

**House File 756 - Reprinted**

HOUSE FILE 756

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 254)

(As Amended and Passed by the House March 17, 2021)

**A BILL FOR**

- 1 An Act relating to the acquisition and possession of weapons
- 2 and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

ACQUIRING PISTOLS AND REVOLVERS

Section 1. Section 724.11A, Code 2021, is amended to read as follows:

**724.11A Recognition.**

A valid permit or license issued by another state to any nonresident of this state shall be considered to be a valid permit or license to carry weapons issued pursuant to this chapter, except that such permit or license shall not be ~~considered to be a substitute for a permit to acquire pistols or revolvers issued pursuant to section 724.15~~ deemed to satisfy the requirements of section 724.15.

Sec. 2. Section 724.15, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

**724.15 Acquiring pistols or revolvers.**

1. It is the intent of this section to satisfy federal requirements of 18 U.S.C. §922(t)(3) in order to acquire pistols or revolvers. In order to acquire a pistol or revolver from a federally licensed firearms dealer, an unlicensed person is required to have a valid permit to acquire or a valid permit to carry weapons issued in accordance with this chapter or the person must complete a satisfactory national instant criminal background check pursuant to 18 U.S.C. §922(t).

2. A person shall not acquire a pistol or revolver if the person is any of the following:

a. Under twenty-one years of age except for those persons included in section 724.22, subsection 4, who acquire a pistol or revolver when the person's duty so requires.

b. Prohibited by section 724.26 or federal law from possessing, shipping, transporting, or receiving a firearm.

c. Prohibited by court order from possessing, shipping, transporting, or receiving a firearm.

d. Ineligible to possess dangerous weapons pursuant to section 724.8B.

e. Intoxicated as provided under the conditions set out in

1 section 321J.2, subsection 1.

2 3. An issuing officer who finds that a person issued a  
3 permit to acquire pistols or revolvers under this chapter  
4 has been arrested for a disqualifying offense or who is  
5 the subject of proceedings that could lead to the person's  
6 ineligibility for such permit, may immediately suspend such  
7 permit. An issuing officer proceeding under this subsection  
8 shall immediately notify the permit holder of the suspension  
9 by personal service or certified mail on a form prescribed  
10 and published by the commissioner of public safety and the  
11 suspension shall become effective upon the permit holder's  
12 receipt of such notice. If the suspension is based on an  
13 arrest or a proceeding that does not result in a disqualifying  
14 conviction or finding against the permit holder, the issuing  
15 officer shall immediately reinstate the permit upon receipt  
16 of proof of the matter's final disposition. If the arrest  
17 leads to a disqualifying conviction or the proceedings to a  
18 disqualifying finding, the issuing officer shall revoke the  
19 permit. The issuing officer may also revoke the permit of a  
20 person whom the issuing officer later finds was not qualified  
21 for such a permit at the time of issuance or whom the officer  
22 finds provided materially false information on the permit  
23 application. A person aggrieved by a suspension or revocation  
24 under this subsection may seek review of the decision pursuant  
25 to section 724.21A.

26 Sec. 3. Section 724.16, Code 2021, is amended by striking  
27 the section and inserting in lieu thereof the following:

28 **724.16 Prohibited transfers of firearms.**

29 1. A person shall not transfer a firearm to another person  
30 if the person knows or reasonably should know that the other  
31 person is ineligible to possess dangerous weapons pursuant to  
32 section 724.8B, is intoxicated as provided under the conditions  
33 set out in section 321J.2, subsection 1, or is prohibited from  
34 receiving or possessing a firearm under section 724.26 or  
35 federal law.

1 2. A person shall not loan or rent a firearm to another  
2 person for temporary use during lawful activities if the  
3 person knows or reasonably should know that the other person  
4 is ineligible to possess dangerous weapons pursuant to section  
5 724.8B, is intoxicated as provided under the conditions set  
6 out in section 321J.2, subsection 1, or is prohibited from  
7 receiving or possessing a firearm under section 724.26 or  
8 federal law.

9 3. A person who transfers, loans, or rents a firearm in  
10 violation of this section commits a class "D" felony.

