



Written by [James Murphy](#) on March 19, 2021

## Iowa House Passes Bill to Eliminate Permit Requirement for Handgun Purchase, Concealed Carry

The Iowa House of Representatives passed a bill on Wednesday that would make it simpler to purchase and carry a firearm in the Hawkeye State. [House File 756](#) would remove the permit restrictions on purchasing and carrying handguns in the state.

The measure passed by a count of 60-37 with all Republicans supporting the bill. One Democrat, Wes Breckinridge of Newton, crossed party lines to vote for the bill as well. The bill now moves on to the state senate, which is overwhelmingly controlled (32-18) by the GOP. Iowa Governor Kim Reynolds is also a Republican, and has supported various gun-related measures such as “stand your ground” legislation and allowing Iowans with permits to carry their weapons inside the State Capitol.



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Licensed gun dealers would still have to conduct federal background checks in order to sell weapons. Previously, the permit to own a gun would show that the buyer had passed a background check.

The bill would also make it a Class D Felony for a private party to knowingly sell, rent, or loan a gun to a person who is ineligible to own one.

The State of Utah passed a [similar law](#) in February, which focused on the right of citizens to carry a concealed weapon without a permit, referred to as “constitutional carry” by many. Utah became the 18th state with constitutional carry in the United States.

Concealed-carry permits would still be available in Iowa for those who wish to obtain them, as many states offer reciprocity agreements on concealed carry.

Democrats were predictably upset with the new legislation, arguing that it effectively does away with background checks for private sellers.

“The bill makes permits to carry optional,” complained Representative Beth Wessel-Kroeschell (D-Ames). “And where do you get a background check? You get a background check when you go to get a permit.”

Of course, a federal background check is required with every gun purchased from a licensed dealer. And as stated previously, the Iowa legislation would make it a felony for a private party to knowingly sell a gun to a person who is ineligible to own one. The penalty for that crime could lead to up to five years in prison.

In fact, Republicans believe that if the bill were to become law, background check on firearms



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purchases would actually increase in the state. Instead of simply relying on the ownership permit, Iowa gun purchasers would have to undergo a background check every time they purchased a weapon.

“Every single time they go to purchase a firearm, they have to get another background check,” said Representative Steven Holt (R-Denison). “I believe this will absolutely increase background checks when you put that with the fact that, for the private sales, we’re saying, ‘Hey, you better really know who that person is you’re selling to because, if you don’t, you’re committing a Class D felony if you reasonably should have known.”

Democrats argue that the bill’s wording leaves a huge loophole for felons and anyone else barred from owning a gun to obtain one through a private seller.

“If you wanted them to do a background check, you should have written it in the bill,” said Iowa City Democrat Representative Mary Mascher. “It is not there, and it is very clear that an individual can run a truck through this, in terms of the hole that you’ve driven.”

Representative Mary Wolfe (D-Clinton), a defense attorney, claimed that the new bill is, in effect, a “don’t ask, don’t tell” policy for private gun sellers, and claimed it would be very difficult to prove that a private seller “should have known” that a buyer was not permitted to own a gun.

“If anybody’s ever charged with that or if you know anybody who’s charged with that, send them to me,” Wolfe said. “Because that’s going to be a real easy \$2000 for me.”

To clarify: Under HF756 it's still illegal to sell to felons but only if (prosecution can prove beyond reasonable doubt that) seller knew buyer was a felon OR reasonably should have know e.g. buyer communicates w/seller using email address imafelon@hotmail.com

<https://t.co/UZXguJLous>

— IA State Rep Mary Wolfe (@RepMaryWolfe) [March 18, 2021](#)

House Majority Leader Matt Windschitl (R-Missouri Valley) disputed that the bill was a way to do away with background checks for private sellers.

“It doesn’t,” Windschitl said. “And anybody who thinks that that’s the House Republicans’ motive, you’re incorrect. That’s wrong. We’re not trying to make Iowa less safe. We’re not trying to eliminate background checks. What we’re doing with this piece of legislation is advancing Iowans’ freedoms.”

With the Second Amendment [under attack at the federal level](#), it’s good to see that some states such as Iowa and Utah are fighting on behalf of the freedoms of Americans — not against them.



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