

Senate File 2098 - Introduced

SENATE FILE 2098

BY DONAHUE

A BILL FOR

1 An Act relating to firearms, including background checks
2 for acquiring pistols or revolvers, identification markings
3 on firearms and firearm parts, trigger locks, extreme
4 risk protective orders, mental health funding, certain
5 firearm transfers, and certain related crimes, and providing
6 penalties.

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

unofficial

1 DIVISION I

2 TITLE

3 Section 1. SHORT TITLE. This Act shall be known and may be
4 cited as the "Charlie Kirk and Melissa Hortman Firearm Regulation
5 Act".

6 DIVISION II

7 BACKGROUND CHECKS

8 Sec. 2. Section 724.15, subsection 1, Code 2026, is amended
9 to read as follows:

10 1. It is the intent of this section to satisfy federal
11 requirements of 18 U.S.C. §922(t)(3) in order to acquire pistols
12 or revolvers. In order to acquire a pistol or revolver from
13 any other person, and in order to provide proof of a background
14 check and notify that the purchaser is of legal age, a federally
15 licensed firearms dealer, an unlicensed person is required to
16 have a valid permit to acquire or a valid permit to carry
17 weapons issued in accordance with this chapter or the person
18 must complete a satisfactory national instant criminal background
19 check pursuant to 18 U.S.C. §922(t). A person under the age of
20 twenty-one shall not be issued a permit to acquire a pistol or
21 revolver, nor shall a nonprofessional permit to carry weapons
22 held by a person who has not reached the age of twenty-one be
23 valid for the transfer of a pistol or revolver from a federally
24 licensed firearms dealer.

25 DIVISION III

26 FIREARM IDENTIFICATION

27 Sec. 3. NEW SECTION. **724.33 Identification marks on**
28 **firearms — manufacturing firearms — penalties.**

29 1. As used in this section:

30 a. "Antique firearm" means the same as the term is defined in
31 18 U.S.C. §921.

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

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

35 d. "Manufacture" means to fabricate or construct a firearm,

1 including the initial assembly.

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

4 f. "Unfinished frame or lower receiver" means a blank,
5 casting, or machined body intended to be turned into the frame
6 or lower receiver of a firearm, with additional machining,
7 and that has been formed or machined to the point at which
8 most major machining operations have been completed to turn
9 the blank, casting, or machined body into a frame or lower
10 receiver of a firearm, even if the fire control cavity area of
11 such blank, casting, or machined body is still completely solid
12 and unmachined. "Unfinished frame or lower receiver" does not
13 include a firearm.

14 2. No later than December 1, 2026, the department, in
15 consultation with the bureau of alcohol, tobacco, firearms,
16 and explosives as necessary, shall develop and maintain a
17 system to distribute a unique serial number or other mark of
18 identification to any person requesting such number or mark
19 pursuant to subsection 4 or 5. The department shall provide
20 notice that the system is operational by posting a notification
21 on the department's internet site and by electronically notifying
22 federally licensed firearms dealers. The department shall
23 maintain identifying information of the person requesting the
24 number or mark and of the firearm or unfinished frame or lower
25 receiver for which each number or mark is requested.

26 3. No person shall remove, deface, alter, or obliterate the
27 name of any maker or model, maker's number, unique serial number,
28 or other mark of identification on any firearm. The possession
29 of any firearm upon which any identifying mark, number, or name
30 has been removed, defaced, altered, or obliterated shall be
31 prima facie evidence that the person owning or in possession of
32 such firearm has removed, defaced, altered, or obliterated the
33 identifying mark, number, or name.

34 4. a. A person shall not complete the manufacture of a
35 firearm without subsequently obtaining a unique serial number

1 or other mark of identification from the department pursuant
2 to paragraph "b" and engraving upon or permanently affixing to
3 the firearm such serial number or other mark in a manner that
4 conforms with the requirements imposed on licensed importers and
5 licensed manufacturers of firearms pursuant to 18 U.S.C. §923(i)
6 and any regulation adopted thereunder.

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

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

28 d. A person shall not facilitate, aid, or abet the
29 manufacture of a firearm by a person or for a person who is
30 otherwise prohibited by law from purchasing or possessing a
31 firearm, or that a person is otherwise prohibited by law from
32 purchasing or possessing.

33 e. The provisions of this subsection do not apply to the
34 manufacture of a firearm manufactured using an unfinished frame
35 or lower receiver on which a serial number or other identifying

1 mark has been engraved or permanently affixed pursuant to
2 subsection 5.

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

5 (1) The manufacture of firearms by a federally licensed
6 firearms manufacturer.

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

10 (3) The delivery or transfer of a firearm to a law
11 enforcement agency.

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

16 *b.* A person may request a unique serial number or other
17 mark of identification for an unfinished frame or lower receiver
18 by providing any identifying information to the department
19 concerning the unfinished frame or lower receiver and the owner
20 of such unfinished frame or lower receiver in a manner prescribed
21 by the department. Upon receiving a properly submitted request
22 for a unique serial number or other mark of identification
23 for an unfinished frame or lower receiver, the department
24 shall determine if the person is prohibited from purchasing or
25 possessing a firearm. If the person is not prohibited from
26 purchasing or possessing a firearm, the department shall issue to
27 the person a unique serial number or other mark of identification
28 no later than three business days after the person makes such
29 request or ten days after the department provides notice pursuant
30 to subsection 2, whichever date is later.

31 *c.* A unique serial number or other identifying mark obtained
32 pursuant to paragraph "b" shall be engraved upon or permanently
33 affixed to the unfinished frame or lower receiver in a manner
34 that conforms with the requirements imposed on licensed importers
35 and licensed manufacturers of firearms pursuant to 18 U.S.C.

1 §923(i) and any regulation adopted thereunder.

2 d. A person may arrange in advance to deliver and transfer
3 an unfinished frame or lower receiver to the department or to a
4 police department.

5 e. On or after December 1, 2026, a person shall not possess
6 an unfinished frame or lower receiver unless the person is
7 eligible to purchase and possess a firearm under state and
8 federal law.

9 f. The provisions of this subsection do not apply to the
10 sale, delivery, or transfer of an unfinished frame or lower
11 receiver between any of the following:

12 (1) A federally licensed firearms manufacturer and a
13 federally licensed firearms dealer.

14 (2) A federally licensed firearms importer and a federally
15 licensed firearms dealer.

16 (3) Multiple federally licensed firearms dealers.

17 6. A person shall not manufacture any firearm from polymer
18 plastic that, after removal of grips, stocks, and magazines,
19 is not as detectable as a security exemplar by walk-through
20 metal detectors calibrated and operated to detect the security
21 exemplar.

22 7. a. Except as otherwise provided in paragraph "b", a
23 person who violates a provision of this section commits a class
24 "C" felony.

25 b. A person who sells, delivers, or otherwise transfers an
26 unfinished frame or lower receiver in violation of the provisions
27 of this section knowing that such unfinished frame or lower
28 receiver is stolen or that the manufacturer's number or other
29 mark of identification on such unfinished frame or lower receiver
30 has been altered, removed, or obliterated commits a class "B"
31 felony.

