

Tinsman  
Maddox  
Hammond

Succeeded By  
SF HF 488

SSB-1184  
Judiciary

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON MADDOX)

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

### A BILL FOR

1 An Act relating to the sale or transfer of firearms between  
2 unlicensed persons and providing penalties.

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

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1 Section 1. NEW SECTION. 724.31 TRANSFER OF FIREARMS  
2 BETWEEN UNLICENSED PERSONS.

3 1. The sale, lease, or other transfer of firearms between  
4 two or more unlicensed persons shall be conducted through a  
5 federally licensed firearm dealer and shall comply with all  
6 applicable federal and state laws. The dealer may charge a  
7 transfer fee not to exceed five dollars. This subsection does  
8 not apply to the sale, lease, or other transfer of firearms in  
9 any of the following situations:

10 a. The person transferring the firearm or the person  
11 acquiring the firearm is a licensed firearm dealer under  
12 federal law.

13 b. The firearm acquired is an antique firearm, a  
14 collector's item, a device which is not designed or redesigned  
15 for use as a firearm, a device which is designed solely for  
16 use as a signaling, pyrotechnic, line-throwing, safety, or  
17 similar device, or a firearm which is unserviceable by reason  
18 of being unable to discharge a shot by means of an explosive  
19 and is incapable of being readily restored to a firing  
20 condition.

21 c. The person acquiring the firearm is authorized to do so  
22 on behalf of a law enforcement agency.

23 d. The person transferring the firearm and the person  
24 acquiring the firearm are related to one another within the  
25 second degree of consanguinity or affinity, unless the person  
26 transferring the firearm knows that the person acquiring the  
27 firearm would be ineligible to obtain a firearm under federal  
28 or state law.

29 2. An unlicensed person who sells, leases, or transfers a  
30 firearm to another unlicensed person, or an unlicensed person  
31 who acquires a firearm from another unlicensed person, without  
32 the sale, lease, or transfer conducted by a federally licensed  
33 firearm dealer, commits an aggravated misdemeanor.

34 3. A person who sells, leases, or transfers a firearm to  
35 another person, who the transferor knows or has reason to know

1 is prohibited from possessing firearms under federal or state  
2 law, commits a class "D" felony.

3 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
4 3, shall not apply to this Act.

5 EXPLANATION

6 This bill creates new Code section 724.31, relating to the  
7 sale of firearms between unlicensed persons and providing  
8 penalties.

9 The bill provides that a sale, lease, or other transfer of  
10 firearms between two or more persons shall be conducted  
11 through a federally licensed firearm dealer. The bill  
12 specifically excludes transfers of firearms between persons  
13 where one person is a federally licensed firearm dealer,  
14 transfers of firearms to persons authorized to do so on behalf  
15 of a law enforcement agency, and transfers of firearms between  
16 relatives, unless the relative transferring the firearm knows  
17 or has reason to know the person to whom the transfer is made  
18 would be ineligible to obtain a firearm under state or federal  
19 law. The bill further excludes antique firearms, collector's  
20 items, a device not designed or redesigned for use as a  
21 firearm, a device designed solely for use as a signaling,  
22 pyrotechnic, line-throwing, safety, or similar device, or a  
23 firearm which is unserviceable.

24 The bill further provides that an unlicensed person who  
25 sells, leases, or transfers a firearm to another unlicensed  
26 person, or an unlicensed person who acquires a firearm from  
27 another unlicensed person, without going through a federally  
28 licensed firearm dealer commits an aggravated misdemeanor. An  
29 aggravated misdemeanor is punishable by confinement for no  
30 more than two years and a fine of at least \$500 but not more  
31 than \$5,000. A person who sells, leases, or transfers a  
32 firearm to another individual who the transferor knows or has  
33 reason to know is prohibited from possessing firearms commits  
34 a class "D" felony. A class "D" felony is punishable by  
35 confinement for no more than five years and a fine of at least

1 \$750 but not more than \$7,500.

