

SENATE FILE 207
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LUNDBY, and TINSMAN

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

A BILL FOR

1 An Act prohibiting the unauthorized possession of semiautomatic
2 assault weapons without a permit, providing and applying
3 certain penalties, and including a transition provision for
4 weapons possessed upon the effective date of the Act.

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

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SF 207
JUDICIARY

1 Section 1. Section 724.1, Code 2005, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 8A. A semiautomatic assault weapon as
4 defined in section 724.1A.

5 Sec. 2. NEW SECTION. 724.1A SEMIAUTOMATIC ASSAULT WEAPON
6 DEFINED.

7 1. "Semiautomatic assault weapon" means any of the
8 following:

9 a. A semiautomatic rifle that has the capability to accept
10 a detachable ammunition magazine and that has any of the
11 following:

12 (1) A pistol grip or thumbhole stock.

13 (2) A forward grip or any feature capable of functioning
14 as a protruding grip that can be held by the nontrigger hand.

15 (3) A shroud attached to the barrel, or that partially or
16 completely encircles the barrel, allowing the user to hold the
17 firearm with the nontrigger hand without being burned, but
18 excluding a slide that encloses the barrel.

19 (4) A folding or telescoping stock.

20 (5) A threaded barrel.

21 b. A semiautomatic rifle that has the capability to accept
22 a detachable ammunition magazine that was originally designed
23 and produced for a military assault rifle.

24 c. A semiautomatic pistol that has the capability to
25 accept a detachable ammunition magazine and any of the
26 following:

27 (1) A second grip or any feature capable of functioning as
28 a protruding grip that can be held by the nontrigger hand.

29 (2) A shroud attached to the barrel, or that partially or
30 completely encircles the barrel, allowing the user to hold the
31 firearm with the nontrigger hand without being burned, but
32 excluding a slide that encloses the barrel.

33 (3) A threaded barrel.

34 (4) A folding or telescoping stock.

35 (5) The capability to accept a detachable ammunition

1 magazine at any location outside the pistol grip.

2 d. A semiautomatic shotgun that has any of the following:

3 (1) The capability to accept a detachable ammunition
4 magazine.

5 (2) A pistol grip.

6 (3) A folding or telescoping stock.

7 e. A shotgun with a revolving cylinder.

8 f. A conversion kit, part, or combination of parts, from
9 which a semiautomatic assault weapon can be assembled if the
10 parts are in the possession of or under the control of the
11 same person.

12 g. A frame or receiver that is identical to, or based
13 substantially on, the frame or receiver of a semiautomatic
14 assault weapon described in paragraphs "a" through "e".

15 2. "Semiautomatic assault weapon" does not include any of
16 the following:

17 a. A firearm that is manually operated by a bolt, pump,
18 lever, or slide action.

19 b. A firearm that has been rendered permanently
20 inoperable.

21 3. The commissioner of public safety shall maintain a list
22 of semiautomatic assault weapons as defined by this section.

23 Sec. 3. NEW SECTION. 724.1B APPLICATION FOR PERMIT TO
24 POSSESS SEMIAUTOMATIC ASSAULT WEAPONS.

25 1. An application for a permit to possess a semiautomatic
26 assault weapon shall be made in person to the sheriff of the
27 county in which the applicant resides and shall be on a form
28 prescribed and published by the commissioner of public safety.
29 The application shall state the full name of the applicant,
30 the driver's license or nonoperator's identification card
31 number of the applicant, the residence of the applicant, and
32 the age of the applicant. The application shall also identify
33 the make, model, and serial number of each semiautomatic
34 assault weapon to be covered by the permit. The applicant
35 shall also display a photo identification card that bears a

1 distinguishing number assigned to the cardholder, the full
2 name, date of birth, sex, and residence address or other
3 identification as specified by rule of the department of
4 public safety. A person who knowingly makes a false statement
5 of material fact on the application commits a class "D"
6 felony.