32 c. Any firearm or unfinished frame or lower receiver
33 possessed in violation of a provision of this section shall be
34 forfeited to the department.

35 DIVISION IV

1

SAFE STORAGE

2 Sec. 4. NEW SECTION. **80.49 Public safety trigger lock**
3 **fund.**

4 1. A public safety trigger lock fund is established in
5 the state treasury under the control of the department. The
6 department may receive and accept donations, grants, loans, and
7 contributions from any public or private source for deposit into
8 the fund. Moneys in the fund are appropriated to the department
9 for the purposes set forth in subsection 2.

10 2. The department shall establish a trigger lock program in
11 the state for the purpose of providing free trigger locks to
12 firearms owners. The department shall work with law enforcement
13 agencies of the state, local governments, and other local
14 entities and nonprofit organizations to provide trigger locks at
15 no cost to firearms owners in the state.

16 3. Notwithstanding section 8.33, moneys in the fund that
17 remain unencumbered or unobligated at the close of a fiscal
18 year shall not revert but shall remain available for expenditure
19 for the purposes designated. Notwithstanding section 12C.7,
20 subsection 2, interest or earnings on moneys in the fund shall
21 be credited to the fund.

22 Sec. 5. Section 724.22, subsection 6, Code 2026, is amended
23 to read as follows:

24 6. ~~It shall be unlawful for any person to~~ A person shall not
25 store or leave a loaded or unloaded firearm ~~which that~~ is not
26 secured by a trigger lock mechanism, placed in a securely locked
27 box or container, or placed in some other location ~~which that~~ a
28 reasonable person would believe to be secure from a minor under
29 the age of ~~fourteen~~ eighteen years, if such person knows or has
30 reason to believe that a minor under the age of ~~fourteen~~ eighteen
31 years is likely to gain access to the firearm without the lawful
32 permission of the minor's parent, guardian, or person having
33 charge of the minor, and the minor lawfully gains access to the
34 firearm without the consent of the minor's parent, guardian, or
35 person having charge of the minor, ~~and the minor exhibits the~~

1 ~~firearm in a public place in an unlawful manner, or uses the~~
2 ~~firearm unlawfully to cause injury or death to a person.~~ This
3 subsection does not apply if the minor obtains the firearm as a
4 result of an unlawful entry by any person. A violation of this
5 subsection is punishable as a serious misdemeanor.

6 DIVISION V

7 EXTREME RISK PROTECTIVE ORDERS

8 Sec. 6. Section 664A.1, subsection 2, Code 2026, is amended
9 to read as follows:

10 2. a. "Protective order" means a protective order issued
11 pursuant to chapter 232, a court order or court-approved consent
12 agreement entered pursuant to this chapter or chapter 235F, a
13 court order or court-approved consent agreement entered pursuant
14 to chapter 236 or 236A, including a valid foreign protective
15 order under section 236.19, subsection 3, or section 236A.19,
16 subsection 3, a temporary or permanent protective order or
17 order to vacate the homestead under chapter 598, or an order
18 that establishes conditions of release or is a protective order
19 or sentencing order in a criminal prosecution arising from a
20 domestic abuse assault under section 708.2A or older individual
21 assault under section 708.2D, or a civil injunction issued
22 pursuant to section 915.22.

23 b. "Protective order" does not include an extreme risk
24 protective order issued pursuant to chapter 664B.

25 Sec. 7. NEW SECTION. **664B.1 Definitions.**

26 As used in this chapter unless the context otherwise requires:

27 1. "Affidavit" means a written declaration or statement of
28 fact made under oath, or legally sufficient affirmation, before
29 any person authorized to administer oaths within or without the
30 state.

31 2. "Family member" means a spouse, person cohabiting, a
32 parent, or other person related by consanguinity or affinity.

33 3. "Firearm" includes ammunition and any offensive weapon as
34 that term is defined in section 724.1.

35 4. "Intimate relationship" means the same as defined in

1 section 235E.1.

2 5. "Plaintiff" means a family member, a person with whom the
3 respondent is having an intimate relationship with, or a peace
4 officer who files a petition under this chapter.

5 6. "Possession" includes ownership, custody, or control.

6 7. "Respondent" means a person against whom a protective
7 order is filed under this chapter.

8 Sec. 8. NEW SECTION. **664B.2 Extreme risk protective order**
9 **— petition.**

10 1. A plaintiff may file a petition in the district court
11 requesting an extreme risk protective order. Venue shall lie
12 in the county where either party resides. The petition shall
13 contain all of the following:

14 a. The name of the plaintiff and the name and address of the
15 plaintiff's attorney, if any. If the plaintiff is proceeding pro
16 se, the petition shall state a mailing address for the plaintiff.
17 A mailing address may be provided by the plaintiff pursuant to
18 section 664B.6.

19 b. A statement of facts alleging the respondent presents
20 a significant danger to the respondent's self or others
21 by possessing, shipping, transporting, or receiving firearms
22 accompanied by an affidavit stating the specific statements,
23 actions, or facts that give rise to the reasons the respondent
24 presents a significant danger to the respondent's self or others
25 by possessing, shipping, transporting, or receiving firearms.

26 c. The location, type, and number of firearms the plaintiff
27 believes are possessed by the respondent.

28 d. Whether the respondent is subject to a current protective
29 order or a no-contact order.

30 e. Whether any legal proceeding is pending between the
31 plaintiff and respondent, and if so, the nature of the legal
32 proceeding.

33 f. Desired relief, including a request for temporary or
34 emergency orders.

35 2. The filing fee and court costs for an extreme risk

1 protective order shall be waived for the plaintiff.

2 3. The clerk of the district court, the sheriff of any county
3 in this state, or any peace officer or corrections officer shall
4 perform their duties relating to service of process without
5 charge to the plaintiff. When an order for an extreme risk
6 protective order is entered by the court, the court may direct
7 the respondent to pay to the clerk of court the fees for the
8 filing of the petition and reasonable costs of service of process
9 if the court determines the respondent has the ability to pay
10 the plaintiff's fees and costs. In lieu of personal service
11 of an extreme risk protective order issued pursuant to this
12 section, the sheriff of any county in this state, and other law
13 enforcement and corrections officers, may serve a respondent with
14 a short-form notification pursuant to section 664B.3.

15 Sec. 9. NEW SECTION. **664B.3 Short-form notification.**

16 1. In lieu of personal service of an extreme risk protective
17 order or an emergency extreme risk protective order on a
18 respondent whose firearms are to be surrendered by such an order,
19 a sheriff of any county in this state or any peace officer or
20 corrections officer in this state may serve the respondent with
21 a short-form notification pursuant to this section to effectuate
22 service of an unserved order.

23 2. Service of a short-form notification under this section
24 shall be allowed during traffic stops and other contacts with the
25 respondent by a sheriff, peace officer, or corrections officer
26 in this state in the course of performing official duties. The
27 respondent may be detained for a reasonable period of time to
28 complete the short-form notification process.

