

**House File 488 - Introduced**

HOUSE FILE 488

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**A BILL FOR**

1 An Act relating to identification markings on firearms and  
2 firearm parts, and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 724.33 Identification marks on  
2 firearms — manufacturing firearms — penalties.

3 1. As used in this section:

4 a. "Antique firearm" means the same as the term is defined  
5 in 18 U.S.C. §921.

6 b. "Department" means the department of public safety.

7 c. "Firearm" means the same as the term is defined in 18  
8 U.S.C. §921.

9 d. "Manufacture" means to fabricate or construct a firearm,  
10 including the initial assembly.

11 e. "Security exemplar" means the same as the term is defined  
12 in 18 U.S.C. §922.

13 f. "Unfinished frame or lower receiver" means a blank,  
14 casting, or machined body intended to be turned into the frame  
15 or lower receiver of a firearm, with additional machining, and  
16 that has been formed or machined to the point at which most  
17 major machining operations have been completed to turn the  
18 blank, casting, or machined body into a frame or lower receiver  
19 of a firearm, even if the fire control cavity area of such  
20 blank, casting, or machined body is still completely solid  
21 and unmachined. "Unfinished frame or lower receiver" does not  
22 include a firearm.

23 2. No later than December 1, 2023, the department, in  
24 consultation with the bureau of alcohol, tobacco, firearms,  
25 and explosives as necessary, shall develop and maintain a  
26 system to distribute a unique serial number or other mark of  
27 identification to any person requesting such number or mark  
28 pursuant to subsection 4 or 5. The department shall provide  
29 notice that the system is operational by posting a notification  
30 on the department's internet site and by electronically  
31 notifying federally licensed firearms dealers.

32 3. No person shall remove, deface, alter, or obliterate  
33 the name of any maker or model, maker's number, unique serial  
34 number, or other mark of identification on any firearm.  
35 The possession of any firearm upon which any identifying

1 mark, number, or name has been removed, defaced, altered, or  
2 obliterated shall be prima facie evidence that the person  
3 owning or in possession of such firearm has removed, defaced,  
4 altered, or obliterated the identifying mark, number, or name.

5 4. a. A person shall not complete the manufacture of a  
6 firearm without subsequently obtaining a unique serial number  
7 or other mark of identification from the department pursuant  
8 to paragraph "b" and engraving upon or permanently affixing to  
9 the firearm such serial number or other mark in a manner that  
10 conforms with the requirements imposed on licensed importers  
11 and licensed manufacturers of firearms pursuant to 18 U.S.C.  
12 §923(i) and any regulation adopted thereunder.

13 b. No later than thirty days after a person completes the  
14 manufacture of a firearm, or ninety days after the department  
15 provides notice pursuant to subsection 2, whichever date is  
16 later, the person shall request a unique serial number or other  
17 mark of identification by notifying the department of such  
18 manufacture and providing any identifying information to the  
19 department concerning the firearm and the owner of such firearm  
20 in a manner prescribed by the department. Upon receiving  
21 a properly submitted request for a unique serial number or  
22 other mark of identification from a person who completes the  
23 manufacture of a firearm, the department shall determine if  
24 the person is prohibited from purchasing or possessing a  
25 firearm. If the person is not prohibited from purchasing or  
26 possessing a firearm, the department shall issue to the person  
27 a unique serial number or other mark of identification no  
28 later than three business days after the person makes such  
29 request. Issuance of a unique serial number or other mark  
30 of identification pursuant to this subsection shall not be  
31 considered evidence that the firearm is otherwise lawfully  
32 possessed.

33 c. A person shall not transfer to another person a firearm  
34 manufactured in violation of this subsection.

35 d. A person shall not facilitate, aid, or abet the

1 manufacture of a firearm by a person or for a person who is  
2 otherwise prohibited by law from purchasing or possessing a  
3 firearm, or that a person is otherwise prohibited by law from  
4 purchasing or possessing.

5 *e.* The provisions of this subsection do not apply to the  
6 manufacture of a firearm manufactured using an unfinished frame  
7 or lower receiver on which a serial number or other identifying  
8 mark has been engraved or permanently affixed pursuant to  
9 subsection 5.

10 *f.* The provisions of this subsection do not apply to any of  
11 the following:

12 (1) The manufacture of firearms by a federally licensed  
13 firearms manufacturer.

14 (2) Any antique firearm or any firearm manufactured prior  
15 to the effective date of this Act, provided such firearm is  
16 otherwise lawfully possessed.

17 (3) The delivery or transfer of a firearm to a law  
18 enforcement agency.

19 5. *a.* A person shall not sell, deliver, or otherwise  
20 transfer an unfinished frame or lower receiver that does not  
21 have a unique serial number or other mark of identification  
22 obtained pursuant to the system developed in subsection 2.

23 *b.* A person may request a unique serial number or other mark  
24 of identification for an unfinished frame or lower receiver  
25 by providing any identifying information to the department  
26 concerning the unfinished frame or lower receiver and the  
27 owner of such unfinished frame or lower receiver in a manner  
28 prescribed by the department. Upon receiving a properly  
29 submitted request for a unique serial number or other mark  
30 of identification for an unfinished frame or lower receiver,  
31 the department shall determine if the person is prohibited  
32 from purchasing or possessing a firearm. If the person is  
33 not prohibited from purchasing or possessing a firearm, the  
34 department shall issue to the person a unique serial number  
35 or other mark of identification no later than three business

1 days after the person makes such request or ten days after the  
2 department provides notice pursuant to subsection 2, whichever  
3 date is later.

4 *c.* A unique serial number or other identifying mark obtained  
5 pursuant to paragraph "b" shall be engraved upon or permanently  
6 affixed to the unfinished frame or lower receiver in a manner  
7 that conforms with the requirements imposed on licensed  
8 importers and licensed manufacturers of firearms pursuant to 18  
9 U.S.C. §923(i) and any regulation adopted thereunder.