11 Sec. 4. Section 724.27, Code 2021, is amended to read as  
12 follows:

13 **724.27 Offenders' rights restored.**

14 1. The provisions of [section 724.8](#), section 724.15,  
15 subsection ± 2, and [section 724.26](#) shall not apply to a person  
16 who is eligible to have the person's civil rights regarding  
17 firearms restored ~~under [section 914.7](#)~~ if any of the following  
18 occur:

19 a. The person is pardoned by the President of the United  
20 States or the chief executive of a state for a disqualifying  
21 conviction.

22 b. The person's civil rights have been restored after a  
23 disqualifying conviction, commitment, or adjudication.

24 c. The person's conviction for a disqualifying offense has  
25 been expunged.

26 2. [Subsection 1](#) shall not apply to a person whose pardon,  
27 restoration of civil rights, or expungement of conviction  
28 expressly forbids the person to receive, transport, or possess  
29 firearms or destructive devices and a person not eligible to  
30 have the person's civil rights restored under section 914.7.

31 Sec. 5. NEW SECTION. **724.31A Identifying information —**  
32 **background checks.**

33 1. When a court issues an order or judgment by which a  
34 person is prohibited from acquiring a pistol or revolver under  
35 section 724.15, subsection 2, paragraph "d", the clerk of

1 the district court shall forward only such information as is  
2 necessary to identify the person to the department of public  
3 safety, which in turn shall forward the information to the  
4 federal bureau of investigation or its successor agency for  
5 the sole purpose of inclusion in the national instant criminal  
6 background check system database. The clerk of the district  
7 court shall also notify the person of the prohibitions imposed  
8 under this section.

9 2. The department of public safety shall, as soon as  
10 is practicable after receiving a written request from the  
11 person prohibited from acquiring a pistol or revolver under  
12 section 724.15, subsection 2, paragraph "d", update, correct,  
13 modify, or remove the person's record in any database that the  
14 department of public safety makes available to the national  
15 instant criminal background check system and shall notify the  
16 United States department of justice that the basis for such  
17 record being made available no longer applies.

18 DIVISION II

19 CARRYING AND POSSESSING WEAPONS — SCHOOL GROUNDS — EMERGENCY  
20 MEDICAL CARE PROVIDERS

21 Sec. 6. Section 8A.322, subsection 3, Code 2021, is amended  
22 to read as follows:

23 3. The director shall establish, publish, and enforce  
24 rules regulating and restricting the use by the public of the  
25 capitol buildings and grounds and of the state laboratories  
26 facility in Ankeny. The rules when established shall be  
27 posted in conspicuous places about the capitol buildings and  
28 grounds and the state laboratories facility, as applicable.  
29 Any person violating any rule, except a parking regulation,  
30 shall be guilty of a simple misdemeanor. The rules shall  
31 prohibit a person, other than a peace officer, from openly  
32 carrying a pistol or revolver in the capitol building and on  
33 the grounds surrounding the capitol building including state  
34 parking lots and parking garages. However, **this subsection**  
35 shall not be construed to allow the director to prohibit

1 the lawful carrying, transportation, or possession of any  
2 pistol or revolver in the capitol building and on the grounds  
3 surrounding the capitol building including state parking lots  
4 and parking garages by a any person who displays to capitol  
5 security personnel a valid permit to carry weapons upon request  
6 regardless of whether the person has a valid permit to carry  
7 weapons.

8 Sec. 7. Section 232.52, subsection 2, paragraph a,  
9 subparagraph (4), subparagraph division (a), subparagraph  
10 subdivision (viii), Code 2021, is amended to read as follows:

11 (viii) Section 724.4, if the child used the dangerous weapon  
12 in the commission of a crime.

13 Sec. 8. Section 724.2A, Code 2021, is amended to read as  
14 follows:

15 **724.2A Peace officer — defined — reserved peace officer**  
16 **included.**

17 As used in sections ~~724.4~~, 724.4B, 724.6, and 724.11, "peace  
18 officer" includes a reserve peace officer as defined in section  
19 80D.1A.

20 Sec. 9. Section 724.4, Code 2021, is amended by striking the  
21 section and inserting in lieu thereof the following:

22 **724.4 Use of a dangerous weapon in the commission of a crime.**

23 A person who goes armed with a dangerous weapon on or about  
24 the person, and who uses the dangerous weapon in the commission  
25 of a crime, commits an aggravated misdemeanor, except as  
26 provided in section 708.8.