29 3. When the short-form notification process is complete,
30 the sheriff, peace officer, or corrections officer serving the
31 notification shall file a copy of the notification with the clerk
32 of the district court. The filing shall indicate the date and
33 time the notification was served on the respondent.

34 4. The short-form notification shall be on a form prescribed
35 by the state court administrator. The state court administrator

1 shall prescribe rules relating to the content and distribution of
2 the form to appropriate law enforcement agencies in this state.
3 The form shall include but not be limited to all of the following
4 statements:

5 a. The respondent shall immediately surrender all firearms in
6 the respondent's possession and any permit to carry weapons or
7 permit to acquire in the respondent's possession.

8 b. The respondent is responsible for obtaining a full copy
9 of the extreme risk protective order or emergency extreme risk
10 protective order from the county sheriff of the county in which
11 the order was entered or from the clerk of the district court.

12 c. The terms and conditions of the extreme risk protective
13 order or emergency extreme risk protective order are enforceable,
14 and the respondent is subject to arrest for violating the
15 protective order.

16 Sec. 10. NEW SECTION. **664B.4 Plaintiffs proceeding pro se**
17 **— provision of forms and assistance.**

18 1. The department of justice shall prescribe standard forms
19 to be used by a plaintiff proceeding pro se when filing a
20 petition under this chapter. The standard forms shall include
21 language in fourteen point boldface type. Standard forms
22 prescribed by the department shall be the exclusive forms used
23 by a plaintiff proceeding pro se, and may be used by other
24 plaintiffs. The department shall distribute the forms to the
25 clerks of the district courts.

26 2. The clerk of the district court shall furnish the required
27 forms to plaintiffs seeking an extreme risk protective order
28 through pro se proceedings pursuant to this chapter.

29 Sec. 11. NEW SECTION. **664B.5 Assistance by county**
30 **attorney.**

31 A county attorney's office may provide assistance to a
32 plaintiff wishing to initiate proceedings pursuant to this
33 chapter or to a plaintiff at any stage of a proceeding under
34 this chapter, if the plaintiff does not have sufficient funds
35 to pay for legal assistance and if the assistance does not

1 create a conflict of interest for the county attorney's office.
2 The assistance provided may include, but is not limited to,
3 assistance in obtaining or completing forms, filing a petition
4 or other necessary pleading, presenting evidence to the court,
5 and enforcing the orders of the court entered pursuant to this
6 chapter. Providing assistance pursuant to this section shall not
7 be considered the private practice of law for the purposes of
8 section 331.752.

9 Sec. 12. NEW SECTION. **664B.6 Plaintiff's address —**
10 **confidentiality of records.**

11 1. A plaintiff may use any of the following addresses as
12 a mailing address for purposes of filing a petition under this
13 chapter:

- 14 a. The mailing address of a shelter or other agency.
- 15 b. A public or private post office box.
- 16 c. Any other mailing address, with the permission of the
17 resident of that address.

18 2. A plaintiff shall report any change of address, whether
19 designated according to subsection 1 or otherwise, to the clerk
20 of the district court no more than five days after the previous
21 address on record becomes invalid.

22 3. The entire file or a portion of the file under this
23 chapter shall be sealed by the clerk of the district court as
24 ordered by the court to protect the privacy interest or safety of
25 any person.

26 4. Notwithstanding subsection 3, court orders shall remain
27 public records, although the court may order that address and
28 location information be redacted from the public records.

29 Sec. 13. NEW SECTION. **664B.7 Hearing.**

30 1. Not less than five and not more than fifteen days after
31 commencing a proceeding and upon notice to the other party,
32 a hearing shall be held at which the plaintiff must prove by
33 a preponderance of the evidence that the respondent presents
34 a significant danger to the respondent's self or others by
35 possessing, shipping, transporting, or receiving firearms.

1 2. Upon hearing, if the court finds by a preponderance of
2 the evidence that the respondent poses a significant danger
3 to the respondent's self or others by possessing, shipping,
4 transporting, or receiving firearms, the court shall issue an
5 extreme risk protective order for a period of one year.

6 3. In determining whether grounds for an extreme risk
7 protective order exist, the court may consider any relevant
8 evidence including but not limited to the following:

9 a. A recent act or threat of violence by the respondent
10 against the respondent's self or others, and whether such
11 violence or threat involves a firearm.

12 b. A pattern of acts or threats of violence against the
13 respondent's self or others within the preceding twelve months of
14 the filing of the petition.

15 c. Any serious mental impairment of the respondent.

16 d. Any violation of a no-contact order issued for violations
17 or alleged violations of sections 708.2A, 708.2D, 708.7, 708.11,
18 709.2, 709.3, and 709.4, and any other public offense for which
19 there is a victim.

20 e. Any violation of a protective order issued in a civil
21 proceeding under chapter 232, 235F, 236, 236A, 598, or 915.

22 f. The issuance of a previous extreme risk protective order
23 against the respondent under this chapter.

24 g. A violation of a previous extreme risk protective order
25 issued against the respondent under this chapter.

26 h. A conviction of the respondent for a crime that
27 constitutes domestic abuse assault in violation of section
28 708.2A.

29 i. The possession of or access to a firearm, or the intent to
30 possess a firearm by the respondent.

31 j. The unlawful or reckless use, display, or brandishing of a
32 firearm by the respondent.

33 k. Any history of use, attempted use, or threatened use of
34 physical force by the respondent against another person, or the
35 respondent's history of stalking or harassing another person.

1 l. Any prior arrest of the respondent for a felony offense or
2 violent crime.

3 m. Evidence of abuse of a controlled substance or alcohol by
4 the respondent.

5 n. Evidence of recent acquisition of a firearm by the
6 respondent.

7 4. The court may:

8 a. Examine under oath the plaintiff, the respondent, and
9 any witnesses that the plaintiff or respondent produces, or
10 in lieu of examination, consider affidavits of the plaintiff,
11 the respondent, or any witnesses the plaintiff or respondent
12 produces.

13 b. Ensure that a reasonable search has been conducted for
14 criminal history records relating to the respondent.

15 5. During the hearing, the court may order a substance abuse
16 evaluation.

17 6. An extreme risk protective order shall include all of the
18 following:

19 a. A statement of the grounds supporting the issuance of the
20 order.

21 b. The date and time the order was issued.

22 c. The date and time the order expires.

23 d. Whether a substance abuse evaluation is required.

24 e. Whether a responsive pleading may be filed.

25 f. A description of the firearms to be surrendered.

26 g. The following statement in substantially the same form:

27 To the subject of this protective order: This order remains
28 effective until the date and time noted above. If you have not
29 done so already, you must surrender to the (insert the name of
30 a local law enforcement agency with jurisdiction) all firearms
31 in your possession, custody, or control and surrender any permit
32 to carry weapons or permit to acquire in your possession to such
33 agency. You shall not have in your possession a firearm or ship,
34 transport, or receive, or attempt to ship, transport, or receive,
35 such a firearm while this order is in effect. You have the

1 right to request one hearing to terminate this order during each
2 twelve-month period that this order is in effect, starting from
3 the date of this order and continuing through any extension of
4 the order. If the order requires a substance abuse evaluation,
5 you must first obtain such evaluation and disclose the results of
6 the evaluation to the court prior to requesting a hearing.

