

Reported Recommending
Ind. Postponed
Passed House
Failed to Pass House
Passed Senate
Failed to Pass Senate

House File 442

February 27, 1947.
Passed on File.

By JUDICIARY 2.

A BILL FOR

An Act providing for the confiscation and disposition of
firearms of persons convicted of certain felonies.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Amend chapter six hundred ninety-five (695),
2 Code 1946, by adding thereto the following:
3 "When any person is convicted in any court of the state
4 of Iowa of any of the crimes of murder, manslaughter, felonious
5 assault, rape, killing or assaulting a peace officer, robbery,
6 burglary, bank robbery, killing or kidnapping in committing
7 robbery, or in avoiding or attempting to avoid apprehension
8 for the commission of bank robbery, or in freeing one's self
9 or attempting to free one's self from arrest or confinement
10 of bank robbery, transporting or causing to be transported a
11 kidnapped person in interstate or foreign commerce,
12 transporting or causing to be transported a stolen motor
13 vehicle, or any felony perpetrated in whole or in part by the
14 use of firearms, or an attempt to commit any of the foregoing
15 crimes, the court in its judgment of conviction shall in
16 addition to the penalty or penalties prescribed by law for
17 the punishment of such crime or crimes order the confiscation

18 of firearms found in the possession, or under the immediate
19 control of such person at the time of his arrest, and the
20 court shall direct the delivery of such firearms to the division
21 of criminal investigation of the department of public safety
22 of the state of Iowa.”

EXPLANATION OF H. F. 442

The division of criminal investigation, Iowa department of public safety, as one of its technical services, is called upon by all Iowa enforcement officers to identify bullets taken from the bodies of murder victims with the gun through which the bullet was fired. Reference material is very necessary in this type of work, especially the various types of firearms. The state has no such material and the department has used a reference collection which is the personal property of Chief R. W. Nebergall.

It is highly important that the state of Iowa in this division should own such a reference collection of weapons, but there is no law authorizing the courts, after conviction of the criminals owning such weapons, to deliver them to the state for the purpose stated. This bill is in line with the federal statute in section 645 of the United States Criminal Code; except that under the federal statute a discretion is retained by the court as to the disposition of such firearms. In common practice, such firearms are not, of course, returned to the criminals.

This bill would provide for the delivery of such firearms to the division of criminal investigation to be accounted for by them as other state property is accounted for.