

Senate File 254 - Introduced

SENATE FILE 254

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and ERNST

(COMPANION TO 1625HH BY SHAW)

A BILL FOR

1 An Act relating to firearms including the ownership and
2 manufacture of firearms, firearm accessories, and
3 ammunition, providing for a penalty, and including effective
4 date and applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 724.2, subsection 6, Code 2013, is
2 amended to read as follows:

3 6. Any person, firm, or corporation who under the laws of
4 this state and the United States is lawfully engaged in the
5 improvement, invention, or manufacture of firearms, firearm
6 accessories, or ammunition.

7 Sec. 2. NEW SECTION. 724.28A Preemption — ownership and
8 manufacture of firearms, firearm accessories, and ammunition.

9 1. A public servant in this state or a firearm dealer who
10 sells a firearm in this state shall not enforce or attempt
11 to enforce any federal order, law, or regulation relating
12 to firearms, firearm accessories, or ammunition owned or
13 manufactured commercially or privately in this state and that
14 remains exclusively within this state.

15 2. An official, agent, or employee of the federal government
16 who enforces or attempts to enforce any federal order, law,
17 or regulation relating to firearms, firearm accessories, or
18 ammunition owned or manufactured commercially or privately in
19 this state and that remains exclusively within this state is
20 guilty of a class "D" felony.

21 3. The attorney general may defend a citizen of this
22 state who is prosecuted by the United States government for a
23 violation of any federal law relating to the manufacture, sale,
24 transfer, or possession of a firearm, firearm accessory, or
25 ammunition owned or manufactured commercially or privately in
26 this state and that remains exclusively within this state.

27 4. Any federal order, law, or regulation created on or after
28 the effective date of this Act shall be unenforceable in this
29 state if the federal order, law, or regulation attempts to do
30 any of the following:

31 a. Prohibit or restrict ownership of a semiautomatic firearm
32 or any magazine of a firearm.

33 b. Require any firearm, magazine, or other firearm accessory
34 to be registered in any manner.

35 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of

1 immediate importance, takes effect upon enactment.

2 Sec. 4. APPLICABILITY. This Act applies to firearms,
3 firearm accessories, and ammunition owned or manufactured
4 commercially or privately in this state that remains
5 exclusively within this state on or after the effective date
6 of this Act.

7 EXPLANATION

8 This bill relates to firearms, including the ownership
9 or manufacture of firearms, firearm accessories, and
10 ammunition, provides a penalty, and includes effective date and
11 applicability provisions.

12 The bill provides that a public servant in this state or
13 a firearm dealer who sells any firearm in this state shall
14 not enforce or attempt to enforce any federal order, law,
15 or regulation relating to firearms, firearm accessories, or
16 ammunition owned or manufactured commercially or privately in
17 this state and that remain exclusively within this state.

18 The bill provides that an official, agent, or employee of
19 the federal government who enforces or attempts to enforce any
20 federal order, law, or regulation relating to firearms, firearm
21 accessories, or ammunition owned or manufactured commercially
22 or privately in this state and that remain exclusively within
23 this state is guilty of a class "D" felony. A class "D" felony
24 is punishable by confinement for no more than five years and a
25 fine of at least \$750 but not more than \$7,500.

26 The bill allows the attorney general to defend a citizen of
27 this state who is prosecuted by the United States government
28 for a violation of any federal law relating to the manufacture,
29 sale, transfer, or possession of a firearm, firearm accessory,
30 or ammunition owned or manufactured commercially or privately
31 in this state and that remains exclusively within this state.

32 The bill provides that any federal order, law, or regulation
33 created on or after the effective date of the bill shall
34 be unenforceable within this state if the order, law, or
35 regulation attempts to prohibit or restrict ownership of a

1 semiautomatic firearm or any magazine of a firearm or that
2 requires any firearm, magazine, or other firearm accessory to
3 be registered in any manner.

4 The bill makes a conforming change to Code section 724.2 to
5 authorize any person, firm, or corporation lawfully engaged in
6 the improvement, invention, or manufacture of firearms, firearm
7 accessories, or ammunition to lawfully possess such items.

8 The bill provides for an effective date upon enactment
9 and applies to firearms, firearm accessories, and ammunition
10 manufactured and retained in Iowa on or after the effective
11 date.