

House File 871 - Introduced

HOUSE FILE 871
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 519)

A BILL FOR

- 1 An Act relating to the disposition of firearms and ammunition
- 2 deposited with the department of public safety through seizure
- 3 or forfeiture proceedings.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 809.5, subsection 1, paragraph f,
2 subparagraph (3), Code 2025, is amended to read as follows:

3 (3) (a) Notwithstanding subparagraphs (1) and (2), firearms
4 or ammunition shall be deposited with the department of public
5 safety. The Subject to the provisions of this subparagraph,
6 the firearms or ammunition may be held by the department of
7 public safety and be used for law enforcement, testing, or
8 comparisons by the criminalistics laboratory, ~~or may.~~ Firearms
9 and ammunition not retained by the department for such uses that
10 are not illegal and are not offensive weapons as defined by
11 section 724.1 shall be destroyed ~~or~~ disposed of by the department
12 of public safety in accordance with section 809.21.

13 (b) The department shall give priority to making the firearms
14 and ammunition available at public auction, unless a firearm or
15 ammunition has such distinctive or unique characteristics so as
16 to make it an important addition to the department's weapons
17 archive.

18 (c) The department shall not dispose of firearms or
19 ammunition to an agency of any other state or the federal
20 government, except in exchange for firearms needed by the
21 department for the uses listed in subparagraph division (a),
22 or in extraordinary circumstances that shall be individually
23 approved and recorded by the commissioner.

24 (d) Firearms and ammunition may be destroyed by or at the
25 direction of the department only if the firearm or ammunition
26 fails to sell at public auction or, in the case of ammunition,
27 if the ammunition is determined to be damaged or otherwise unsafe
28 for use.

29 (e) Notwithstanding any other provision in this subparagraph,
30 any weapon or ammunition that is illegal or is an offensive
31 weapon as defined by section 724.1 and is not retained by the
32 department for the uses described in subparagraph division (a) or
33 (c) may be destroyed.

34 Sec. 2. Section 809.21, Code 2025, is amended to read as
35 follows:

1 **809.21 Sale of certain ammunition and firearms.**

2 Ammunition and firearms ~~which~~ that are not illegal and ~~which,~~
3 that are not offensive weapons as defined by section 724.1
4 ~~may,~~ and that have not been retained for use by the department
5 of public safety in accordance with section 809.5, subsection
6 3, paragraph "f", subparagraph (3), shall be sold by the
7 department of public safety at public auction. The department
8 of public safety may sell at public auction forfeited legal
9 weapons received from the director of the department of natural
10 resources, except that rifles and shotguns shall be retained
11 by the department of natural resources for disposal according
12 to its rules. The sale of ammunition or firearms pursuant to
13 this section shall be made only to federally licensed firearms
14 dealers or to persons who have a permit to purchase the firearms.
15 Persons who have not obtained a permit may bid on firearms at
16 the public auction. However, persons who bid without a permit
17 must post a fifty percent of purchase price deposit with the
18 commissioner of public safety on any winning bid. No transfer
19 of firearms may be made to a person bidding without a permit
20 until such time as the person has obtained a permit. If the
21 person is unable to produce a permit within two weeks from the
22 date of the auction, the person shall forfeit the fifty percent
23 deposit to the department of public safety. All proceeds of a
24 public auction pursuant to this section, less department expenses
25 reasonably incurred, shall be deposited in the general fund of
26 the state. The department of public safety shall be reimbursed
27 from the proceeds for the reasonable expenses incurred in selling
28 the property at the auction.

29 Sec. 3. Section 809A.17, subsection 5, paragraph b, Code
30 2025, is amended to read as follows:

31 b. (1) Forfeited property ~~which~~ that is a weapon or
32 ammunition shall be deposited with the department of public
33 safety to be disposed of in accordance with the rules of the
34 department. All Subject to the provisions of this paragraph, all
35 weapons or ammunition may be held for use in law enforcement,

1 testing, or comparison by the criminalistics laboratory, ~~or~~
 2 destroyed. Ammunition and firearms ~~which~~ that are not retained
 3 by the department for such uses, are not illegal, and are not
 4 offensive weapons as defined by section 724.1 may shall be sold
 5 by the department as provided in section 809.21.

6 (2) The department shall give priority to making the firearms
 7 and ammunition available at public auction, unless a firearm or
 8 ammunition has such distinctive or unique characteristics so as
 9 to make it an important addition to the department's weapons
 10 archive.

11 (3) The department shall not dispose of firearms or
 12 ammunition to an agency of any other state or the federal
 13 government, except in exchange for firearms needed by the
 14 department for the uses listed in subparagraph (1), or in
 15 extraordinary circumstances that shall be individually approved
 16 and recorded by the commissioner.

17 (4) Firearms and ammunition may be destroyed by or at the
 18 direction of the department only if the firearm or ammunition
 19 fails to sell at public auction or, in the case of ammunition,
 20 if the ammunition is determined to be damaged or otherwise unsafe
 21 for use.

22 (5) Notwithstanding any other provision in this paragraph,
 23 any weapon or ammunition that is illegal or is an offensive
 24 weapon as defined by section 724.1 and is not retained by the
 25 department for the uses described in subparagraph (1) or (3) may
 26 be destroyed.

EXPLANATION

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

30 This bill relates to the disposition of firearms and
 31 ammunition deposited with the department of public safety
 32 (department) through seizure or forfeiture proceedings.

33 Current law provides the department with specified options
 34 on how to dispose of firearms or ammunition acquired through
 35 seizure or forfeiture, including destruction of the firearm or

1 ammunition.

2 The bill requires the department to sell seized or forfeited
3 legal firearms and ammunition through public auction, unless
4 an exception applies. The exceptions include if the firearm
5 or ammunition may be otherwise used by the department, has
6 such distinctive or unique characteristics so as to make it
7 an important addition to the department's weapons archive, or
8 is necessary for an exchange with a federal agency or agency
9 from another state for specified uses or due to extraordinary
10 circumstances, which shall be individually approved and recorded
11 by the commissioner. The bill also provides that a firearm or
12 ammunition may be destroyed only if it fails to sell at public
13 auction or is determined damaged or unsafe for use. Certain
14 disposition requirements do not apply to weapons or ammunition
15 that are illegal or offensive weapons.