

Senate File 2357 - Reprinted

SENATE FILE 2357
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1033)

(As Amended and Passed by the Senate February 25, 2010)

A BILL FOR

1 An Act relating to prohibiting a person who is the subject of
2 a no-contact order or a protective order or who has been
3 convicted of a misdemeanor crime of domestic violence from
4 possessing, transferring, or selling firearms and ammunition
5 or offensive weapons and providing penalties.

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

1 Section 1. Section 236.4, subsection 2, Code 2009, is
2 amended to read as follows:

3 2. The court may enter any temporary order it deems
4 necessary to protect the plaintiff from domestic abuse prior to
5 the hearing, upon good cause shown in an ex parte proceeding.
6 Present danger of domestic abuse to the plaintiff constitutes
7 good cause for purposes of this subsection. A temporary order
8 issued pursuant to this subsection shall specifically include
9 notice that the person may be required to relinquish all
10 firearms, offensive weapons, and ammunition upon the issuance
11 of a permanent order pursuant to section 236.5.

12 Sec. 2. Section 236.5, subsection 1, paragraph b, Code
13 Supplement 2009, is amended by adding the following new
14 subparagraph:

15 NEW SUBPARAGRAPH. (02) That the defendant not knowingly
16 possess, ship, transport, or receive firearms, offensive
17 weapons, and ammunition in violation of section 724.26,
18 subsection 2.

19 Sec. 3. Section 664A.3, Code 2009, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 6. A no-contact order issued pursuant to
22 this section shall specifically include notice that the person
23 may be required to relinquish all firearms, offensive weapons,
24 and ammunition upon the issuance of a permanent no-contact
25 order pursuant to section 664A.5.

26 Sec. 4. Section 724.26, Code 2009, is amended to read as
27 follows:

28 **724.26 Possession, receipt, transportation, or dominion and**
29 **control of firearms, and offensive weapons, and ammunition by**
30 **felons and others.**

31 1. A person who is convicted of a felony in a state or
32 federal court, or who is adjudicated delinquent on the basis
33 of conduct that would constitute a felony if committed by an
34 adult, and who knowingly has under the person's dominion and
35 control or possession, receives, or transports or causes to be

1 transported a firearm or offensive weapon is guilty of a class
2 "D" felony.

3 2. A person who is subject to a protective order under 18
4 U.S.C. § 922(g)(8) or who has been convicted of a misdemeanor
5 crime of domestic violence under 18 U.S.C. § 922(g)(9) and who
6 knowingly possesses, ships, transports, or receives a firearm,
7 offensive weapon, or ammunition is guilty of a class "D"
8 felony.

9 3. Upon the issuance of a protective order or entry of a
10 judgment of conviction described in subsection 2, the court
11 shall inform the person who is the subject of such order or
12 conviction that the person shall not possess, ship, transport,
13 or receive a firearm, offensive weapon, or ammunition while
14 such order is in effect or until such conviction is vacated or
15 until the person's rights have been restored in accordance with
16 section 724.27.

17 4. Except as provided in section 809A.17, subsection 5,
18 paragraph "b", a court that issues an order or that enters
19 a judgment of conviction described in subsection 2 and
20 that finds the subject of the order or conviction to be in
21 possession of any firearm, offensive weapon, or ammunition
22 shall order that such firearm, offensive weapon, or ammunition
23 be sold or transferred by a date certain to the custody of a
24 qualified person in this state, as determined by the court.
25 The qualified person must be able to lawfully possess such
26 firearm, offensive weapon, or ammunition in this state. If
27 the court is unable to identify a qualified person to receive
28 such firearm, offensive weapon, or ammunition, the court
29 shall order that the firearm, offensive weapon, or ammunition
30 be transferred by a date certain to the county sheriff or
31 a local law enforcement agency designated by the court for
32 safekeeping until a qualified person is identified to receive
33 the firearm, offensive weapon, or ammunition, until such order
34 is no longer in effect, until such conviction is vacated, or
35 until the person's rights have been restored in accordance

1 with section 724.27. If the firearm, offensive weapon, or
2 ammunition is to be transferred to the sheriff's office or a
3 local law enforcement agency, the court shall assess the person
4 the reasonable cost of storing the firearm, offensive weapon,
5 or ammunition, payable to the county sheriff or the local law
6 enforcement agency.

7 5. Upon entry of an order described in subsection 2, the
8 court shall enter the name, address, date of birth, driver's
9 license number, or other identifying information of the person
10 subject to the order into the Iowa criminal justice information
11 system, the reason for the order, and the date by which the
12 person is required to comply with any relinquishment order
13 issued under subsection 4. At the time such order is no longer
14 in effect, such information relating to the prohibition in
15 subsection 3 shall be deleted from the Iowa criminal justice
16 information system.

17 6. If a firearm, offensive weapon, or ammunition has been
18 transferred to a qualified person pursuant to subsection 4 and
19 the protective order described in subsection 2 is no longer in
20 effect, the firearm, offensive weapon, or ammunition shall be
21 returned to the person who was subject to the protective order
22 within five days of that person's request to have the firearm,
23 offensive weapon, or ammunition returned.