27 Sec. 10. Section 724.4B, Code 2021, is amended by striking  
28 the section and inserting in lieu thereof the following:

29 **724.4B Carrying firearms on school grounds — penalty —**  
30 **exceptions.**

31 1. A person who goes armed with, carries, or transports a  
32 firearm of any kind, whether concealed or not, on the grounds  
33 of a school commits a class "D" felony. For the purposes of  
34 this section, "school" means a public or nonpublic school as  
35 defined in section 280.2.

1     2. Subsection 1 does not apply to the following:

2     *a.* A person who has been specifically authorized by the  
3 school to go armed with, carry, or transport a firearm on the  
4 school grounds for any lawful purpose.

5     *b.* A peace officer including a peace officer who has  
6 not been certified and a federal officer when the officer's  
7 employment requires going armed, whether or not the peace  
8 officer or federal officer is acting in the performance of  
9 official duties.

10    *c.* A member of the armed forces of the United States or  
11 of the national guard or person in the service of the United  
12 States, when the firearm is carried in connection with the  
13 person's duties as such.

14    *d.* A correctional officer, when the officer's duties require  
15 the officer to carry a firearm, serving under the authority of  
16 the Iowa department of corrections.

17    *e.* A person who for any lawful purpose carries an unloaded  
18 pistol, revolver, or other firearm inside a closed and fastened  
19 container or securely wrapped package that is too large to be  
20 concealed on the person.

21    *f.* A person who for any lawful purpose carries or  
22 transports an unloaded pistol, revolver, or other firearm  
23 in a vehicle or common carrier inside a closed and fastened  
24 container or securely wrapped package that is too large to be  
25 concealed on the person or carries or transports an unloaded  
26 pistol, revolver, or other firearm inside a cargo or luggage  
27 compartment where the pistol or revolver will not be readily  
28 accessible to any person riding in the vehicle or common  
29 carrier.

30    *g.* A law enforcement officer from another state when the  
31 officer's duties require the officer to carry a firearm and the  
32 officer is in this state for any of the following reasons:

33     (1) The extradition or other lawful removal of a prisoner  
34 from this state.

35     (2) Pursuit of a suspect in compliance with chapter 806.

1 (3) Activities in the capacity of a law enforcement officer  
2 with the knowledge and consent of the chief of police of the  
3 city or the sheriff of the county in which the activities occur  
4 or of the commissioner of public safety.

5 h. A licensee under chapter 80A or an employee of such  
6 a licensee, while the licensee or employee is engaged in  
7 the performance of duties, and if the licensee or employee  
8 possesses a valid professional or nonprofessional permit to  
9 carry weapons issued pursuant to this chapter.

10 Sec. 11. NEW SECTION. **724.4D Carrying of dangerous weapons**  
11 **— duty to cooperate — reasonable suspicion.**

12 A person carrying a dangerous weapon whose behavior creates  
13 a reasonable suspicion that the person presents a danger to the  
14 person's self or others shall cooperate with an investigating  
15 officer.

16 Sec. 12. NEW SECTION. **724.4E Possession of dangerous**  
17 **weapons and loaded firearms by minors.**

18 1. A minor who goes armed with a dangerous weapon concealed  
19 on or about the person commits a serious misdemeanor.

20 2. A minor who carries, transports, or possesses a loaded  
21 firearm of any kind within the limits of a city or knowingly  
22 carries or transports a pistol or revolver in a vehicle commits  
23 a serious misdemeanor.

24 3. A minor who goes armed with a dangerous weapon that  
25 directs an electric current impulse, wave, or beam that  
26 produces a high-voltage pulse designed to immobilize a person,  
27 whether concealed or not, commits a simple misdemeanor.

28 Sec. 13. Section 724.5, Code 2021, is amended by striking  
29 the section and inserting in lieu thereof the following:

30 **724.5 Availability of permit not to be construed as**  
31 **prohibition on unlicensed carrying of weapons.**

32 The availability of a professional or nonprofessional permit  
33 to carry weapons under this chapter shall not be construed to  
34 impose a general prohibition on the otherwise lawful unlicensed  
35 carrying or transport, whether openly or concealed, of a



1 dangerous weapon, including a loaded firearm.