2 The bill may include a state mandate as defined in Code  
3 section 25B.3. The bill makes inapplicable Code section  
4 25B.2, subsection 3, which would relieve a political  
5 subdivision from complying with a state mandate if funding for  
6 the cost of the state mandate is not provided or specified.  
7 Therefore, political subdivisions are required to comply with  
8 any state mandate included in the bill.

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4/5/01 Rereferred To: Judiciary

FILED MAR 19 1901

SENATE FILE 488  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1184)

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

**A BILL FOR**

1 An Act relating to the sale or transfer of firearms between  
2 unlicensed persons at a gun show and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF 488

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1 Section 1. NEW SECTION. 724.31 TRANSFER OF FIREARMS  
2 BETWEEN UNLICENSED PERSONS AT A GUN SHOW.

3 1. Any portion of a sale, lease, or other transfer of  
4 firearms between two or more unlicensed persons at a gun show  
5 shall be conducted through a federally licensed firearm dealer  
6 on the premises of the gun show and shall comply with all  
7 applicable federal and state laws. The dealer may charge a  
8 transfer fee not to exceed five dollars. This subsection does  
9 not apply to the sale, lease, or other transfer of firearms in  
10 any of the following situations:

11 a. The person transferring the firearm or the person  
12 acquiring the firearm is a licensed firearm dealer under  
13 federal law.

14 b. The firearm acquired is an antique firearm, a  
15 collector's item, a device which is not designed or redesigned  
16 for use as a firearm, a device which is designed solely for  
17 use as a signaling, pyrotechnic, line-throwing, safety, or  
18 similar device, or a firearm which is unserviceable by reason  
19 of being unable to discharge a shot by means of an explosive  
20 and is incapable of being readily restored to a firing  
21 condition.

22 c. The person acquiring the firearm is authorized to do so  
23 on behalf of a law enforcement agency.

24 d. The person transferring the firearm and the person  
25 acquiring the firearm are related to one another within the  
26 second degree of consanguinity or affinity, unless the person  
27 transferring the firearm knows that the person acquiring the  
28 firearm would be ineligible to obtain a firearm under federal  
29 or state law.

30 2. An unlicensed person who sells, leases, or transfers a  
31 firearm to another unlicensed person, or an unlicensed person  
32 who acquires a firearm from another unlicensed person, without  
33 the sale, lease, or transfer conducted by a federally licensed  
34 firearm dealer, commits an aggravated misdemeanor.

35 3. A person who sells, leases, or transfers a firearm to

1 another person, who the transferor knows or has reason to know  
2 is prohibited from possessing firearms under federal or state  
3 law, commits a class "D" felony.

4 4. As used in this section, the term "gun show" means the  
5 entire premises of an event or function, including but not  
6 limited to parking areas for the event or function that is  
7 sponsored to foster, in whole or in part, the sale, lease, or  
8 other transfer at which:

9 a. Twenty-five or more firearms are offered or exhibited  
10 for sale or transfer, or

11 b. Not less than three gun show vendors exhibit, sell,  
12 offer for sale, transfer, or exchange firearms.

13 EXPLANATION

14 This bill creates new Code section 724.31, relating to the  
15 sale or transfer of firearms between unlicensed persons at a  
16 gun show and providing penalties.

17 The bill provides that any portion a sale, lease, or other  
18 transfer of firearms between two or more persons at a gun show  
19 shall be conducted through a federally licensed firearm dealer  
20 on the premises of the gun show. The bill specifically  
21 excludes transfers of firearms between persons where one  
22 person is a federally licensed firearm dealer, transfers of  
23 firearms to persons authorized to do so on behalf of a law  
24 enforcement agency, and transfers of firearms between  
25 relatives, unless the relative transferring the firearm knows  
26 or has reason to know the person to whom the transfer is made  
27 would be ineligible to obtain a firearm under state or federal  
28 law. The bill further excludes antique firearms, collector's  
29 items, a device not designed or redesigned for use as a  
30 firearm, a device designed solely for use as a signaling,  
31 pyrotechnic, line-throwing, safety, or similar device, or a  
32 firearm which is unserviceable.

