



[HF 2502](#) – Firearms, Preemption (LSB5735HV)
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Fiscal Note Version – New
Requestor: Senator Kevin Kinney

Description

[House File 2502](#) relates to the carrying, possession, or transportation of weapons in buildings or physical structures located on property under the control of a political subdivision, in county courthouses, and the regulation by counties and cities related to the storage of weapons and location of shooting ranges.

Sections 1 and 2: Shooting Ranges

The Bill prohibits a county board of supervisors, a city council, or an appropriate city or county zoning commission from requiring an individual to seek approval to comply with any conditions on the establishment, use, or maintenance of a shooting range that are more stringent than those imposed by State law. However, the board of supervisors, city council, or appropriate zoning commission is still required to apply and enforce properly adopted restrictions and zoning regulations.

Section 3: Firearm Attachments and Modifications

The Bill expands the existing prohibition of a political subdivision enacting any ordinance regulating the ownership, possession, transfer, transportation, registration, and licensing of firearms to include the modification of firearms, and adds firearm attachments and other weapons to the list of items prohibited from regulation by local law.

Section 3 of the Bill also provides that beginning July 1, 2020, any individual adversely affected by a political subdivision's ordinance or similar policy regulating firearms may take legal action to seek damages that have resulted out of the violation. Should the affected individual's legal action prove successful, the presiding court shall also award the individual reasonable attorney fees and litigation costs.

Section 4: Regulation and Screening – Political Subdivisions

Section 4 of the Bill allows a political subdivision to restrict weapons in buildings and structures under its control if adequate arrangements are made to screen persons for weapons and the political subdivision provides armed security personnel inside the building or structure where the restriction is in effect.

Section 5: Storage of Weapons

Beginning July 1, 2020, the Bill prohibits a political subdivision from enacting an ordinance, motion, resolution, or amendment regulating the storage of weapons or ammunition.

Section 6: Weapon Prohibition – County Courthouses

The Bill provides that any Supreme Court or Judicial Branch order that prohibits a person from lawfully carrying, possessing, or transporting a weapon in a county courthouse or other joint-use

public facility is unenforceable and void unless such an order only applies to a courtroom or court office, or to a courthouse used only for Judicial Branch functions.

Background

Pursuant to Iowa Code section [724.28](#), a political subdivision is currently prohibited from enacting, adopting, or amending any ordinance or similar policy that regulates ownership, possession, legal transfer, transportation, registration, or otherwise lawful licensing of firearms. A political subdivision, as referenced in Iowa Code section [724.28](#), is defined as a county, city, or township.

Under current law, an individual seeking to improve property acquired to establish, use, or maintain a shooting range, or substantially change the existing use of a shooting range, must first obtain approval from the appropriate city or county zoning commission, the county board of supervisors, or city council.

Additionally, current law provides that a political subdivision is prohibited from enacting, adopting, or amending any ordinance or similar policy that regulates ownership, possession, legal transfer, transportation, registration, or otherwise lawful licensing of firearms. On June 19, 2017, the Iowa Supreme Court issued a supervisory order that prohibited all firearms in court-controlled spaces and public areas of courthouses. In December 2017, the Court supplemented the order by requiring county supervisors or other local government officials to file a written request with the Chief Judge of a judicial district to allow firearms in certain areas of a courthouse. Under current law, firearm prohibition measures differ from courthouse to courthouse.

Assumptions

- Although the Bill does not so mandate, it is likely individual political subdivisions, including courthouses, will continue to provide security parameters regarding firearms and ammunition.
- If a political subdivision chooses to restrict firearms in a public building, security personnel, such as guards, deputies, and police officers, would be required to be available for duty approximately 40 to 60 hours per week in public buildings located in political subdivisions that elect to limit firearms.
- According to the National Institute for Justice, a magnetometer, or security wand, generally costs \$140 per unit.

Fiscal Impact

Sections 1 and 2:

Sections 1 and 2 of HF 2502 are not expected to have a fiscal impact.

