided that the possession after the transfer
26 lasts no longer than is immediately necessary to resolve the
27 emergency.

28 (3) A transfer of a firearm between family members.

29 (4) The receipt of a firearm bequeathed to the recipient.

30 3. A licensed firearms dealer may charge and collect fees
31 for obtaining criminal history record information checks on
32 behalf of sellers or transferors.

33 4. The department of public safety shall adopt rules
34 pursuant to chapter 17A as necessary to carry out the
35 provisions of this section.

1 5. For purposes of this section, "*licensed firearms dealer*"
2 means the same as defined in section 724.29A.

3 Sec. 2. APPLICABILITY. This Act applies to the sale or
4 transfer of firearms on or after July 1, 2024.

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 This bill relates to criminal history background checks for
9 the sale or transfer of firearms.

10 The bill provides that unless otherwise authorized by Code
11 chapter 724 (weapons) or federal law, a person shall not sell
12 or transfer a firearm to another person without receiving
13 verification from a licensed firearms dealer that information
14 on the prospective purchaser or transferee has been submitted
15 to the department of public safety for a criminal history
16 background check and that a determination has been received by
17 the department of public safety that the prospective purchaser
18 or transferee is not prohibited under either state or federal
19 law from possessing a firearm. A criminal history background
20 check must include an inquiry of the national instant criminal
21 background check system maintained by the federal bureau of
22 investigation.

23 The bill provides that, except as provided, a person who
24 sells or transfers a firearm in violation of the bill is guilty
25 of an aggravated misdemeanor.

26 The bill provides that the following are not violations:
27 a sale or transfer of a firearm to a firearm buyback program
28 sponsored by a law enforcement agency; a transfer of a firearm
29 to another person during an act of justified self-defense
30 or justified defense of another person, provided that
31 the possession after the transfer lasts no longer than is
32 immediately necessary to resolve the emergency; a transfer of
33 a firearm between family members; or the receipt of a firearm
34 bequeathed to the recipient.

35 The bill allows a licensed firearms dealer to charge and

1 collect fees for obtaining criminal history record information
2 checks on behalf of sellers or transferors.

3 The bill directs the department of public safety to adopt
4 rules as necessary to carry out the provisions of the bill.

5 The bill defines a "licensed firearms dealer" to mean
6 the same as defined in Code section 724.29A, which defines a
7 "licensed firearms dealer" as a person who is licensed pursuant
8 to 18 U.S.C. §923 to engage in the business of dealing in
9 firearms.

10 The bill applies to the sale or transfer of firearms on or
11 after July 1, 2024.