33 The bill further provides that an unlicensed person who  
34 sells, leases, or transfers a firearm to another unlicensed  
35 person, or an unlicensed person who acquires a firearm from

1 another unlicensed person, without going through a federally  
2 licensed firearm dealer commits an aggravated misdemeanor. An  
3 aggravated misdemeanor is punishable by confinement for no  
4 more than two years and a fine of at least \$500 but not more  
5 than \$5,000. A person who sells, leases, or transfers a  
6 firearm to another individual who the transferor knows or has  
7 reason to know is prohibited from possessing firearms commits  
8 a class "D" felony. A class "D" felony is punishable by  
9 confinement for no more than five years and a fine of at least  
10 \$750 but not more than \$7,500.

11 The bill further provides a definition of "gun show" to  
12 mean the entire premises of an event or function, including  
13 but not limited to parking areas for the event or function  
14 that is sponsored to foster, in whole or in part, the sale,  
15 lease, or other transfer at which either 25 or more firearms  
16 are offered or exhibited for sale or transfer, or not less  
17 than three gun show vendors exhibit, sell, offer for sale,  
18 transfer, or exchange firearms.

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**SENATE FILE 488**  
**FISCAL NOTE**

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A fiscal note for **Senate File 488** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 488 creates a new section, Section 724.31, Code of Iowa, relating to the sale or transfer of firearms between unlicensed persons at a gun show and providing penalties.

**ASSUMPTIONS**

1. Charge, conviction, and sentencing patterns and trends will not change over the projections period.
2. Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projections period.
3. The law will become effective July 1, 2001. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2000 data.
5. The median cost per case for the State Public Defender's Office for an aggravated misdemeanor is \$1,000 and for a Class D felony is \$1,000.
6. The average length of stay in prison for a Class D felony is 16.7 months. The average length of stay in prison for an aggravated misdemeanor is 9.5 months. The marginal cost per day for a prison inmate is \$16.
7. The average length of stay for street supervision for a Class D felony is 29 months and for an aggravated misdemeanor is 19 months.
8. The marginal cost per day for probation/parole is \$155.
9. Trial costs for a Class D felony range from \$2,900 to \$5,000 while trial costs for an aggravated misdemeanor ranges from \$173 to \$3,668. These costs include expenses for the Clerk of Court, court attendant, court reporter, juries, and judges. Court costs vary by type of offense charged as well as contested versus uncontested cases.
10. Any portion of a sale, lease, or other transfer shall be conducted through a federally licensed firearms dealer.
11. Any unlicensed person who sells, leases, or transfers a firearm to another unlicensed person commits an aggravated misdemeanor.
12. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$500 but not more than \$5,000.
13. A person who knowingly sells, leases, or transfers a firearm to an individual who is prohibited from possessing firearms commits a Class D felony.
14. A Class D felony is punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500.

**CORRECTIONAL IMPACT**

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The correctional impact of Senate File 488 is not expected to be significant. According to the Justice Data Warehouse, seven people were convicted of business-related violations in FY 2000. Additionally, there have been two people convicted under Section 724.31 in recent years (1998 - 2000) for giving false information to purchase or acquire a weapon.

**FISCAL IMPACT**

Due to insufficient information, a reliable fiscal impact cannot be provided for Senate File 488. The cost associated with one person being convicted of a Class D felony ranges from \$25,000 to \$28,000. The cost for one person convicted of an aggravated misdemeanor ranges from \$15,000 to \$18,000.

**SOURCES**

Criminal and Juvenile Justice Planning Division; Department of Human Rights  
Judicial Branch  
State Public Defender's Office

(LSB 1672SV, JDD)

FILED MARCH 21, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR