

House File 2044 - Introduced

HOUSE FILE 2044

BY WINDSCHITL

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 2016, is amended by striking the paragraph.

3 Sec. 2. Section 29C.6, subsection 16, Code 2016, 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.24 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. The adoption or enforcement of regulations pertaining to
29 firearms and ammunition used or carried for official purposes
30 by law enforcement officers or persons acting under the
31 authority of emergency management 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
3 in equity, a person aggrieved by the seizure or confiscation
4 of a firearm or ammunition in violation of this section may
5 make application pursuant to section 809.3 for its return in
6 the office of the clerk of court for the county in which the
7 property was seized.

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 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

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

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

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

1 agencies or officials.

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

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