7 Sec. 4. NEW SECTION. 724.1C PERMIT TO POSSESS
8 SEMIAUTOMATIC ASSAULT WEAPONS -- ELIGIBILITY.

9 The sheriff shall conduct a criminal background check of an
10 applicant for a permit to possess a semiautomatic assault
11 weapon to determine whether the applicant is prohibited from
12 possessing a firearm under federal or state law. The sheriff
13 of the county in which the applicant resides shall issue a
14 permit to an applicant who is not prohibited by law from
15 possessing firearms and who satisfies all of the following
16 requirements:

- 17 1. The person applying for a permit to possess a
18 semiautomatic assault weapon is one of the following:
 - 19 a. Is eighteen years of age or older and is applying for
20 permission to possess a semiautomatic rifle or shotgun.
 - 21 b. Is twenty-one years of age or older and is applying for
22 permission to possess a semiautomatic pistol.
- 23 2. The person has never been convicted of a felony.
- 24 3. The person is not addicted to the use of alcohol or any
25 controlled substance.
- 26 4. The person has no history of repeated acts of violence.
- 27 5. The person has never been convicted of a crime defined
28 in chapter 708.
- 29 6. The person has never been adjudged mentally
30 incompetent.

31 Sec. 5. NEW SECTION. 724.1D PERMIT TO POSSESS
32 SEMIAUTOMATIC ASSAULT WEAPONS -- ISSUANCE -- REVOCATION.

33 1. A permit to possess a semiautomatic assault weapon
34 shall be on a form prescribed and published by the
35 commissioner of public safety. The permit shall contain the

1 name and residence of the permit holder, the make, model, and
2 serial number of the semiautomatic assault weapon covered by
3 the permit, and the period of time covered by the permit. A
4 permit to possess a semiautomatic assault weapon shall be
5 valid for a period of three years from the effective date of
6 issuance or renewal. The sheriff shall collect a fee of ten
7 dollars for each new or renewal permit issued. The sheriff
8 shall forward a copy of each permit to the commissioner of
9 public safety.

10 2. The issuing sheriff shall revoke a permit to possess a
11 semiautomatic assault weapon if the sheriff learns that any of
12 the conditions required for the issuance of the permit as
13 stated in section 724.1C have ceased to exist, or if the
14 sheriff learns that the permit was improperly issued. If the
15 issuing sheriff revokes a permit, the sheriff shall notify the
16 permit holder of the revocation on a form prescribed and
17 published by the commissioner of public safety, and shall
18 forward a copy of the revocation to the commissioner of public
19 safety. The permit holder shall have seven days from receipt
20 of the revocation notification to surrender possession of all
21 semiautomatic assault weapons covered by the permit by any of
22 the following methods:

23 a. Removal of the semiautomatic assault weapon from this
24 state.

25 b. Rendering the semiautomatic assault weapon permanently
26 inoperable.

27 c. Delivering the semiautomatic assault weapon to an
28 appropriate law enforcement agency for destruction.

29 Sec. 6. NEW SECTION. 724.1E SEMIAUTOMATIC ASSAULT
30 WEAPONS RECORDS.

31 The commissioner of public safety shall maintain a
32 permanent record of all current permits to possess
33 semiautomatic assault weapons and of current permit
34 revocations.

35 Sec. 7. NEW SECTION. 724.1F POSSESSION OF SEMIAUTOMATIC

1 ASSAULT WEAPON PRIOR TO JULY 1, 2005.

2 A person who, prior to July 1, 2005, legally possessed a
3 semiautomatic assault weapon as defined in section 724.1A
4 shall have until September 15, 2005, to do any of the
5 following without being subject to prosecution:

6 1. Obtain a permit to possess a semiautomatic assault
7 weapon pursuant to section 724.1C.

8 2. Remove the semiautomatic assault weapon from this
9 state.

10 3. Render the semiautomatic assault weapon permanently
11 inoperable.

12 4. Deliver the semiautomatic assault weapon to an
13 appropriate law enforcement agency for destruction.

14 Sec. 8. Section 724.3, Code 2005, is amended to read as
15 follows:

16 724.3 UNAUTHORIZED POSSESSION OF OFFENSIVE WEAPONS.

17 Any Except as otherwise provided in section 724.1F, a
18 person, other than a person authorized herein, who knowingly
19 possesses an offensive weapon commits a class "D" felony.

20 EXPLANATION

21 This bill prohibits the unauthorized possession of
22 semiautomatic assault weapons without a permit, creates a
23 penalty, and applies certain penalties for offensive weapons
24 violations contained in Code chapter 724 relating to weapons.

