

A BILL FOR

1 An Act relating to the definition of "offensive weapon".
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DRAFT

1 Section 1. Section 123.56, subsection 1, paragraph a, Code
2 2025, is amended to read as follows:

3 a. ~~Unlawfully discharges a firearm or uses an offensive~~
4 ~~weapon, as defined in section 724.1,~~ regardless of whether it
5 inflicts injury or death.

6 Sec. 2. Section 124.401, subsection 1, paragraph f, Code
7 2025, is amended to read as follows:

8 f. A person in the immediate possession or control of ~~an~~
9 ~~offensive weapon, as defined in section 724.1,~~ a firearm or
10 other device regulated under the National Firearms Act of
11 1934, Pub. L. No. 73-474, as amended, while participating in
12 a violation of this subsection, shall be sentenced to three
13 times the term otherwise imposed by law, and no such judgment,
14 sentence, or part thereof shall be deferred or suspended.

15 Sec. 3. Section 236.4, subsection 2, Code 2025, is amended
16 to read as follows:

17 2. The court may enter any temporary order it deems
18 necessary to protect the plaintiff from domestic abuse prior to
19 the hearing, including temporary custody or visitation orders
20 pursuant to subsection 3, upon good cause shown in an ex parte
21 proceeding. Present danger of domestic abuse to the plaintiff
22 constitutes good cause for purposes of this subsection. A
23 temporary order issued pursuant to this subsection shall
24 specifically include notice that the person may be required to
25 relinquish all firearms, ~~offensive weapons,~~ and ammunition upon
26 the issuance of a permanent order pursuant to section 236.5.

27 Sec. 4. Section 236.5, subsection 1, paragraph b,
28 subparagraph (2), Code 2025, is amended to read as follows:

29 (2) That the defendant not knowingly possess, ship,
30 transport, or receive firearms, ~~offensive weapons,~~ and
31 ammunition in violation of section 724.26, subsection 2.

32 Sec. 5. Section 664A.3, subsection 6, Code 2025, is amended
33 to read as follows:

34 6. A no-contact order issued pursuant to this section shall
35 specifically include notice that the person may be required

1 to relinquish all firearms, ~~offensive weapons~~, and ammunition
2 upon the issuance of a permanent no-contact order pursuant to
3 section 664A.5.

4 Sec. 6. Section 702.7, Code 2025, is amended to read as
5 follows:

6 **702.7 Dangerous weapon.**

7 A "*dangerous weapon*" is any instrument or device designed
8 primarily for use in inflicting death or injury upon a human
9 being or animal, and ~~which~~ that is capable of inflicting
10 death upon a human being when used in the manner for which
11 it was designed, except a bow and arrow when possessed and
12 used for hunting or any other lawful purpose. Additionally,
13 any instrument or device of any sort whatsoever ~~which~~ that
14 is actually used in such a manner as to indicate that the
15 defendant intends to inflict death or serious injury upon the
16 other, and ~~which~~ that, when so used, is capable of inflicting
17 death upon a human being, is a dangerous weapon. Dangerous
18 weapons include but are not limited to any ~~offensive weapon~~,
19 pistol, revolver, or other firearm, dagger, razor, stiletto,
20 switchblade knife, knife having a blade exceeding five inches
21 in length, or any portable device or weapon directing an
22 electric current, impulse, wave, or beam that produces a
23 high-voltage pulse designed to immobilize a person.

24 Sec. 7. Section 719.7, subsection 1, paragraph b, Code 2025,
25 is amended to read as follows:

26 *b.* A dangerous weapon, ~~offensive weapon~~, pneumatic gun,
27 stun gun, firearm ammunition, knife of any length or any other
28 cutting device, explosive or incendiary material, instrument,
29 device, or other material fashioned in such a manner as to be
30 capable of inflicting death or injury.

31 Sec. 8. Section 724.4A, subsection 2, Code 2025, is amended
32 to read as follows:

33 2. Notwithstanding sections 902.9 and 903.1, a person who
34 commits a public offense involving a firearm ~~or offensive~~
35 ~~weapon~~, within a weapons free zone, in violation of this or any

1 other chapter shall be subject to a fine of twice the maximum
2 amount ~~which~~ that may otherwise be imposed for the public
3 offense.

4 Sec. 9. Section 724.26, Code 2025, is amended to read as
5 follows:

6 **724.26 Possession, receipt, transportation, or dominion and**
7 **control of firearms, ~~offensive weapons,~~ and ammunition by felons**
8 **and others.**

9 1. A person who is convicted of a felony in a state or
10 federal court, or who is adjudicated delinquent on the basis
11 of conduct that would constitute a felony if committed by an
12 adult, and who knowingly has under the person's dominion and
13 control or possession, receives, or transports or causes to be
14 transported a firearm ~~or offensive weapon~~ is guilty of a class
15 "D" felony.

16 2. *a.* Except as provided in paragraph "b", a person who is
17 subject to a protective order under 18 U.S.C. §922(g)(8) or who
18 has been convicted of a misdemeanor crime of domestic violence
19 under 18 U.S.C. §922(g)(9) and who knowingly possesses,
20 ships, transports, or receives a firearm, ~~offensive weapon,~~ or
21 ammunition is guilty of a class "D" felony.

22 *b.* This subsection shall not apply to the possession,
23 shipment, transportation, or receipt of a firearm, ~~offensive~~
24 ~~weapon,~~ or ammunition issued by a state department or agency
25 or political subdivision for use in the performance of
26 the official duties of the person who is the subject of a
27 protective order under 18 U.S.C. §922(g)(8).

