

House File 2502 - Introduced

HOUSE FILE 2502

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 615)

A BILL FOR

1 An Act relating to firearms and weapons, including the storage,
2 carrying, possession, or transportation of weapons and the
3 establishment, use, and maintenance of shooting ranges.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 335.26 Shooting ranges.

2 In approving the improvement of property acquired to
3 establish, use, and maintain a new shooting range or in
4 approving a substantial change to an existing shooting range
5 pursuant to section 657.9, subsection 1, the county zoning
6 commission, or if there is not a county zoning commission,
7 the county board of supervisors, shall apply and enforce
8 regulations and restrictions established for each zoning
9 district adopted pursuant to this chapter but shall not
10 otherwise require a person seeking approval to comply with any
11 conditions relating to the establishment, use, or maintenance
12 of the shooting range that are more stringent than those
13 imposed by state law.

14 Sec. 2. NEW SECTION. 414.26 Shooting ranges.

15 In approving the improvement of property acquired to
16 establish, use, and maintain a new shooting range or in
17 approving a substantial change to an existing shooting range
18 pursuant to section 657.9, subsection 1, the city zoning
19 commission, or if there is not a city zoning commission, the
20 city council, shall apply and enforce zoning regulations and
21 restrictions established for each zoning district adopted
22 pursuant to this chapter but shall not otherwise require a
23 person seeking approval to comply with any conditions relating
24 to the establishment, use, or maintenance of the shooting range
25 that are more stringent than those imposed by state law.

26 Sec. 3. Section 724.28, subsections 2 and 3, Code 2020, are
27 amended to read as follows:

28 2. A political subdivision of the state shall not enact
29 an ordinance regulating the ownership, possession, legal
30 transfer, lawful transportation, modification, registration, or
31 licensing of firearms, firearms attachments, or other weapons
32 when the ownership, possession, transfer, ~~or~~ transportation, or
33 modification is otherwise lawful under the laws of this state.
34 An ordinance regulating firearms, firearms attachments, or
35 other weapons in violation of this section existing on or after

1 April 5, 1990, is void.

2 3. If a political subdivision of the state, prior to,
3 on, or after July 1, ~~2017~~ 2020, adopts, makes, enacts, or
4 amends any ordinance, measure, enactment, rule, resolution,
5 motion, or policy regulating the ownership, possession, legal
6 transfer, lawful transportation, modification, registration, or
7 licensing of firearms, firearms attachments, or other weapons
8 when the ownership, possession, transfer, transportation,
9 modification, registration, or license licensing of firearms,
10 firearms attachments, or other weapons is otherwise lawful
11 under the laws of this state, a person adversely affected by
12 the ordinance, measure, enactment, rule, resolution, motion, or
13 policy may file suit in the appropriate court for declaratory
14 and injunctive relief ~~for damages~~ and all damages attributable
15 to the violation. A court shall also award the prevailing
16 party in any such lawsuit reasonable attorney fees and court
17 costs.

18 Sec. 4. Section 724.28, Code 2020, is amended by adding the
19 following new subsections:

20 NEW SUBSECTION. 4. A political subdivision of the state
21 may restrict the carrying, possession, or transportation
22 of firearms or other dangerous weapons in the buildings or
23 physical structures located on property under the political
24 subdivision's control if adequate arrangements are made by the
25 political subdivision to screen persons for firearms or other
26 dangerous weapons and the political subdivision provides armed
27 security personnel inside the building or physical structure
28 where the restriction is to be in effect.

29 NEW SUBSECTION. 5. A political subdivision of the state
30 shall not enact an ordinance, motion, resolution, or amendment
31 regulating the storage of weapons or ammunition. An ordinance,
32 motion, resolution, or amendment regulating the storage of
33 weapons or ammunition existing on or after July 1, 2020, is
34 void. This subsection shall not be construed to preclude a
35 political subdivision from regulating the storage of explosive

1 materials consistent with chapter 101A.

2 Sec. 5. NEW SECTION. 724.32 County courthouse — weapon
3 prohibitions.

4 A supreme court or judicial branch order that prohibits
5 a person from lawfully carrying, possessing, or transporting
6 a weapon in a county courthouse or other joint-use public
7 facility shall be unenforceable unless the judicial order
8 applies only to a courtroom or a court office, or to a
9 courthouse used only for judicial branch functions.

10 EXPLANATION

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

13 This bill relates to the carrying, possession, or
14 transportation of weapons in buildings or physical structures
15 located on property under the control of a political
16 subdivision and in county courthouses, and the regulation by
17 counties and cities relating to the storage of weapons and
18 shooting ranges.

19 Current law requires a person to obtain the approval of
20 the appropriate county or city zoning commission, or if the
21 county or city does not have a zoning commission, the county
22 board of supervisors or the city council, before improving
23 property acquired to establish, use, and maintain a shooting
24 range or before substantially changing the existing use of a
25 shooting range. The bill requires the appropriate commission,
26 the county board of supervisors, or the city council to apply
27 and enforce zoning regulations and restrictions that have been
28 properly adopted, but prohibits the appropriate commission,
29 the county board of supervisors, or the city council from
30 otherwise requiring the person seeking approval to comply with
31 any conditions on the establishment, use, or maintenance of a
32 shooting range that are more stringent than those imposed by
33 state law.

34 Current law provides that a political subdivision shall not
35 enact, adopt, make, or amend any ordinance, measure, enactment,

1 rule, resolution, motion, or policy that regulates the
2 ownership, possession, legal transfer, lawful transportation,
3 registration, or licensing of firearms when the ownership,
4 possession, transfer, transportation, registration, or license
5 is otherwise lawful, and that a person adversely affected
6 by such an ordinance, measure, enactment, rule, resolution,
7 motion, or policy may file suit in the appropriate court for
8 declaratory and injunctive relief for damages. The bill
9 extends this prohibition to modifications and further provides
10 that the prohibition applies to firearm attachments and other
11 weapons. The bill provides that a person adversely affected
12 may also file a lawsuit for damages attributable to the
13 violation. The bill provides that a court shall also award the
14 prevailing party reasonable attorney fees and court costs.

15 The bill provides that political subdivisions may restrict
16 the carrying, possession, or transportation of firearms or
17 other dangerous weapons in the buildings or physical structures
18 located on property under the political subdivision's control
19 if arrangements are made to screen persons entering into the
20 building or physical structure and the political subdivision
21 provides armed security personnel inside the building or
22 physical structure.

23 The bill prohibits a political subdivision from enacting
24 an ordinance, motion, resolution, or amendment regulating
25 the storage of weapons or ammunition and any such ordinance,
26 motion, resolution, or amendment existing on or after July 1,
27 2020, is void. However, the bill does not preclude a political
28 subdivision from regulating the storage of explosive materials
29 consistent with Code chapter 101A.

30 The bill provides that a supreme court or judicial branch
31 order that prohibits a person from carrying, possessing, or
32 transporting a weapon in a county courthouse or other joint-use
33 public facility shall be unenforceable unless the judicial
34 order applies only to a courtroom or a court office, or to a
35 courthouse used only for judicial branch functions.