2 Sec. 14. Section 724.6, subsection 1, paragraph a, Code  
3 2021, is amended to read as follows:

4 a. (1) A person may be issued a permit to carry weapons  
5 when the person's employment in a private investigation  
6 business or private security business licensed under chapter  
7 80A, or a person's employment as a peace officer, correctional  
8 officer, security guard, bank messenger or other person  
9 transporting property of a value requiring security, or in  
10 police work, reasonably justifies that person going armed.

11 (2) A person may be issued a permit to carry weapons  
12 if the person is an emergency medical care provider who is  
13 designated and attached to a law enforcement tactical team by  
14 the authorities having jurisdiction. A person issued a permit  
15 to carry weapons under this paragraph shall train with the law  
16 enforcement tactical team the person is designated and attached  
17 to, complete a prescribed firearm safety training course  
18 offered pursuant to section 724.9, subsection 1, paragraph  
19 "e", complete any additional training as prescribed by the  
20 authorities having jurisdiction, and not be disqualified under  
21 section 724.8.

22 Sec. 15. Section 724.6, subsection 2, Code 2021, is amended  
23 to read as follows:

24 2. Notwithstanding [subsection 1](#), fire fighters, as defined  
25 in [section 411.1, subsection 10](#), airport fire fighters included  
26 under [section 97B.49B](#), and emergency medical care providers,  
27 ~~as defined in [section 147A.1](#)~~ other than emergency medical  
28 care providers specified in subsection 1, paragraph "a",  
29 subparagraph (2), shall not, as a condition of employment,  
30 be required to obtain a permit under [this section](#). However,  
31 the provisions of [this subsection](#) shall not apply to a person  
32 designated as an arson investigator by the chief fire officer  
33 of a political subdivision.

34 Sec. 16. Section 724.6, Code 2021, is amended by adding the  
35 following new subsection:

1 NEW SUBSECTION. 3. For purposes of this section, "*emergency*  
2 *medical care provider*" means the same as defined in section  
3 147A.1.

4 Sec. 17. NEW SECTION. **724.8B Persons ineligible to carry**  
5 **dangerous weapons.**

6 A person determined to be ineligible to receive a permit  
7 to carry weapons under section 724.8, subsection 2, 3, 4, 5,  
8 or 6, a person who illegally possesses a controlled substance  
9 included in chapter 124, subchapter II, or a person who is  
10 committing an indictable offense is prohibited from carrying  
11 dangerous weapons. Unless otherwise provided by law, a person  
12 who violates this section commits a serious misdemeanor.

13 Sec. 18. Section 724.31, subsection 1, Code 2021, is amended  
14 to read as follows:

15 1. When a court issues an order or judgment under the  
16 laws of this state by which a person becomes subject to the  
17 provisions of 18 U.S.C. §922(d)(4) and (g)(4), the clerk of  
18 the district court shall forward only such information as is  
19 necessary to identify the person to the department of public  
20 safety, which in turn shall enter the information on the Iowa  
21 on-line warrants and articles criminal justice information  
22 network and forward the information to the federal bureau of  
23 investigation or its successor agency for the sole purpose of  
24 inclusion in the national instant criminal background check  
25 system database. The clerk of the district court shall also  
26 notify the person of the prohibitions imposed under 18 U.S.C.  
27 §922(d)(4) and (g)(4).

28 DIVISION III

29 HANDGUN SAFETY TRAINING

30 Sec. 19. Section 724.9, subsection 1, paragraphs a and b,  
31 Code 2021, are amended to read as follows:

32 a. Completion of any national rifle association handgun  
33 safety training course or a handgun safety training course  
34 offered by an instructor certified by an organization approved  
35 by the department of public safety pursuant to section 724.9A.

1     **b.** Completion of any handgun safety training course  
2 available to the general public offered by a law enforcement  
3 agency, community college, college, private or public  
4 institution or organization, or firearms training school,  
5 utilizing instructors certified by the national rifle  
6 association or an organization approved by the department of  
7 public safety pursuant to section 724.9A or another state's  
8 department of public safety, state police department, or  
9 similar certifying body.

