

House File 74 - Introduced

HOUSE FILE 74

BY WINDSCHITL and HIGHFILL

A BILL FOR

1 An Act relating to the regulation of firearms and ammunition in
2 a state of public emergency and providing a remedy.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 29C.3, subsection 4, paragraph e, Code
2 2013, is amended by striking the paragraph.

3 Sec. 2. Section 29C.6, subsection 16, Code 2013, is amended
4 to read as follows:

5 16. Suspend or limit the sale, dispensing, or
6 transportation of alcoholic beverages, ~~firearms~~, explosives,
7 and combustibles.

8 Sec. 3. NEW SECTION. **29C.23 Firearms and ammunition —**
9 **limitations — exceptions — remedies.**

10 1. This chapter shall not be construed to authorize the
11 governor or any other official of this state or any of its
12 political subdivisions or any agent or person acting at the
13 direction of the governor or any such official to do any of the
14 following:

15 a. Prohibit, regulate, or curtail the otherwise lawful
16 possession, carrying, transportation, transfer, or defensive
17 use of firearms or ammunition.

18 b. Suspend or revoke, except in accordance with section
19 724.13, a permit issued pursuant to section 724.6, 724.7, or
20 724.15.

21 c. Seize or confiscate firearms and ammunition possessed in
22 accordance with the laws of this state.

23 2. This section shall not prohibit any of the following:

24 a. The temporary closure or limitations on the operating
25 hours of businesses that sell firearms or ammunition if the
26 same operating restrictions apply to all businesses in the
27 affected area.

28 b. Regulations pertaining to firearms and ammunition used
29 or carried for official purposes by law enforcement officers
30 or persons acting under the authority of emergency management
31 agencies or officials.

32 3. a. A person aggrieved by a violation of this section
33 may seek relief in an action at law or in equity or in any
34 other proper proceeding for actual damages, injunctive relief,
35 or other appropriate redress against a person who commits or

1 causes the commission of such violation.

2 *b.* In addition to any other remedy available at law or in
3 equity, a person aggrieved by the seizure or confiscation of
4 a firearm or ammunition in violation of this section may make
5 application for its return in the office of the clerk of court
6 for the county in which the property was seized pursuant to
7 section 809.3.

8 *c.* In an action or proceeding to enforce this section, the
9 court shall award the prevailing plaintiff reasonable court
10 costs and attorney fees.

11 EXPLANATION

12 This bill relates to the regulation of firearms and
13 ammunition in a state of public emergency.

14 The bill provides that Code chapter 29C, relating to a
15 public disorder or disaster emergency proclamation by the
16 governor, shall not be construed to authorize the governor
17 or any other official of this state or any of its political
18 subdivisions acting at the direction of the governor or other
19 official to prohibit, regulate, or curtail the otherwise lawful
20 possession, carrying, transportation, transfer, or defensive
21 use of firearms or ammunition; to suspend or revoke, except
22 as otherwise authorized, a permit to carry weapons issued
23 pursuant to Code section 724.6 or 724.7 or a permit to acquire
24 pistols or revolvers issued pursuant to Code section 724.15;
25 or to seize or confiscate firearms or ammunition possessed in
26 accordance with state law.

27 The bill does not prohibit the temporary closure or
28 limitations on the operating hours of businesses that sell
29 firearms or ammunition if the same operating restrictions
30 apply to all businesses in the affected area or regulations
31 pertaining to firearms used or carried for official purposes by
32 law enforcement officers or persons acting under the authority
33 of emergency management agencies or officials.

34 The bill allows a person aggrieved by a violation under
35 the bill to seek relief in an action at law or in equity or

1 in any other proper proceeding for actual damages, injunctive
2 relief, or other appropriate redress, including court costs
3 and attorney fees, against a person who commits or causes
4 the commission of such violation. In addition to any other
5 remedy available at law or in equity, a person aggrieved by
6 the seizure or confiscation of a firearm or ammunition in
7 violation of the bill may file an application for its return
8 in the office of the clerk of court for the county in which the
9 property was seized pursuant to Code section 809.3.

10 The bill makes conforming changes to Code sections 29C.3 and
11 29C.6 relating to the governor's authority under current law to
12 prohibit the possession of firearms or any other deadly weapon
13 by a person other than at that person's place of residence
14 or business and to suspend or limit the sale, dispensing, or
15 transportation of firearms.