

FILED MAR 6 2002

SENATE FILE
BY HOLVECK

2313

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to replica or facsimile firearms and providing
2 penalties.

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

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SF 2313
JUDICIARY

1 Section 1. NEW SECTION. 724.31 REPLICA OR FACSIMILE
2 FIREARMS.

3 1. A person shall not display, market for sale, or sell
4 any replica or facsimile of a firearm. This subsection shall
5 not apply to any replica or facsimile firearm which, because
6 of its distinct color, exaggerated size, or other design
7 feature, cannot reasonably be perceived to be a firearm, or to
8 be an antique firearm as defined in section 724.25. A person
9 who violates this subsection commits a serious misdemeanor.

10 2. A person shall not draw, exhibit, or brandish a replica
11 or facsimile of a firearm or simulate a firearm in the
12 presence of a law enforcement officer, fire fighter, emergency
13 medical technician, or paramedic engaged in the performance of
14 official duties when the person committing the act knows or
15 has reason to know that the law enforcement officer, fire
16 fighter, emergency medical technician, or paramedic is engaged
17 in the performance of official duties. A person who violates
18 this subsection commits an aggravated misdemeanor.

19 3. As used in this section, "replica or facsimile of a
20 firearm" means any device or object made of plastic, wood,
21 metal, or any other material which is a replica, facsimile, or
22 toy version of, or is otherwise recognizable as, a pistol,
23 revolver, shotgun, sawed-off shotgun, rifle, machine gun,
24 rocket launcher, or any other firearm. As used in this
25 section, "replica or facsimile of a firearm" includes, but is
26 not limited to, a toy gun, movie prop, hobby model, starter
27 pistol, air gun, inoperative firearm, or any other device that
28 might reasonably be perceived to be a firearm.

29 EXPLANATION

30 This bill creates two new criminal offenses in Code chapter
31 724 relating to replica or facsimile firearms and provides
32 penalties.

33 The bill provides that a person shall not display, market
34 for sale, or sell any replica or facsimile of a firearm. The
35 bill provides that this prohibition shall not apply to any

1 replica or facsimile firearm which, because of its distinct
2 color, exaggerated size, or other design feature, cannot
3 reasonably be perceived to be a firearm, or to be an antique
4 firearm as defined in Code section 724.25. A person who
5 violates this provision is guilty of a serious misdemeanor. A
6 serious misdemeanor is punishable by confinement for no more
7 than one year and a fine of at least \$250 but not more than
8 \$1,500.

9 The bill further provides that a person shall not draw,
10 exhibit, or brandish a replica or facsimile of a firearm or
11 simulate a firearm in the presence of a law enforcement
12 officer, fire fighter, emergency medical technician, or
13 paramedic engaged in the performance of official duties when
14 the person committing the act knows or has reason to know that
15 the law enforcement officer, fire fighter, emergency medical
16 technician, or paramedic is engaged in the performance of
17 official duties. A person who violates this provision is
18 guilty of an aggravated misdemeanor. An aggravated
19 misdemeanor is punishable by confinement for no more than two
20 years and a fine of at least \$500 but not more than \$5,000.

21 As used in the bill, "replica or facsimile of a firearm"
22 means any device or object made of plastic, wood, metal, or
23 any other material which is a replica, facsimile, or toy
24 version of, or is otherwise recognizable as, a pistol,
25 revolver, shotgun, sawed-off shotgun, rifle, machine gun,
26 rocket launcher, or any other firearm, to include, but not be
27 limited to, a toy gun, movie prop, hobby model, starter
28 pistol, air gun, inoperative firearm, or any other device that
29 might reasonably be perceived to be a firearm.

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