

House File 625 - Introduced

HOUSE FILE 625

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 155)

A BILL FOR

1 An Act relating to mandatory minimum sentences relating to the
2 control, possession, receipt, or transportation of a firearm
3 or offensive weapon by a felon and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 724.26, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. a. A person who is convicted of a felony in a state or
4 federal court, or who is adjudicated delinquent on the basis
5 of conduct that would constitute a felony if committed by an
6 adult, and who knowingly has under the person's dominion and
7 control or possession, receives, or transports or causes to be
8 transported a firearm or offensive weapon is guilty of ~~a class~~
9 ~~"D" felony.~~ the following:

10 (1) A class "D" felony for a first offense, with commitment
11 to the custody of the director of the department of corrections
12 for an indeterminate term not to exceed five years with a
13 mandatory minimum term of confinement of two years.

14 (2) A class "D" felony for a second offense, with commitment
15 to the custody of the director of the department of corrections
16 for an indeterminate term not to exceed five years with a
17 mandatory minimum term of confinement of four years.

18 (3) A class "C" felony for a third offense, with commitment
19 to the custody of the director of the department of corrections
20 for an indeterminate term not to exceed ten years with a
21 mandatory minimum term of confinement of seven years.

22 (4) A class "C" felony for a fourth or subsequent offense,
23 with commitment to the custody of the director of the
24 department of corrections for an indeterminate term not to
25 exceed ten years with a mandatory minimum term of confinement
26 of ten years.

27 b. The court shall not defer judgment or sentencing,
28 or suspend execution of any mandatory minimum sentence of
29 incarceration imposed by this subsection.

30 EXPLANATION

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

33 This bill relates to mandatory minimum sentences relating
34 to the control, possession, receipt, or transportation of a
35 firearm or offensive weapon by a felon.

1 Current law provides that a person who is convicted of a
2 felony in a state or federal court, or who is adjudicated
3 delinquent on the basis of conduct that would constitute a
4 felony if committed by an adult, and who knowingly has under
5 the person's dominion and control or possession, receives, or
6 transports or causes to be transported a firearm or offensive
7 weapon is guilty of a class "D" felony.

8 The bill establishes penalties for first, second, third, and
9 fourth and subsequent violations, and requires commitment to
10 the custody of the director of the department of corrections
11 for a mandatory minimum term of incarceration. The bill
12 provides the following: a first offense is a class "D" felony
13 with a mandatory minimum term of confinement of two years; a
14 second offense is a class "D" felony with a mandatory minimum
15 term of confinement of four years; a third offense is a class
16 "C" felony with a mandatory minimum term of confinement of
17 seven years; and a fourth or subsequent offense is a class
18 "C" felony with a mandatory minimum term of confinement of 10
19 years.

20 The bill provides that the court shall not defer judgment
21 or sentencing, or suspend execution of any mandatory minimum
22 sentence of incarceration.