

House Amendment to  
Senate File 2263

S-5191

1 Amend Senate File 2263, as amended, passed, and reprinted by  
2 the Senate, as follows:

3 1. Page 1, line 17, after <guard> by inserting <or the  
4 department of corrections, or a parking lot at a jail, prison,  
5 or correctional facility>

6 2. By striking page 1, line 31, through page 2, line 18, and  
7 inserting:

8 <DIVISION \_\_\_\_

9 ENHANCED WEAPON PENALTY ZONES

10 Sec. \_\_\_\_ . Section 724.4A, Code 2026, is amended to read as  
11 follows:

12 ~~724.4A Weapons free zones — enhanced penalties~~ Enhanced  
13 weapons penalty zones.

14 1. As used in [this section](#), ~~“weapons free zone”~~ “enhanced  
15 weapons penalty zone” means the area in or on, or within one  
16 thousand feet of, the real property comprising a public or  
17 private elementary or secondary school, or in or on the real  
18 property comprising a public park. ~~A weapons free zone~~ An  
19 enhanced weapons penalty zone shall not include that portion  
20 of a public park designated as a hunting area under section  
21 461A.42.

22 2. Notwithstanding [sections 902.9](#) and [903.1](#), a person who  
23 commits a public offense involving a firearm or offensive  
24 weapon, within a ~~weapons free zone~~ an enhanced weapons penalty  
25 zone, in violation of this or any other chapter shall be  
26 subject to a fine of twice the maximum amount ~~which~~ that may  
27 otherwise be imposed for the public offense.>

28 3. Page 2, after line 18 by inserting:

29 <DIVISION \_\_\_\_

30 SEIZURE OF FIREARMS

31 Sec. \_\_\_\_ . NEW SECTION. **724.33 Anti-red flag gun seizure.**

32 1. This section may be cited and referred to as the  
33 *“Anti-Red Flag Gun Seizure Act”*.

34 2. For purposes of this section:

35 a. *“Law-abiding citizen”* means a person that is not

1 otherwise precluded under state law from possessing a firearm.

2 *b. "Red flag law"* means any of the following:

3 (1) A firearm control law, order, or measure that directs  
4 the temporary or permanent seizure of any firearm, firearm  
5 accessory, or ammunition of an individual.

6 (2) A federal statute, federal rule, federal executive  
7 order, or federal judicial order or finding, or any state  
8 statute, state rule, state executive order, or state judicial  
9 order or finding, that does any of the following:

10 (a) Prohibits a resident from owning, possessing,  
11 transporting, transferring, or receiving any firearm,  
12 firearm accessory, or ammunition without the conviction of  
13 a violent felony, violent aggravated misdemeanor, or other  
14 disqualification under section 724.8B.

15 (b) Orders the removal or requires the surrender of any  
16 firearm, firearm accessory, or ammunition from a resident  
17 except persons lawfully in custody or persons who have been  
18 released after the execution of a bail bond after having been  
19 charged with a violent felony or violent aggravated misdemeanor  
20 as described in section 724.8B.

21 3. Any federal order of protection, other judicial order  
22 issued by a federal court, or federal executive order that is  
23 a red flag law or otherwise directs the confiscation of any  
24 firearm, firearm accessory, or ammunition from any law-abiding  
25 citizen within the borders of this state shall not be enforced  
26 in this state by any state agency, political subdivision, or  
27 state or local law enforcement agency.

28 4. No state agency, political subdivision, or state or local  
29 law enforcement agency shall receive any federal moneys for  
30 the purpose of enforcing any federal statute, federal rule,  
31 federal executive order, or federal judicial order or findings,  
32 or for the purpose of enforcing any state statute, state rule,  
33 state executive order, or state judicial order or findings,  
34 that would have the effect of enforcing a red flag law against  
35 a resident.

1 5. No state entity or employee thereof, political  
2 subdivision or employee thereof, or other person shall have  
3 the authority to enforce or attempt to enforce a red flag law  
4 regardless of the red flag law's origin or the authority of the  
5 issuing entity. This subsection shall not apply to any agent  
6 of the federal government enforcing a federal law or federal  
7 order.

8 6. Nothing in this section shall be construed to prevent a  
9 firearm, firearm accessory, or ammunition from being seized as  
10 evidence by law enforcement in the course of an investigation.

11 7. *a.* A political subdivision or state or local law  
12 enforcement agency that employs a law enforcement officer who  
13 knowingly acts to violate this section and enforce a red flag  
14 law under any state or federal statute, rule, executive order,  
15 or judicial order or finding shall be liable to the party  
16 against whom the red flag law was enforced in an action at law,  
17 suit in equity, or other proper proceeding for redress and  
18 shall be subject to a civil penalty of fifty thousand dollars  
19 per occurrence.

20 *b.* Any person injured under this section shall have standing  
21 to pursue an action for injunctive relief in the district court  
22 of the county in which the action allegedly occurred or in the  
23 district court of Polk county.

24 *c.* The court shall hold a hearing on any motion for a  
25 temporary restraining order or preliminary injunction within  
26 thirty days of service of the petition.

27 *d.* In an action brought under this section by a party  
28 against whom the red flag law was enforced, a court may order  
29 injunctive or other equitable relief, recovery of damages,  
30 other legal remedies, and payment of reasonable attorney fees,  
31 costs, and expenses of the party. The relief and remedies set  
32 forth in this section shall not be deemed exclusive and shall  
33 be in addition to any other relief or remedies permitted by  
34 law. The court may award the prevailing party, if not the  
35 state or a political subdivision thereof, reasonable attorney

1 fees and costs.

2 e. Sovereign immunity shall not be an affirmative defense to  
3 any action brought under this section.

4 Sec. \_\_\_\_ . EFFECTIVE DATE. This division of this Act, being  
5 deemed of immediate importance, takes effect upon enactment.>

6 4. Title page, lines 1 and 2, by striking <and possession  
7 of weapons> and inserting <possession, and seizure of weapons,  
8 providing penalties>

9 5. By renumbering as necessary.