7 7. If a hearing is continued, the court may make or extend
8 any order issued under subsection 2 that it deems necessary.

9 8. Upon the application of a party, the court shall issue
10 subpoenas requiring attendance and testimony of witnesses and
11 production of papers.

12 9. The court shall advise the respondent of a right to be
13 represented by counsel of the respondent's choosing and to have a
14 continuance to secure counsel.

15 10. If applicable, the court shall determine whether the
16 respondent has had sufficient opportunity to surrender the
17 respondent's firearms after service of an emergency extreme risk
18 protective order issued under section 664B.8.

19 11. Hearings shall be recorded.

20 Sec. 14. NEW SECTION. **664B.8 Emergency extreme risk**
21 **protective order.**

22 1. A plaintiff may request that an emergency extreme risk
23 protective order be issued before a hearing for an extreme
24 risk protective order under section 664B.7, without notice
25 to the respondent, by including in the petition detailed
26 allegations based on personal knowledge that the respondent poses
27 a significant danger to the respondent's self or others, in the
28 near future, by possessing, shipping, transporting, or receiving
29 firearms.

30 2. In considering whether to issue an emergency extreme risk
31 protective order under this section, the court shall consider all
32 relevant evidence described in section 664B.7, subsection 3.

33 3. If the court finds there is good cause to believe that
34 the respondent poses a significant danger to the respondent's
35 self or others, in the near future, by possessing, shipping,

1 transporting, or receiving firearms, the court shall issue an
2 emergency extreme risk protective order.

3 4. The court shall hold an emergency extreme risk protective
4 order hearing in person or by telephone on the day the petition
5 is filed.

6 5. When the court is unavailable from the close of business
7 at the end of the day or week to the resumption of business at
8 the beginning of the day or week, a petition may be filed before
9 a district judge, or district associate judge designated by the
10 chief judge of the judicial district, who may grant emergency
11 relief under this section, if the district judge or district
12 associate judge finds there is good cause to believe that
13 the respondent poses a significant danger to the respondent's
14 self or others, in the near future, by possessing, shipping,
15 transporting, or receiving firearms.

16 6. An emergency extreme risk protective order shall include
17 all of the following:

- 18 a. A statement of the grounds supporting the issuance of the
19 order.
- 20 b. The date and time the order was issued.
- 21 c. The date and time the order expires.
- 22 d. Whether a responsive pleading may be filed.
- 23 e. A description of the firearms to be surrendered.
- 24 f. The date and time of the scheduled hearing.
- 25 g. The following statement in substantially the same form:

26 To the subject of this protective order: This order remains
27 effective until the date and time noted above. If you have not
28 done so already, you must immediately surrender to the (insert
29 the name of a local law enforcement agency with jurisdiction) all
30 firearms in your possession, custody, or control, and surrender
31 any permit to carry weapons or permit to acquire in your
32 possession to such agency. You shall not have in your possession
33 a firearm or ship, transport, or receive, or attempt to ship,
34 transport, or receive, such a firearm while this order is in
35 effect. A hearing will be held on the date and time noted above

1 to determine if an extreme risk protective order shall be issued.
2 Failure to appear at that hearing may result in a court entering
3 an extreme risk protective order against you that is valid for a
4 period of one year. You may seek the advice of an attorney as to
5 any matter connected with this order.

6 7. An emergency extreme risk protective order issued under
7 this section shall expire upon the issuance of an extreme risk
8 protective order under section 664B.7 or if the court determines
9 at a hearing on the petition for an extreme risk protective
10 order under section 664B.7 that the plaintiff has not proven
11 by a preponderance of the evidence that the respondent presents
12 a significant danger to the respondent's self or others by
13 possessing, shipping, transporting, or receiving firearms.

14 8. An emergency extreme risk protective order shall be served
15 by the sheriff of any county in this state, a peace officer, or
16 a corrections officer, in the same manner provided in section
17 664B.2 for the service of the notice and petition, and shall be
18 served concurrently with such notice of hearing and petition, if
19 possible. Alternatively, an emergency extreme risk protective
20 order may be served using short-form notification pursuant to
21 section 664B.3, and shall be served concurrently with the notice
22 of hearing and petition, if possible.

23 Sec. 15. NEW SECTION. **664B.9 Notice of extreme risk**
24 **protective order or emergency extreme risk protective order.**

25 1. The clerk of the district court or other person designated
26 by the court shall provide a copy of the extreme risk protective
27 order or the emergency extreme risk protective order to the
28 plaintiff.

29 2. The clerk of the district court shall provide a notice
30 and copy of the protective order to the appropriate law
31 enforcement agencies and the twenty-four-hour dispatcher for the
32 law enforcement agencies in the same manner as provided in
33 section 235F.6, 236.5, or 236A.7, as applicable. The clerk
34 of the district court shall provide a notice and copy of a
35 termination or extension of the protective order in the same

1 manner.

2 Sec. 16. NEW SECTION. **664B.10 Termination or extension of**
3 **order.**

4 1. The respondent may request a hearing to terminate an
5 extreme risk protective order issued under this chapter during
6 the twelve-month period that the order is in effect, starting
7 from the date of the order and continuing through any extensions.

8 a. Upon receipt of a request for a hearing to terminate an
9 extreme risk protective order, the court shall set a date for a
10 hearing. Notice of the request shall be served on the plaintiff.
11 The hearing shall occur no sooner than fourteen days and no later
12 than thirty days from the date of service of the request upon the
13 plaintiff.

14 b. The respondent shall have the burden of proving by a
15 preponderance of the evidence that the respondent does not pose
16 a significant danger to the respondent's self or others by
17 possessing, shipping, transporting, or receiving firearms.

18 c. If the court finds after the hearing that the respondent
19 has met the burden of proof, the court shall terminate the
20 extreme risk protective order.

21 2. A family member may, by motion, request an extension
22 of an extreme risk protective order within ninety days of the
23 expiration of the order.

24 a. Upon receipt of a motion to extend an extreme risk
25 protective order, the court shall order the hearing be held no
26 earlier than fourteen days from the date of the motion.

27 b. In considering whether to extend the extreme risk
28 protective order under this section, the court shall consider all
29 relevant evidence described in section 664B.7, subsection 3.

30 c. If the court finds by a preponderance of the evidence that
31 the requirements for issuance of an extreme risk protective order
32 continue to be met, the court shall extend the order. However,
33 if, after notice, the motion to extend is uncontested and the
34 plaintiff does not seek a modification of the existing order,
35 the order may be extended on the basis of the plaintiff's motion

1 or affidavit stating that there has been no material change in
2 relevant circumstances since entry of the protective order.