28 *c.* For purposes of this section, "*misdemeanor crime of*
29 *domestic violence*" means an assault under section 708.1,
30 subsection 2, paragraph "a" or "c", committed by a current or
31 former spouse, parent, or guardian of the victim, by a person
32 with whom the victim shares a child in common, by a person
33 who is cohabiting with or has cohabited with the victim as a
34 spouse, parent, or guardian, or by a person similarly situated
35 to a spouse, parent, or guardian of the victim.

1 3. Upon the issuance of a protective order or entry of a
2 judgment of conviction described in subsection 2, the court
3 shall inform the person who is the subject of such order or
4 conviction that the person shall not possess, ship, transport,
5 or receive a firearm, ~~offensive weapon~~, or ammunition while
6 such order is in effect or until such conviction is vacated or
7 until the person's rights have been restored in accordance with
8 section 724.27.

9 4. Except as provided in section 809A.17, subsection 5,
10 paragraph "b", a court that issues an order or that enters
11 a judgment of conviction described in subsection 2 and
12 that finds the subject of the order or conviction to be in
13 possession of any firearm, ~~offensive weapon~~, or ammunition
14 shall order that such firearm, ~~offensive weapon~~, or ammunition
15 be sold or transferred by a date certain to the custody of a
16 qualified person in this state, as determined by the court.
17 The qualified person must be able to lawfully possess such
18 firearm, ~~offensive weapon~~, or ammunition in this state. If
19 the court is unable to identify a qualified person to receive
20 such firearm, ~~offensive weapon~~, or ammunition, the court
21 shall order that the firearm, ~~offensive weapon~~, or ammunition
22 be transferred by a date certain to the county sheriff or
23 a local law enforcement agency designated by the court for
24 safekeeping until a qualified person is identified to receive
25 the firearm, ~~offensive weapon~~, or ammunition, until such order
26 is no longer in effect, until such conviction is vacated, or
27 until the person's rights have been restored in accordance
28 with section 724.27. If the firearm, ~~offensive weapon~~, or
29 ammunition is to be transferred to the sheriff's office or a
30 local law enforcement agency, the court shall assess the person
31 the reasonable cost of storing the firearm, ~~offensive weapon~~,
32 or ammunition, payable to the county sheriff or the local law
33 enforcement agency.

34 5. Upon entry of an order described in subsection 2, the
35 court shall enter the name, address, date of birth, driver's

1 license number, or other identifying information of the person
2 subject to the order into the Iowa criminal justice information
3 system, the reason for the order, and the date by which the
4 person is required to comply with any relinquishment order
5 issued under subsection 4. At the time such order is no longer
6 in effect, such information relating to the prohibition in
7 subsection 3 shall be deleted from the Iowa criminal justice
8 information system.

9 6. If a firearm, ~~offensive weapon~~, or ammunition has been
10 transferred to a qualified person pursuant to subsection 4 and
11 the protective order described in subsection 2 is no longer in
12 effect, the firearm, ~~offensive weapon~~, or ammunition shall be
13 returned to the person who was subject to the protective order
14 within five days of that person's request to have the firearm,
15 ~~offensive weapon~~, or ammunition returned.

16 Sec. 10. Section 809.21, Code 2025, is amended to read as
17 follows:

18 **809.21 Sale of certain ammunition and firearms.**

19 Ammunition and firearms ~~which~~ that are not illegal ~~and~~
20 ~~which are not offensive weapons as defined by section 724.1~~
21 may be sold by the department of public safety at public
22 auction. The department of public safety may sell at public
23 auction forfeited legal weapons received from the director
24 of the department of natural resources, except that rifles
25 and shotguns shall be retained by the department of natural
26 resources for disposal according to its rules. The sale of
27 ammunition or firearms pursuant to this section shall be made
28 only to federally licensed firearms dealers or to persons who
29 have a permit to purchase the firearms. Persons who have not
30 obtained a permit may bid on firearms at the public auction.
31 However, persons who bid without a permit must post a fifty
32 percent of purchase price deposit with the commissioner of
33 public safety on any winning bid. No transfer of firearms may
34 be made to a person bidding without a permit until such time as
35 the person has obtained a permit. If the person is unable to

1 produce a permit within two weeks from the date of the auction,
2 the person shall forfeit the fifty percent deposit to the
3 department of public safety. All proceeds of a public auction
4 pursuant to this section, less department expenses reasonably
5 incurred, shall be deposited in the general fund of the state.
6 The department of public safety shall be reimbursed from the
7 proceeds for the reasonable expenses incurred in selling the
8 property at the auction.

9 Sec. 11. Section 809A.17, subsection 5, paragraph b, Code
10 2025, is amended to read as follows:

11 b. Forfeited property ~~which~~ that is a weapon or ammunition
12 shall be deposited with the department of public safety
13 to be disposed of in accordance with the rules of the
14 department. All weapons or ammunition may be held for use in
15 law enforcement, testing, or comparison by the criminalistics
16 laboratory, or destroyed. Ammunition and firearms ~~which~~ that
17 are not illegal ~~and are not offensive weapons as defined by~~
18 ~~section 724.1~~ may be sold by the department as provided in
19 section 809.21.

20 Sec. 12. REPEAL. Sections 724.1, 724.1A, 724.1B, 724.1C,
21 724.2, and 724.3, Code 2025, are repealed.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 Current law defines "offensive weapon" and provides
26 regulations and enhanced penalties for offenses involving
27 offensive weapons that are in addition to regulations and
28 penalties provided by federal law. This bill repeals the Code
29 section defining "offensive weapon", repeals the provisions
30 regulating offensive weapons and providing enhanced penalties
31 for offenses involving offensive weapons, and makes conforming
32 changes throughout the Code.