10 *d.* A person may arrange in advance to deliver and transfer  
11 an unfinished frame or lower receiver to the department or to a  
12 police department.

13 *e.* On or after December 1, 2023, a person shall not possess  
14 an unfinished frame or lower receiver unless the person is  
15 eligible to purchase and possess a firearm under state and  
16 federal law.

17 *f.* The provisions of this subsection do not apply to the  
18 sale, delivery, or transfer of an unfinished frame or lower  
19 receiver between any of the following:

20 (1) A federally licensed firearms manufacturer and a  
21 federally licensed firearms dealer.

22 (2) A federally licensed firearms importer and a federally  
23 licensed firearms dealer.

24 (3) Multiple federally licensed firearms dealers.

25 6. A person shall not manufacture any firearm from polymer  
26 plastic that, after removal of grips, stocks, and magazines,  
27 does not have a unique serial number or other mark of  
28 identification, and is not as detectable as a security exemplar  
29 by walk-through metal detectors calibrated and operated to  
30 detect the security exemplar.

31 7. *a.* Except as otherwise provided in paragraph "b", a  
32 person who violates a provision of this section commits a class  
33 "C" felony.

34 *b.* A person who sells, delivers, or otherwise transfers  
35 an unfinished frame or lower receiver in violation of the

1 provisions of this section knowing that such unfinished frame  
2 or lower receiver is stolen or that the manufacturer's number  
3 or other mark of identification on such unfinished frame or  
4 lower receiver has been altered, removed, or obliterated  
5 commits a class "B" felony.

6 c. Any firearm or unfinished frame or lower receiver  
7 possessed in violation of a provision of this section shall be  
8 forfeited to the department.

9

EXPLANATION

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

12 This bill relates to identification markings on firearms and  
13 firearm parts.

14 The bill requires the department of public safety (DPS), in  
15 consultation with the bureau of alcohol, tobacco, firearms, and  
16 explosives as necessary, by December 1, 2023, to develop and  
17 maintain a system to distribute a unique serial number or other  
18 mark of identification for a firearm or unfinished frame or  
19 lower receiver intended to be a part of a firearm to any person  
20 requesting such number or mark. The bill prohibits a person  
21 from removing, defacing, altering, or obliterating the name of  
22 any maker or model, maker's number, unique serial number, or  
23 other mark of identification on any firearm. The possession of  
24 any firearm upon which any identifying mark, number, or name  
25 has been removed, defaced, altered, or obliterated shall be  
26 prima facie evidence that the person owning or in possession of  
27 such firearm has removed, defaced, altered, or obliterated the  
28 identifying mark, number, or name.

29 The bill prohibits a person from completing the manufacture  
30 of a firearm without subsequently obtaining a unique serial  
31 number or other mark of identification from DPS and engraving  
32 upon or permanently affixing to the firearm such serial  
33 number or other mark in a manner that conforms with federal  
34 requirements. The bill prohibits a person from transferring  
35 to another person a firearm manufactured in violation of the

1 bill or facilitating, aiding, or abetting the manufacture  
2 of a firearm by a person or for a person who is otherwise  
3 prohibited by law from purchasing or possessing a firearm, or  
4 that a person is otherwise prohibited by law from purchasing  
5 or possessing.

6 The prohibitions relating to the manufacture or transfer  
7 of firearms that do not have a proper identifying mark do not  
8 apply to the manufacture of a firearm manufactured using an  
9 unfinished frame or lower receiver on which a serial number  
10 or other identifying mark has been engraved or permanently  
11 affixed; to the manufacture of firearms by a federally licensed  
12 firearms manufacturer; to any antique firearm or any firearm  
13 manufactured prior to the effective date of the bill, provided  
14 such firearm is otherwise lawfully possessed; or to the  
15 delivery or transfer of a firearm to a law enforcement agency.

16 The bill prohibits a person from selling, delivering, or  
17 otherwise transferring an unfinished frame or lower receiver  
18 that does not have a unique serial number or other mark of  
19 identification obtained pursuant to the bill. Beginning  
20 December 1, 2023, a person shall not possess an unfinished  
21 frame or lower receiver unless the person is eligible to  
22 purchase and possess a firearm under state and federal law.  
23 These provisions do not apply to the sale, delivery, or  
24 transfer of an unfinished frame or lower receiver between  
25 a federally licensed firearms manufacturer and a federally  
26 licensed firearms dealer, a federally licensed firearms  
27 importer and a federally licensed firearms dealer, or multiple  
28 federally licensed firearms dealers.

29 The bill prohibits a person from manufacturing any firearm  
30 from polymer plastic that, after removal of grips, stocks,  
31 and magazines, does not have a unique serial number or other  
32 mark of identification, and is not as detectable as a security  
33 exemplar by walk-through metal detectors calibrated and  
34 operated to detect the security exemplar.

35 Generally, a person who violates a provision of the bill

1 commits a class "C" felony. However, a person who sells,  
2 delivers, or otherwise transfers an unfinished frame or lower  
3 receiver in violation of the provisions of the bill knowing  
4 that such unfinished frame or lower receiver is stolen or that  
5 the manufacturer's number or other mark of identification on  
6 such unfinished frame or lower receiver has been altered,  
7 removed, or obliterated commits a class "B" felony. Any  
8 firearm or unfinished frame or lower receiver possessed in  
9 violation of the bill shall be forfeited to DPS.

10 A class "C" felony is punishable by confinement for no more  
11 than 10 years and a fine of at least \$1,370 but not more than  
12 \$13,660. A class "B" felony is punishable by confinement for  
13 no more than 25 years.