3 Sec. 17. NEW SECTION. **664B.11 Firearms and firearm permits**
4 **— surrender.**

5 1. Upon the issuance of an extreme risk protective order or
6 an emergency extreme risk protective order, the court shall order
7 the respondent to immediately surrender to the law enforcement
8 agency named in the protective order all firearms possessed by
9 the respondent and any permit to carry weapons or permit to
10 acquire possessed by the respondent within forty-eight hours of
11 service of the order or within forty-eight hours of a hearing
12 held pursuant to section 664B.7 at which the respondent was
13 present and an order was subsequently issued.

14 2. At the time of surrendering any firearms, a law
15 enforcement officer taking possession of any firearms shall issue
16 a receipt identifying all firearms that have been surrendered
17 and provide a copy of the receipt to the respondent. Within
18 seventy-two hours after service of the order the law enforcement
19 officer serving the order shall file the original receipt with
20 the court and shall ensure that the law enforcement agency
21 retains a copy of the receipt.

22 3. Upon a sworn statement or testimony of the plaintiff or
23 of any law enforcement officer alleging that the respondent has
24 failed to comply with the surrender of firearms and permits
25 as required by any order issued under this section, the court
26 shall determine whether probable cause exists to believe that
27 the respondent has failed to surrender all firearms or permits
28 in the possession of the respondent. If probable cause exists,
29 the court shall issue a search warrant describing the firearms
30 and authorizing a search of the locations where the firearms
31 are reasonably believed to be and the seizure of any firearms
32 discovered in the search.

33 4. If a person other than the respondent claims to own any
34 of the firearms seized or surrendered pursuant to this chapter,
35 and the law enforcement agency where the firearms are stored

1 determines that person to be the lawful owner of the firearms,
2 the firearms shall be returned to the lawful owner if the lawful
3 owner agrees to store the firearms in such a manner that prevents
4 the respondent from having access to the firearms during the
5 time an extreme risk protective order or emergency extreme risk
6 protective order is in effect.

7 Sec. 18. NEW SECTION. **664B.12 Firearm surrender —**
8 **hearing.**

9 Upon the issuance of an extreme risk protective order, the
10 court shall order a new hearing within three business days
11 of the issuance of the order that requires the respondent to
12 provide evidence to the court that the respondent has surrendered
13 any firearms in the possession of the respondent. The court
14 may dismiss the hearing upon a satisfactory showing that the
15 respondent has complied with the order.

16 Sec. 19. NEW SECTION. **664B.13 Firearms — storage.**

17 All law enforcement agencies shall develop policies and
18 procedures by June 1, 2027, regarding the acceptance, storage,
19 and return of firearms surrendered to a law enforcement agency
20 under this chapter.

21 Sec. 20. NEW SECTION. **664B.14 Return of firearms and**
22 **unclaimed firearms.**

23 1. If an extreme risk protective order is terminated or
24 expires without an extension, the law enforcement agency in
25 possession of any firearms surrendered by a respondent shall
26 return any such firearms upon request of the respondent, provided
27 the respondent is eligible to possess a firearm.

28 2. Notwithstanding section 809.21, for firearms that remain
29 unclaimed by the lawful owner, the firearms shall be destroyed
30 pursuant to 661 IAC 95.8.

31 Sec. 21. NEW SECTION. **664B.15 Penalties.**

32 1. A person who files a petition under this chapter knowing
33 the information in the petition to be materially false commits a
34 serious misdemeanor.

35 2. A respondent who possesses a firearm or who ships,

1 transports, or receives, or attempts to ship, transport, or
2 receive, a firearm while an extreme risk protective order or
3 emergency extreme risk protective order is in effect commits an
4 aggravated misdemeanor.

5 3. A person who claims ownership of a firearm pursuant to
6 section 664B.11, subsection 4, who agrees to store the firearm
7 in such a manner that prevents a respondent from having access
8 to the firearm commits a serious misdemeanor if the respondent is
9 later found to have access to the firearm that is subject to the
10 agreement while an extreme risk protective order is in effect.

11 4. A respondent who violates subsection 2 shall be prohibited
12 from possessing, shipping, transporting, or receiving a firearm
13 for a period of five years from the date of the conviction.

14 Sec. 22. Section 724.8, Code 2026, is amended by adding the
15 following new subsections:

16 NEW SUBSECTION. 7. Is subject to an extreme risk protective
17 order or an emergency extreme risk protective order issued under
18 chapter 664B.

19 NEW SUBSECTION. 8. Has been convicted of a violation of
20 section 664B.15, subsection 2, within the previous five years.

21 Sec. 23. Section 724.15, subsection 2, Code 2026, is amended
22 by adding the following new paragraphs:

23 NEW PARAGRAPH. f. Is subject to an extreme risk protective
24 order or an emergency extreme risk protective order issued under
25 chapter 664B.

26 NEW PARAGRAPH. g. Has been convicted of a violation of
27 section 664B.15, subsection 2, within the previous five years.

28 Sec. 24. Section 724.26, subsection 2, paragraph a, Code
29 2026, is amended to read as follows:

30 a. Except as provided in paragraph "b", a person ~~who is~~
31 ~~subject to a protective order under 18 U.S.C. §922(g)(8) or~~
32 ~~who has been convicted of a misdemeanor crime of domestic~~
33 ~~violence under 18 U.S.C. §922(g)(9) and who knowingly possesses,~~
34 ships, transports, or receives a firearm, offensive weapon, or
35 ammunition and who is any of the following is guilty of a class

1 "D" felony+;

2 (1) Is subject to a protective order under 18 U.S.C.
3 §922(g)(8).

4 (2) Has been convicted of a misdemeanor crime of domestic
5 violence under 18 U.S.C. §922(g)(9).

6 (3) Is subject to an extreme risk protective order under
7 chapter 664B.

8 DIVISION VI

9 MENTAL HEALTH FUNDING

10 Sec. 25. NEW SECTION. **225E.1 Mental health firearm safety**
11 **fund.**

12 1. A mental health firearm safety fund is created in the
13 state treasury under the control of the department of health
14 and human services and shall consist of any moneys appropriated
15 by the general assembly and any other moneys available to and
16 obtained or accepted by the department for placement in the fund.
17 Moneys in the fund shall be used to award grants to organizations
18 or coalitions of organizations for any of the following purposes:

19 a. To train staff at a firearms retailer or a firearm range
20 on how to recognize signs that a person may be considering
21 suicide.

22 b. To provide suicide prevention materials for distribution
23 at a firearms retailer or a firearm range.

24 c. To provide voluntary, temporary firearm storage for the
25 lawful owner of a firearm who is or may be experiencing a mental
26 health emergency.

27 2. A grant awarded pursuant to this section shall not exceed
28 five thousand dollars per recipient organization per fiscal year.

29 3. In awarding grants pursuant to subsection 1, the
30 department shall give preference to organizations or coalitions
31 of organizations that have not previously received a grant under
32 this section.

33 4. For purposes of this section, "organization" means any of
34 the following:

35 a. A county.

1 b. A city.

2 c. An Indian tribe as that term is defined in 25 U.S.C.
3 §5304, including any subdivision, subsidiary, or business
4 enterprise wholly owned by such an Indian tribe.