Section 3:

The fiscal impact of Section 3 cannot be determined. This section explicitly prohibits political subdivisions from enacting an ordinance or policy that regulates firearm modification and adds firearms attachments and other weapons to the list of nonregulated items. Individual political subdivisions may need to adjust existing security measures to accommodate these additions. Any resulting costs would be the responsibility of the political subdivision and cannot be determined at this time.

Section 4:

The fiscal impact of Section 4 cannot be determined at this time. Although the Bill does not mandate political subdivisions to provide security personnel and screening measures in public

buildings, it requires them to adequately do so if that political subdivision makes the choice to explicitly restrict the carrying and possession of a firearm in any area of the building that is not solely used for Judicial Branch functions. Potential costs arising from this decision are the responsibility of the political subdivision.

Political Subdivision – Counties:

Data was collected from a cross-section of different counties located in the State, ranging from population of approximately 17,200 to 474,000. This cross-section of counties included counties that currently utilize some combination of security personnel and screening equipment, and counties that would need to hire additional security personnel and invest in new screening equipment.

Of the counties that responded to the information request from the Iowa State Association of Counties (ISAC), none indicated that they would choose not to restrict firearms in public buildings. However, it is possible that a county may elect to restrict firearms and as a result, need to invest in security personnel and screening equipment.

Depending on the population size, various counties estimated an increased need for security personnel ranging from one to five additional positions. These positions, which will likely be staffed by uniform officers—i.e., security guards, bailiffs, or sheriff deputies—range in salary and benefit cost estimates from approximately \$77,000 to \$110,000 annually. Estimated annual costs of screening and security equipment also vary widely, from \$140 for a magnetometer up to \$300,000 for purchasing, implementing, and maintaining a single point of entry screening tool, such as an x-ray machine.

Individual county costs may vary greatly based on the security measures a county currently utilizes, as well as other factors such as population, building size, and building usage. Should a county choose to place restrictions on weapons in public buildings and structures under its control, costs to accommodate the salary and benefits of security personnel and new screening equipment may range from no fiscal impact to minimal fiscal impact to approximately \$900,000 or more annually.

Political Subdivision – Cities:

According to the Iowa League of Cities (ILOC), which represents more than 870 cities of various population size within the State, costs of hiring security personnel and screening technology should a city choose to regulate firearms in a public building or structure may vary based on a variety of factors, including existing technology, city population, building size, number, and building usage.

The ILOC has provided a basic estimate for a city that chooses to regulate firearms in a public building. Below are two cost estimate scenarios for hiring security personnel and purchasing screening equipment.

Scenario 1: Security Guard	
Salary and Benefits	\$ 48,750
Security Guard Wand	140
*Total:	\$ 48,890
<i>*per building, per year</i>	

Scenario 2: Police Officer	
Salary and Benefits	\$87,750
Security Guard Wand	140
*Total:	\$87,890
<i>*per building, per year</i>	

Should a city choose to restrict firearms in a public building and as a result, install a body scanner, the cost is estimated to total \$20,000 per body scanner and \$10,000 per baggage scanner. Installation and building modification costs are estimated to total up to \$100,000 per public building.

Some cities and counties may choose not to restrict firearms in public buildings, in which case, the Bill would not have a fiscal impact in these political subdivisions.

Section 5:

Section 5 of the Bill is not expected to have a fiscal impact.

Section 6:

The fiscal impact of Section 6 cannot be determined. Although the Judicial Branch does not expect to incur any costs related to the implementation of the Bill, individual county courthouses oversee and fund courthouse security parameters. It is possible that individual courthouses and/or county sheriffs who provide courthouse security may experience an increase in security-related costs resulting from the provisions of the Bill.

In response to a potential cost estimate for accommodating the provisions of HF 2502, Story County officials estimate the county would need to hire five additional court security officers (CSO) at approximately \$87,500 each for salary and benefits, uniforms, and job-related equipment. Story County estimates costs totaling approximately \$437,500 in the first year of implementation, and approximately \$411,000 each year thereafter.

Sources

- Legislative Services Agency
- Iowa League of Cities
- Iowa State Association of Counties
- Judicial Branch
- National Institute of Justice

/s/ Holly M. Lyons

June 2, 2020

Doc ID 1132321

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