10     **Sec. 20. NEW SECTION. 724.9A Approval of organizations that**  
11 **may certify handgun safety training instructors.**

12     The department of public safety shall adopt rules to approve  
13 organizations that may certify individuals as handgun safety  
14 training instructors eligible to offer a handgun safety  
15 training course under section 724.9, subsection 1, paragraphs  
16 "a" and "b".

17   DIVISION IV

18   FIREARM REGULATION BY POLITICAL SUBDIVISIONS

19     **Sec. 21.** Section 724.28, subsections 2 and 3, Code 2021, are  
20 amended to read as follows:

21     **2.** A political subdivision of the state shall not enact an  
22 ordinance, motion, resolution, policy, or amendment regulating  
23 the ownership, possession, carrying, legal transfer, lawful  
24 transportation, modification, registration, or licensing of  
25 firearms, firearms attachments, or other weapons when the  
26 ownership, possession, carrying, transfer, transportation, or  
27 modification is otherwise lawful under the laws of this state.  
28 An ordinance regulating firearms, firearms attachments, or  
29 other weapons in violation of **this section** existing on or after  
30 April 5, 1990, is void.

31     **3.** If a political subdivision of the state, prior to, on,  
32 or after July 1, 2020, adopts, makes, enacts, or amends any  
33 ordinance, measure, enactment, rule, resolution, motion, or  
34 policy regulating the ownership, possession, carrying, legal  
35 transfer, lawful transportation, modification, registration,

1 or licensing of firearms, firearms attachments, or other  
2 weapons when the ownership, possession, carrying, transfer,  
3 transportation, modification, registration, or licensing  
4 of firearms, firearms attachments, or other weapons is  
5 otherwise lawful under the laws of this state, a person  
6 adversely affected by the ordinance, measure, enactment, rule,  
7 resolution, motion, or policy may file suit in the appropriate  
8 court for declaratory and injunctive relief and all damages  
9 attributable to the violation. A court shall also award the  
10 prevailing party in any such lawsuit reasonable attorney fees  
11 and court costs.

12 DIVISION V

13 POSSESSION AND STORAGE OF A FIREARM BY A TENANT

14 Sec. 22. Section 562A.11, Code 2021, is amended to read as  
15 follows:

16 **562A.11 Prohibited provisions in rental agreements.**

17 1. A rental agreement shall not provide that the tenant or  
18 landlord does any of the following:

19 a. Agrees to waive or to forego rights or remedies under  
20 this chapter provided that this restriction shall not apply to  
21 rental agreements covering single family residences on land  
22 assessed as agricultural land and located in an unincorporated  
23 area~~;~~.

24 b. Authorizes a person to confess judgment on a claim  
25 arising out of the rental agreement~~;~~.

26 c. Agrees to pay the other party's attorney fees~~;~~ or.

27 d. Agrees to the exculpation or limitation of any liability  
28 of the other party arising under law or to indemnify the other  
29 party for that liability or the associated costs ~~connected~~  
30 ~~therewith~~.

31 1A. If the landlord receives rental assistance payments  
32 under a rental assistance agreement administered by the  
33 United States department of agriculture under the multifamily  
34 housing rental assistance program under Tit. V of the federal  
35 Housing Act of 1949, Pub. L. No. 81-171, or receives housing

1 assistance payments under a housing assistance payment contract  
 2 administered by the United States department of housing and  
 3 urban development under the housing choice voucher program,  
 4 the new construction program, the substantial rehabilitation  
 5 program, or the moderate rehabilitation program under section 8  
 6 of the United States Housing Act of 1937, Pub. L. No. 75-412, a  
 7 rental agreement shall not contain a provision or impose a rule  
 8 that requires a person to agree, as a condition of tenancy, to  
 9 a prohibition or restriction on the lawful ownership, use, or  
 10 possession of a firearm, a firearm component, or ammunition  
 11 within the tenant's specific rental unit. A landlord may  
 12 impose reasonable restrictions related to the possession,  
 13 use, or transportation of a firearm, a firearm component, or  
 14 ammunition within common areas as long as those restrictions do  
 15 not circumvent the purpose of this subsection. A tenant shall  
 16 exercise reasonable care in the storage of a firearm, a firearm  
 17 component, or ammunition. This subsection does not apply to  
 18 any prohibition or restriction that is required by federal or  
 19 state law, rule, or regulation.

