

Senate File 105 - Introduced

SENATE FILE 105
BY REICHMAN

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:

unofficial

1 Section 1. Section 724.26, subsection 1, Code 2025, 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 of
5 conduct that would constitute a felony if committed by an adult,
6 and who knowingly has under the person's dominion and control or
7 possession, receives, or transports or causes to be transported a
8 firearm or offensive weapon is guilty of ~~a class "D" felony~~ the
9 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 department
24 of corrections for an indeterminate term not to exceed ten years
25 with a mandatory minimum term of confinement of ten years.

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

29 EXPLANATION

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

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

35 Current law provides that a person who is convicted of a

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

7 The bill establishes penalties for first, second, third, and
8 fourth and subsequent violations, and requires commitment to the
9 custody of the director of the department of corrections for
10 a mandatory minimum term of incarceration. The bill provides
11 the following: a first offense is a class "D" felony with a
12 mandatory minimum term of confinement of two years; a second
13 offense is a class "D" felony with a mandatory minimum term of
14 confinement of four years; a third offense is a class "C" felony
15 with a mandatory minimum term of confinement of seven years; and
16 a fourth or subsequent offense is a class "C" felony with a
17 mandatory minimum term of confinement of 10 years. The maximum
18 period of confinement for a class "D" felony is 5 years, and the
19 maximum period of confinement for a class "C" felony is 10 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.