5 DIVISION VII

6 FIREARM SALES ON COMMERCIAL PREMISES

7 Sec. 26. Section 724.16, Code 2026, is amended by adding the
8 following new subsections:

9 NEW SUBSECTION. 2A. A person shall not transfer or offer to
10 transfer a firearm to another person unless either person is a
11 licensed firearm dealer, as defined in section 724.29A, and the
12 transfer occurs on a commercial premises regularly selling or
13 offering for sale firearms on a wholesale or retail basis.

14 NEW SUBSECTION. 4. For purposes of this section, "commercial
15 premises" means a permanent installation, structure, or premises
16 associated with a place of business where goods, wares, services,
17 or merchandise are stored or offered for sale on a wholesale or
18 retail basis and that is regularly opened to the public.

19 Sec. 27. Section 724.29A, subsection 1, paragraph d, Code
20 2026, is amended by striking the paragraph.

21 Sec. 28. Section 724.29A, subsections 2 and 3, Code 2026, are
22 amended to read as follows:

23 2. A person who knowingly solicits, persuades, encourages,
24 or entices a licensed firearms dealer ~~or private seller of~~
25 ~~firearms or ammunition~~ to transfer a firearm or ammunition under
26 circumstances that the person knows would violate the laws of
27 this state or of the United States commits a class "D" felony.

28 3. A person who knowingly provides materially false
29 information to a licensed firearms dealer ~~or private seller of~~
30 ~~firearms or ammunition~~ with the intent to deceive the firearms
31 dealer ~~or seller~~ about the legality of a transfer of a firearm or
32 ammunition commits a class "D" felony.

33 DIVISION VIII

34 HATE CRIMES — POLITICAL AFFILIATION

35 Sec. 29. Section 729A.2, Code 2026, is amended to read as

1 follows:

2 **729A.2 Violation of individual rights — hate crime —**
3 **enhanced penalties.**

4 1. "Hate crime" means one of the following public offenses
5 when committed against a person or a person's property
6 because of the person's race, color, religion, ancestry,
7 national origin, political affiliation, sex, sexual orientation,
8 age, or disability, or the person's association with a
9 person of a certain race, color, religion, ancestry, national
10 origin, political affiliation, sex, sexual orientation, age, or
11 disability:

12 ~~1.~~ a. Assault in violation of individual rights under
13 section 708.2C.

14 ~~2.~~ b. Violations of individual rights under section 712.9.

15 ~~3.~~ c. Criminal mischief in violation of individual rights
16 under section 716.6A.

17 ~~4.~~ d. Trespass in violation of individual rights under
18 section 716.8, subsections 3 and 4.

19 2. A hate crime committed because of a person's political
20 affiliation shall be classified and punished as an offense one
21 degree higher than the underlying offense.

22 EXPLANATION

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

25 This bill relates to firearms, including background checks
26 for acquiring pistols or revolvers, identification markings
27 on firearms and firearm parts, trigger locks, extreme risk
28 protective orders, mental health funding, certain firearm
29 transfers, and certain related crimes.

30 DIVISION I — TITLE. The bill is titled and may be cited as
31 the "Charlie Kirk and Melissa Hortman Firearm Regulation Act".

32 DIVISION II — BACKGROUND CHECKS. Current law provides that an
33 unlicensed person acquiring a pistol or revolver from a federally
34 licensed firearms dealer is required to have a valid permit to
35 acquire or a valid permit to carry weapons issued under the

1 provisions of Code chapter 724 or the person must complete a
2 satisfactory national instant criminal background check pursuant
3 to 18 U.S.C. §922(t).

4 The bill provides that in order for any person to acquire
5 a pistol or revolver from any other person, and in order to
6 provide proof of a background check and notify that the purchaser
7 is of legal age, a person is required to have a valid permit
8 to acquire or a valid permit to carry weapons issued under the
9 provisions of Code chapter 724 or the person must complete a
10 satisfactory national instant criminal background check pursuant
11 to 18 U.S.C. §922(t).

12 DIVISION III — FIREARM IDENTIFICATION. The bill requires
13 the department of public safety (DPS), in consultation with
14 the bureau of alcohol, tobacco, firearms, and explosives as
15 necessary, by December 1, 2026, to develop and maintain a
16 system to distribute a unique serial number or other mark
17 of identification for a firearm or unfinished frame or lower
18 receiver intended to be a part of a firearm to any person
19 requesting such number or mark. The bill prohibits a person from
20 removing, defacing, altering, or obliterating the name of any
21 maker or model, maker's number, unique serial number, or other
22 mark of identification on any firearm. The possession of any
23 firearm upon which any identifying mark, number, or name has been
24 removed, defaced, altered, or obliterated shall be prima facie
25 evidence that the person owning or in possession of such firearm
26 has removed, defaced, altered, or obliterated the identifying
27 mark, number, or name.

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

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

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

14 The bill prohibits a person from selling, delivering, or
15 otherwise transferring an unfinished frame or lower receiver
16 that does not have a unique serial number or other mark
17 of identification obtained pursuant to the bill. Beginning
18 December 1, 2026, a person shall not possess an unfinished frame
19 or lower receiver unless the person is eligible to purchase
20 and possess a firearm under state and federal law. These
21 provisions do not apply to the sale, delivery, or transfer of an
22 unfinished frame or lower receiver between a federally licensed
23 firearms manufacturer and a federally licensed firearms dealer,
24 a federally licensed firearms importer and a federally licensed
25 firearms dealer, or multiple federally licensed firearms dealers.

26 The bill prohibits a person from manufacturing any firearm
27 from polymer plastic that, after removal of grips, stocks,
28 and magazines, is not as detectable as a security exemplar by
29 walk-through metal detectors calibrated and operated to detect
30 the security exemplar.

31 Generally, a person who violates a provision of the bill
32 commits a class "C" felony. However, a person who sells,
33 delivers, or otherwise transfers an unfinished frame or lower
34 receiver in violation of the provisions of the bill knowing that
35 such unfinished frame or lower receiver is stolen or that the

1 manufacturer's number or other mark of identification on such
2 unfinished frame or lower receiver has been altered, removed,
3 or obliterated commits a class "B" felony. Any firearm or
4 unfinished frame or lower receiver possessed in violation of the
5 bill shall be forfeited to DPS.

6 A class "C" felony is punishable by confinement for no more
7 than 10 years and a fine of at least \$1,370 but not more than
8 \$13,660. A class "B" felony is punishable by confinement for no
9 more than 25 years.

10 DIVISION IV — SAFE STORAGE. The bill establishes a public
11 safety trigger lock fund in the state treasury under the control
12 of DPS. DPS may receive and accept donations, grants, loans, and
13 contributions from any public or private source for deposit into
14 the trust fund for the purpose of providing free trigger locks
15 to firearms owners. DPS shall work with law enforcement agencies
16 of the state, local governments, and other local entities and
17 nonprofit organizations to provide trigger locks at no cost to
18 firearms owners in the state.

