

Senate File 2123 - Introduced

SENATE FILE 2123
BY STAED, ZIMMER, PETERSEN,
TOWNSEND, BISIGNANO, DREY,
and DONAHUE

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:

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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 in
5 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,
16 and that has been formed or machined to the point at which
17 most major machining operations have been completed to turn
18 the blank, casting, or machined body into a frame or lower
19 receiver of a firearm, even if the fire control cavity area of
20 such 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, 2026, 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 notifying
31 federally licensed firearms dealers. The department shall
32 maintain identifying information of the person requesting the
33 number or mark and of the firearm or unfinished frame or lower
34 receiver for which each number or mark is requested.

35 3. No person shall remove, deface, alter, or obliterate the

1 name of any maker or model, maker's number, unique serial number,
2 or other mark of identification on any firearm. The possession
3 of any firearm upon which any identifying mark, number, or name
4 has been removed, defaced, altered, or obliterated shall be
5 prima facie evidence that the person owning or in possession of
6 such firearm has removed, defaced, altered, or obliterated the
7 identifying mark, number, or name.

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

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

35 c. A person shall not transfer to another person a firearm

1 manufactured in violation of this subsection.

2 d. A person shall not facilitate, aid, or abet the
3 manufacture of a firearm by a person or for a person who is
4 otherwise prohibited by law from purchasing or possessing a
5 firearm, or that a person is otherwise prohibited by law from
6 purchasing or possessing.

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

12 f. The provisions of this subsection do not apply to any of
13 the following:

14 (1) The manufacture of firearms by a federally licensed
15 firearms manufacturer.

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

19 (3) The delivery or transfer of a firearm to a law
20 enforcement agency.

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

25 b. A person may request a unique serial number or other
26 mark of identification for an unfinished frame or lower receiver
27 by providing any identifying information to the department
28 concerning the unfinished frame or lower receiver and the owner
29 of such unfinished frame or lower receiver in a manner prescribed
30 by the department. Upon receiving a properly submitted request
31 for a unique serial number or other mark of identification
32 for an unfinished frame or lower receiver, the department
33 shall determine if the person is prohibited from purchasing or
34 possessing a firearm. If the person is not prohibited from
35 purchasing or possessing a firearm, the department shall issue to

1 the person a unique serial number or other mark of identification
2 no later than three business days after the person makes such
3 request or ten days after the department provides notice pursuant
4 to subsection 2, whichever date is later.

5 c. A unique serial number or other identifying mark obtained
6 pursuant to paragraph "b" shall be engraved upon or permanently
7 affixed to the unfinished frame or lower receiver in a manner
8 that conforms with the requirements imposed on licensed importers
9 and licensed manufacturers of firearms pursuant to 18 U.S.C.
10 §923(i) and any regulation adopted thereunder.

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

14 e. On or after December 1, 2026, a person shall not possess
15 an unfinished frame or lower receiver unless the person is
16 eligible to purchase and possess a firearm under state and
17 federal law.

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

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

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

25 (3) Multiple federally licensed firearms dealers.

26 6. A person shall not manufacture any firearm from polymer
27 plastic that, after removal of grips, stocks, and magazines,
28 is not as detectable as a security exemplar by walk-through
29 metal detectors calibrated and operated to detect the security
30 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 an
35 unfinished frame or lower receiver in violation of the provisions

1 of this section knowing that such unfinished frame or lower
2 receiver is stolen or that the manufacturer's number or other
3 mark of identification on such unfinished frame or lower receiver
4 has been altered, removed, or obliterated commits a class "B"
5 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, 2026, 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 from
21 removing, defacing, altering, or obliterating the name of any
22 maker or model, maker's number, unique serial number, or other
23 mark of identification on any firearm. The possession of any
24 firearm upon which any identifying mark, number, or name has been
25 removed, defaced, altered, or obliterated shall be prima facie
26 evidence that the person owning or in possession of such firearm
27 has removed, defaced, altered, or obliterated the identifying
28 mark, number, or name.

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

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

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

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

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

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

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

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

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