20 2. A provision prohibited by ~~subsection 1~~ this section  
 21 included in a rental agreement is unenforceable. If a landlord  
 22 willfully uses a rental agreement containing provisions known  
 23 by the landlord to be prohibited, a tenant may recover actual  
 24 damages sustained by the tenant and not more than three months'  
 25 periodic rent and reasonable attorney fees.

26 Sec. 23. Section 562A.16, Code 2021, is amended by adding  
 27 the following new subsection:

28 NEW SUBSECTION. 3. Except in cases of willful, reckless, or  
 29 gross negligence, a landlord is not liable in a civil action  
 30 for personal injury, death, property damage, or other damages  
 31 resulting from or arising out of an occurrence involving a  
 32 firearm, a firearm component, or ammunition that the landlord  
 33 is required to allow on the property under section 562A.11.

34 Sec. 24. Section 562A.27A, subsection 2, paragraph b, Code  
 35 2021, is amended to read as follows:

1     *b.* Illegal use of a firearm or other weapon, the threat to  
2 use a firearm or other weapon illegally, or possession of an  
3 illegal firearm. The mere possession or storage of a firearm  
4 by a tenant in the dwelling unit that the tenant rents does not  
5 constitute a clear and present danger.

6     Sec. 25. Section 562B.11, Code 2021, is amended by adding  
7 the following new subsection:

8     NEW SUBSECTION. 1A. If the landlord receives rental  
9 assistance payments under a rental assistance agreement  
10 administered by the United States department of agriculture  
11 under the multifamily housing rental assistance program  
12 under Tit. V of the federal Housing Act of 1949, Pub. L.  
13 No. 81-171, or receives housing assistance payments under a  
14 housing assistance payment contract administered by the United  
15 States department of housing and urban development under the  
16 housing choice voucher program, the new construction program,  
17 the substantial rehabilitation program, or the moderate  
18 rehabilitation program under section 8 of the United States  
19 Housing Act of 1937, Pub. L. No. 75-412, a rental agreement  
20 shall not contain a provision or impose a rule that requires a  
21 person to agree, as a condition of tenancy, to a prohibition or  
22 restriction on the lawful ownership, use, or possession of a  
23 firearm, a firearm component, or ammunition within the tenant's  
24 specific rental unit. A landlord may impose reasonable  
25 restrictions related to the possession, use, or transportation  
26 of a firearm, a firearm component, or ammunition within common  
27 areas as long as those restrictions do not circumvent the  
28 purpose of this subsection. A tenant shall exercise reasonable  
29 care in the storage of a firearm, a firearm component, or  
30 ammunition. This subsection does not apply to any prohibition  
31 or restriction that is required by federal or state law, rule,  
32 or regulation.

33     Sec. 26. Section 562B.11, subsection 2, Code 2021, is  
34 amended to read as follows:

35     2. A provision prohibited by ~~subsection 1~~ this section

1 included in a rental agreement is unenforceable. If a landlord  
2 or tenant knowingly uses a rental agreement containing  
3 provisions known to be prohibited by [this chapter](#), the other  
4 party may recover actual damages sustained.

5 Sec. 27. Section 562B.17, Code 2021, is amended by adding  
6 the following new subsection:

7 NEW SUBSECTION. 3. Except in cases of willful, reckless, or  
8 gross negligence, a landlord is not liable in a civil action  
9 for personal injury, death, property damage, or other damages  
10 resulting from or arising out of an occurrence involving a  
11 firearm, a firearm component, or ammunition that the landlord  
12 is required to allow on the property under section 562B.11.

13 Sec. 28. Section 562B.25A, subsection 2, paragraph b, Code  
14 2021, is amended to read as follows:

15 *b.* Illegal use of a firearm or other weapon, the threat to  
16 use a firearm or other weapon illegally, or possession of an  
17 illegal firearm. The mere possession or storage of a firearm  
18 by a tenant in the tenant's dwelling unit does not constitute a  
19 clear and present danger.