19 Current law prohibits any person from storing or leaving a
20 loaded firearm which is not secured by a trigger lock mechanism,
21 placed in a securely locked box or container, or placed in some
22 other location which a reasonable person would believe to be
23 secure from a minor under the age of 14 years, if such person
24 knows or has reason to believe that a minor under the age of 14
25 years is likely to gain access to the firearm, the minor lawfully
26 gains access to the firearm without the consent of the minor's
27 parent, guardian, or person having charge of the minor, and the
28 minor exhibits the firearm in a public place in an unlawful
29 manner, or uses the firearm unlawfully to cause injury or death
30 to a person.

31 The bill prohibits any person from storing or leaving a
32 loaded or unloaded firearm that is not secured by a trigger
33 lock mechanism, placed in a securely locked box or container,
34 or placed in some other location that a reasonable person would
35 believe to be secure from a minor under the age of 18 years, if

1 such person knows or has reason to believe that a minor under
2 the age of 18 years is likely to gain access to the firearm
3 without the lawful permission of the minor's parent, guardian, or
4 person having charge of the minor, and the minor lawfully gains
5 access to the firearm without the consent of the minor's parent,
6 guardian, or person having charge of the minor.

7 A violation of the bill is punishable as a serious
8 misdemeanor. A serious misdemeanor is punishable by confinement
9 for no more than one year and a fine of at least \$430 but not
10 more than \$2,560.

11 DIVISION V — EXTREME RISK PROTECTIVE ORDERS. For purposes
12 of this division, the bill defines "family member" to mean a
13 spouse, person cohabiting, a parent, or other person related by
14 consanguinity or affinity. "Firearm" includes ammunition and
15 any offensive weapon as that term is defined in Code section
16 724.1. "Possession" includes ownership, custody, or control.
17 "Plaintiff" means a family member, a person with whom the
18 respondent is having an intimate relationship with, or a peace
19 officer. "Intimate relationship" means the same as defined in
20 Code section 235E.1.

21 Under the bill, a plaintiff may file a petition in district
22 court requesting an extreme risk protective order stating that
23 the subject of the extreme risk protective petition (respondent)
24 presents a significant danger to the respondent's self or others
25 by possessing, shipping, transporting, or receiving firearms.
26 The bill requires the petition to contain an affidavit stating
27 the specific facts that give rise to the reasons the respondent
28 presents a significant danger to the respondent's self or others;
29 the location, type, and number of firearms the plaintiff believes
30 are possessed by the respondent; whether the respondent is
31 subject to a current protective order or no-contact order; and
32 whether any legal proceedings are pending between the plaintiff
33 and respondent.

34 In lieu of personal service of an extreme risk protective
35 order on a respondent, the bill allows a sheriff of any county

1 in this state or any peace officer or corrections officer in this
2 state to serve the respondent with a short-form notification to
3 effectuate service of an unserved order. Short-form notification
4 includes service during traffic stops and other contacts with the
5 respondent by a sheriff, peace officer, or corrections officer in
6 this state in the course of performing official duties.

7 The bill requires the department of justice to prescribe
8 standard forms to be used by a plaintiff proceeding pro se when
9 filing an extreme risk protective order petition.

10 The bill permits a county attorney's office to provide
11 assistance to a plaintiff wishing to initiate the filing of an
12 extreme risk protective order petition or to a plaintiff at any
13 stage of a proceeding under the bill, if the plaintiff does not
14 have sufficient funds to pay for legal assistance and if the
15 assistance does not create a conflict of interest for the county
16 attorney's office.

17 The bill permits the plaintiff to use an alternate mailing
18 address for the purposes of filing a petition for an extreme risk
19 protective order including the mailing address of a shelter or
20 other agency, a public or private post office box, or any other
21 mailing address with permission of the resident of that address.

22 The bill requires that hearing on the petition for an extreme
23 risk protective order shall occur not less than five but no more
24 than 15 days after commencing the proceeding and after notice to
25 the respondent.

26 The bill provides that upon hearing on the petition, if
27 the court finds by a preponderance of the evidence that the
28 respondent presents a significant danger to the respondent's self
29 or others by possessing, shipping, transporting, or receiving
30 firearms, the court shall issue an extreme risk protective order
31 for a period of one year. In determining whether grounds
32 for an extreme risk protective order exist, the court may
33 consider any relevant evidence including but not limited to
34 the following: a recent act or threat of violence by the
35 respondent against the respondent's self or others; a pattern

1 of acts or threats of violence against the respondent's self
2 or others by the respondent within the preceding twelve months
3 of the filing of the petition; any serious mental impairment of
4 the respondent; any previous violations of no-contact orders or
5 protective orders by the respondent; a previous issuance of an
6 extreme risk protective order issued against the respondent; a
7 previous domestic abuse assault conviction; the possession of a
8 firearm or the reckless use, display, or brandishing of a firearm
9 by the respondent; any history of use of physical force by the
10 respondent against another person; any prior criminal history of
11 the respondent; and evidence of abuse of a controlled substance
12 or alcohol by the respondent.

13 The bill allows a plaintiff to request an emergency extreme
14 risk protective order, without notice to the respondent, by
15 including in the petition detailed allegations based on personal
16 knowledge that the respondent poses a significant danger to the
17 respondent's self or others, in the near future, by possessing,
18 shipping, transporting, or receiving firearms. If the court
19 finds good cause to believe that the respondent presents a
20 significant danger to the respondent's self or others, in the
21 near future, by possessing, shipping, transporting, or receiving
22 firearms, the court shall issue an emergency extreme risk
23 protective order.

24 The court shall hold an emergency extreme risk protective
25 order hearing in person or by telephone on the day the petition
26 is filed.

27 When the court is unavailable from the close of business at
28 the end of the day or week to the resumption of business at
29 the beginning of the day or week, the bill provides that a
30 petition for an extreme risk protective order may be filed before
31 a district judge, or district associate judge designated by the
32 chief judge of the judicial district, who may grant emergency
33 relief, if the district judge or district associate judge finds
34 good cause to believe that the respondent presents a significant
35 danger to the respondent's self or others, in the near future, by

1 possessing, shipping, transporting, or receiving firearms.

2 The emergency extreme risk protective order shall be in
3 effect until the issuance of an extreme risk protective order
4 after a hearing on the petition for an extreme risk protective
5 order or the court determines at the hearing on the petition
6 that the plaintiff has not proven by a preponderance of the
7 evidence that the respondent presents a significant danger
8 to the respondent's self or others by possessing, shipping,
9 transporting, or receiving firearms.

10 In lieu of personal service of an emergency extreme risk
11 protective order on a respondent, the bill allows a sheriff of
12 any county in this state or any peace officer or corrections
13 officer to serve the respondent with a short-form notification
14 to effectuate the service on an unserved order. Short-form
15 notification includes service during traffic stops and other
16 contacts with the respondent by the sheriff, peace officer, or
17 corrections officer.

18 Under the bill, the respondent may submit a request for a
19 hearing to terminate an extreme risk protective order during
20 each 12-month period that the order is in effect, beginning from
21 the date of the order and continuing through any extensions.
22 The bill provides that the respondent shall have the burden of
23 proving by a preponderance of the evidence that the respondent
24 does not present a significant danger to the respondent's self
25 or others by possessing, shipping, transporting, or receiving
26 firearms.

