HOUSE FILE 756
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 254)

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

## A BILL FOR

An Act relating to the acquisition and possession of weapons and providing penalties.

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

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

section 321J.2, subsection 1.

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

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

**724.16 Prohibited transfers of firearms.**

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

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

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

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

**724.27 Offenders' rights restored.**

1. The provisions of section 724.8, section 724.15, subsection ~~1~~ 2, and section 724.26 shall not apply to a person who is eligible to have the person's civil rights regarding firearms restored ~~under section 914.7~~ if any of the following occur:

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

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

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

2. Subsection 1 shall not apply to a person whose pardon, restoration of civil rights, or expungement of conviction expressly forbids the person to receive, transport, or possess firearms or destructive devices and a person not eligible to have the person's civil rights restored under section 914.7.

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

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

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

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

DIVISION II

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Subsection 1 does not apply to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

dangerous weapon, including a loaded firearm.

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

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

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

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

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

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

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

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

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

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

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

DIVISION III

HANDGUN SAFETY TRAINING

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

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

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

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

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

DIVISION IV

FIREARM REGULATION BY POLITICAL SUBDIVISIONS

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

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

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

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

DIVISION V

POSSESSION AND STORAGE OF A FIREARM BY A TENANT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

included in a rental agreement is unenforceable. If a landlord or tenant knowingly uses a rental agreement containing provisions known to be prohibited by this chapter, the other party may recover actual damages sustained.

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

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

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

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