

FILED FEB 28 1979

SENATE FILE 317  
BY HANSEN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act creating the offense of illegal purchase or possession of  
2 body armor and providing penalties.

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

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SF 317  
JUDICIARY

1 Section 1. Section 331.653, Code 2001, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 59A. Carry out duties relating to body  
4 armor permits as provided in section 724.31.

5 Sec. 2. NEW SECTION. 724.31 ILLEGAL BODY ARMOR --  
6 PURCHASE OR POSSESSION.

7 1. Except as provided in subsection 2, a person who has a  
8 prior conviction for a forcible felony or a crime of similar  
9 gravity in any other jurisdiction and who purchases, attempts  
10 to purchase, or possesses body armor commits a class "D"  
11 felony.

12 2. The sheriff in the county where the person resides may  
13 issue a permit for the purchase or possession of body armor to  
14 a person who would otherwise be prohibited from purchasing or  
15 possessing body armor under subsection 1 if the sheriff  
16 believes that issuance of a permit is appropriate under the  
17 circumstances. The sheriff may impose any restrictions or  
18 conditions on the permit. The permit shall identify the  
19 holder of the permit and the restrictions or conditions of  
20 such a permit. All permits issued shall be for a definite  
21 period as established by the issuing officer, but shall expire  
22 no later than five years from the date of issuance.

23 3. A person who violates the restrictions or conditions of  
24 a permit issued under subsection 2 commits a class "D" felony.

25 4. A person who has been issued a permit under subsection  
26 2, and is purchasing or is in the immediate possession of body  
27 armor, shall have the permit in the person's possession and  
28 shall produce the permit for inspection at the request of a  
29 peace officer. Failure to produce a permit is a simple  
30 misdemeanor.

31 5. For purposes of this section, "body armor" means a vest  
32 or body protection device that is created specifically to  
33 provide protection against ballistic and other trauma.

34 EXPLANATION

35 This bill creates a new criminal offense of illegal

1 purchase or possession of body armor. The bill provides that  
2 a person commits a class "D" felony if a person has a prior  
3 conviction for a forcible felony or an equivalent offense in  
4 another jurisdiction, and purchases, or attempts to purchase,  
5 or possesses body armor. The term "forcible felony" is  
6 defined in Code section 702.11, and includes felonious child  
7 endangerment, assault, murder, sexual abuse, kidnapping,  
8 robbery, arson in the first degree, and burglary in the first  
9 degree.

10 The bill provides that a person prohibited from purchasing  
11 or possessing body armor may receive a permit to purchase and  
12 possess body armor from the sheriff in the county where the  
13 person resides if the sheriff considers the issuance of the  
14 permit appropriate under the circumstances. The bill provides  
15 that the sheriff may place restrictions or conditions on the  
16 permit. If a person issued a permit violates the restrictions  
17 or conditions on the permit, the person commits a class "D"  
18 felony.

19 The bill provides that if a person issued a permit fails to  
20 carry and produce the permit after a request by a peace  
21 officer and the person is purchasing or is in the immediate  
22 possession of body armor, the person commits a simple  
23 misdemeanor.

24 A simple misdemeanor is punishable by confinement for no  
25 more than 30 days or a fine of at least \$50 but not more than  
26 \$500, or by both. A class "D" felony is punishable by  
27 confinement for no more than five years and a fine of at least  
28 \$750 but not more than \$7,500.

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