27 An extreme risk protective order may be extended under the
28 bill. A family member may by motion request an extension of an
29 extreme risk protective order within 90 days of the expiration
30 of the order. The bill provides that if the court finds by a
31 preponderance of the evidence that the requirements for issuance
32 of an extreme risk protective order continue to be met, the court
33 shall extend the order.

34 Upon the issuance of an extreme risk protective order or an
35 emergency extreme risk protective order, the bill provides that

1 the court shall order the respondent to immediately surrender
2 to the law enforcement agency named in the protective order all
3 firearms possessed by the respondent and any permit to carry
4 weapons or permit to acquire possessed by the respondent within
5 48 hours of being served with the order or within 48 hours of the
6 end of the hearing on the petition at which the respondent was
7 present and an order was subsequently issued.

8 The bill requires that at the time of surrendering any
9 firearms, a peace officer taking possession of any firearms
10 shall issue a receipt identifying all firearms that have been
11 surrendered and provide a copy of the receipt to the respondent.

12 Upon a sworn statement or testimony of the petitioner or of
13 any peace officer alleging that the respondent has failed to
14 comply with the surrender of firearms and permits as required
15 by any order, the bill requires the court to determine whether
16 probable cause exists to believe that the respondent has failed
17 to surrender all firearms or permits in the possession of
18 the respondent. If probable cause exists, the bill requires
19 the court to issue a search warrant describing the firearms
20 and authorizing a search of the locations where the firearms
21 are reasonably believed to be and the seizure of any firearms
22 discovered in the search.

23 If a person other than the respondent claims to own any of the
24 firearms seized or surrendered pursuant to the bill and the law
25 enforcement agency where the firearms are stored determines the
26 person to be the lawful owner of the firearms, the firearms shall
27 be returned to the lawful owner if the lawful owner agrees to
28 store the firearms in such a manner that prevents the respondent
29 from having access to the firearms during the time an extreme
30 risk protective order or emergency extreme risk protective order
31 is in effect. Under the bill, the lawful owner commits a
32 serious misdemeanor if the respondent is later found to have
33 access to the firearms while an extreme risk protective order or
34 emergency extreme risk protective order is in effect against the
35 respondent.

1 Upon the issuance of an extreme risk protective order, the
2 bill requires the court to order a new hearing within three
3 business days of the issuance of the extreme risk protective
4 order that requires the respondent to provide evidence to the
5 court that the respondent has surrendered any firearms in the
6 possession of the respondent. The court may dismiss the hearing
7 upon a satisfactory showing that the respondent has complied with
8 the extreme risk protective order.

9 All law enforcement agencies must develop policies and
10 procedures by June 1, 2027, regarding the acceptance, storage,
11 and return of firearms surrendered to a law enforcement agency
12 under the bill.

13 Under the bill, if an extreme risk protective order is
14 terminated or expires without an extension, the law enforcement
15 agency holding any firearms surrendered by the respondent shall
16 return any firearms to the respondent upon request of the
17 respondent, provided the respondent is eligible to possess a
18 firearm.

19 Notwithstanding Code section 809.21 (sale of certain
20 ammunition and firearms), for firearms that remain unclaimed by
21 the lawful owner, the firearms shall be destroyed pursuant to 661
22 IAC 95.8.

23 The bill provides that a respondent shall not be eligible
24 to obtain a permit to carry weapons or a permit to acquire
25 pistols or revolvers while an extreme risk protective order or
26 emergency extreme risk protective order is in effect against the
27 respondent.

28 The bill provides that a plaintiff who files a petition for
29 an extreme risk protective order knowing the information in the
30 petition to be materially false commits a serious misdemeanor.

31 The bill provides that a respondent who possesses a firearm
32 or who ships, transports, or receives, or attempts to ship,
33 transport, or receive, such a firearm while an extreme risk
34 protective order or emergency extreme risk protective order is in
35 effect against the respondent commits an aggravated misdemeanor.

1 A respondent who violates this provision shall be prohibited from
2 possessing, shipping, transporting, or receiving a firearm for
3 a period of five years from the date of the conviction. If
4 during the five-year prohibition period the respondent knowingly
5 has under the respondent's dominion and control or possession
6 or ships, transports, or receives, or causes to be shipped,
7 transported, or received, a firearm, the respondent commits a
8 class "D" felony.

9 A serious misdemeanor is punishable by confinement for no more
10 than one year and a fine of at least \$430 but not more than
11 \$2,560. An aggravated misdemeanor is punishable by confinement
12 for no more than two years and a fine of at least \$855 but
13 not more than \$8,540. A class "D" felony is punishable by
14 confinement for no more than five years and a fine of at least
15 \$1,025 but not more than \$10,245.

16 DIVISION VI — MENTAL HEALTH FUNDING. The bill establishes a
17 mental health firearm safety fund (fund) under the control of the
18 department of health and human services (HHS) to be funded with
19 moneys appropriated by the general assembly and any other moneys
20 available to and obtained or accepted by HHS for placement in the
21 fund.

22 The bill allows HHS to use moneys in the fund to award grants
23 to organizations for the purposes of training staff at a firearms
24 retailer or a firearm range on how to recognize signs that a
25 person may be considering suicide; providing suicide prevention
26 materials for distribution at a firearms retailer or a firearm
27 range; or providing voluntary, temporary firearm storage for the
28 lawful owner of a firearm who is or may be experiencing a mental
29 health emergency.

30 The bill limits annual awards from the fund to \$5,000 per
31 recipient organization per fiscal year.

32 The bill requires HHS, when awarding grants from the fund, to
33 give preference to organizations or coalitions of organizations
34 that have not previously received a grant from the fund.

35 The bill defines "organization" as a county; a city; or

1 an Indian tribe as defined in 25 U.S.C. §5304, including any
2 subdivision, subsidiary, or business enterprise wholly owned by
3 such an Indian tribe.

4 DIVISION VII — FIREARM SALES ON COMMERCIAL PREMISES. The
5 bill prohibits the transfer of firearms unless the transfer is
6 done by a licensed firearms dealer on a commercial premises
7 regularly selling or offering for sale firearms on a wholesale
8 or retail basis, and makes conforming changes. The bill defines
9 "commercial premises" as a permanent installation, structure, or
10 premises associated with a place of business where goods, wares,
11 services, or merchandise are stored or offered for sale on a
12 wholesale or retail basis and is regularly opened to the public.

13 A person in violation of the transfer prohibition is guilty
14 of a class "D" felony. A class "D" felony is punishable by
15 confinement for no more than five years and a fine of at least
16 \$1,025 but not more than \$10,245.

17 DIVISION VIII — HATE CRIMES — POLITICAL AFFILIATION. The
18 bill provides that an enumerated public offense committed against
19 a person or person's property because of the person's political
20 affiliation is classified and punished as an offense one degree
21 higher than the underlying offense.