25 The bill defines a semiautomatic assault weapon as an
26 offensive weapon under Code section 724.1 and defines a
27 semiautomatic assault weapon to include a semiautomatic rifle,
28 pistol, or shotgun with certain characteristics, a shotgun
29 with certain characteristics, a conversion kit, part, or
30 combination of parts from which a semiautomatic weapon can be
31 assembled, and a frame or receiver that is identical to or
32 based substantially on the frame or receiver or a
33 semiautomatic assault weapon. The bill excludes a firearm
34 that is manually operated by a bolt, pump, lever, or slide
35 action and a firearm that has been rendered permanently

1 inoperable from the definition of a semiautomatic assault
2 weapon.

3 The bill prohibits a person from possessing a semiautomatic
4 assault weapon, other than a person who has a permit to
5 possess a semiautomatic assault weapon, or whose duties or
6 lawful activities require or permit such possession pursuant
7 to Code section 724.2. The bill provides that a person must
8 apply in person to the sheriff of the county in which the
9 person resides for a permit to possess a semiautomatic assault
10 weapon and specifies certain information that must be
11 contained in the permit application. The sheriff shall
12 conduct a criminal background check of a person who applies
13 for a permit to determine whether the person is prohibited
14 from possessing a firearm under federal or state law, and if
15 not prohibited, the sheriff shall issue a permit to a person
16 who satisfies certain requirements.

17 The bill further provides certain information that shall be
18 contained in the permit to possess semiautomatic assault
19 weapons. Such a permit shall be valid for a period of three
20 years from the effective date of issue or renewal. The
21 sheriff shall collect a fee of \$10 for each new or renewal
22 permit and shall forward a copy of each permit to possess
23 semiautomatic assault weapons to the commissioner of public
24 safety. The sheriff shall revoke any such permit when the
25 sheriff learns that any of the conditions required for the
26 issuance of that permit have ceased to exist or when the
27 sheriff learns that the permit was improperly issued.

28 The bill provides that the commissioner of public safety
29 shall maintain a permanent record of all current permits to
30 possess semiautomatic assault weapons and of current permit
31 revocations.

32 The bill provides that a person who, prior to July 1, 2005,
33 legally possesses a semiautomatic assault weapon as defined in
34 Code section 724.1A shall have until September 15, 2005, to do
35 any of the following without being subject to prosecution:

1 1. Obtain a permit to possess semiautomatic assault
2 weapons pursuant to Code section 724.1B.

3 2. Remove the semiautomatic assault weapon from this
4 state.

5 3. Render the semiautomatic assault weapon permanently
6 inoperable.

7 4. Deliver the semiautomatic assault weapon to an
8 appropriate law enforcement agency for destruction.

9 The bill provides that a person who knowingly makes a false
10 statement of material fact on the application to possess a
11 semiautomatic assault weapon commits a class "D" felony.

12 The bill subjects a person who unlawfully possesses a
13 semiautomatic assault weapon as an offensive weapon (Code
14 section 724.3), a person who goes armed with, carries, or
15 transports a semiautomatic assault weapon as a firearm on
16 school grounds (Code section 724.4B), and a person who is a
17 felon in possession of a semiautomatic assault weapon as a
18 firearm or offensive weapon (Code section 724.26) to a class
19 "D" felony, subjects a person who intentionally discharges a
20 semiautomatic assault weapon as a firearm in a reckless manner
21 (Code section 724.30) to a simple misdemeanor, an aggravated
22 misdemeanor, a class "D" felony, or a class "C" felony
23 depending on the type of injury that occurs, subjects a person
24 who allows a child under the age of 14 access to a loaded
25 semiautomatic assault weapon as a firearm to a serious
26 misdemeanor (Code section 724.22, subsection 7), and subjects
27 a person who sells a device that increases the rate of fire of
28 a semiautomatic assault weapon as a firearm to an aggravated
29 misdemeanor (Code section 724.29).

30 A simple misdemeanor is punishable by confinement for no
31 more than 30 days or a fine of at least \$50 but not more than
32 \$500 or by both. A serious misdemeanor is punishable by
33 confinement for no more than one year and a fine of at least
34 \$250 but not more than \$1,500. An aggravated misdemeanor is
35 punishable by confinement for no more than two years and a

1 fine of at least \$500 but not more than \$5,000. A class "D"
2 felony is punishable by confinement for no more than five
3 years and a fine of at least \$750 but not more than \$7,500. A
4 class "C" felony is punishable by confinement for no more than
5 10 years and a fine of at least \$1,000 but not more than
6 \$10,000.

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