

House Study Bill 254 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON KLEIN)

A BILL FOR

1 An Act relating to the acquisition and possession of weapons
2 and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

DIVISION I

ACQUIRING PISTOLS AND REVOLVERS

Section 1. Section 724.11A, Code 2021, is amended to read as follows:

724.11A Recognition.

A valid permit or license issued by another state to any nonresident of this state shall be considered to be a valid permit or license to carry weapons issued pursuant to this chapter, except that such permit or license shall not be ~~considered to be a substitute for a permit to acquire pistols or revolvers issued pursuant to section 724.15~~ deemed to satisfy the requirements of section 724.15.

Sec. 2. Section 724.15, Code 2021, is amended by striking the section and inserting in lieu thereof the following:

724.15 Acquiring pistols or revolvers.

1. It is the intent of this section to satisfy federal requirements of 18 U.S.C. §922(t)(3) in order to acquire pistols or revolvers. In order to acquire a pistol or revolver from a federally licensed firearms dealer, an unlicensed person is required to have a valid permit to acquire or a valid permit to carry weapons issued in accordance with this chapter or the person must complete a satisfactory national instant criminal background check pursuant to 18 U.S.C. §922(t).

2. A person shall not acquire a pistol or revolver who is subject to any of the following:

a. Is under twenty-one years of age except for those persons included in section 724.22, subsection 4, who acquire a pistol or revolver when the person's duty so requires.

b. Is prohibited by section 724.26 or federal law from possessing, shipping, transporting, or receiving a firearm.

c. Is prohibited by court order from possessing, shipping, transporting, or receiving a firearm.

3. An issuing officer who finds that a person issued a permit to acquire pistols or revolvers under this chapter has been arrested for a disqualifying offense or who is

1 the subject of proceedings that could lead to the person's
2 ineligibility for such permit, may immediately suspend such
3 permit. An issuing officer proceeding under this subsection
4 shall immediately notify the permit holder of the suspension
5 by personal service or certified mail on a form prescribed
6 and published by the commissioner of public safety and the
7 suspension shall become effective upon the permit holder's
8 receipt of such notice. If the suspension is based on an
9 arrest or a proceeding that does not result in a disqualifying
10 conviction or finding against the permit holder, the issuing
11 officer shall immediately reinstate the permit upon receipt
12 of proof of the matter's final disposition. If the arrest
13 leads to a disqualifying conviction or the proceedings to a
14 disqualifying finding, the issuing officer shall revoke the
15 permit. The issuing officer may also revoke the permit of a
16 person whom the issuing officer later finds was not qualified
17 for such a permit at the time of issuance or whom the officer
18 finds provided materially false information on the permit
19 application. A person aggrieved by a suspension or revocation
20 under this subsection may seek review of the decision pursuant
21 to section 724.21A.

22 Sec. 3. Section 724.16, Code 2021, is amended by striking
23 the section and inserting in lieu thereof the following:

24 **724.16 Prohibited transfers of firearms.**

25 1. A person shall not transfer a firearm to another person
26 if the person knows or reasonably should know that the other
27 person is prohibited from receiving or possessing a firearm
28 under section 724.26 or federal law.

29 2. A person shall not loan or rent a firearm to another
30 person for temporary use during lawful activities if the person
31 knows or reasonably should know that the person is prohibited
32 from receiving or possessing a firearm under section 724.26 or
33 federal law.

34 3. A person who transfers, loans, or rents a firearm in
35 violation of this section commits a class "D" felony.

1 the grounds surrounding the capitol building including state
2 parking lots and parking garages. However, **this subsection**
3 shall not be construed to allow the director to prohibit
4 the lawful carrying, transportation, or possession of any
5 pistol or revolver in the capitol building and on the grounds
6 surrounding the capitol building including state parking lots
7 and parking garages by a any person who displays to capitol
8 security personnel a valid permit to carry weapons upon request
9 regardless of whether the person has a valid permit to carry
10 weapons.

11 Sec. 6. Section 232.52, subsection 2, paragraph a,
12 subparagraph (4), subparagraph division (a), subparagraph
13 subdivision (viii), Code 2021, is amended to read as follows:

14 (viii) Section 724.4, if the child used the dangerous weapon
15 in the commission of a crime on school grounds.

16 Sec. 7. Section 724.2A, Code 2021, is amended to read as
17 follows:

18 **724.2A Peace officer — defined — reserved peace officer**
19 **included.**

20 As used in sections ~~724.4~~, 724.4B, 724.6, and 724.11, “*peace*
21 *officer*” includes a reserve peace officer as defined in section
22 80D.1A.

23 Sec. 8. Section 724.4, Code 2021, is amended by striking the
24 section and inserting in lieu thereof the following:

25 **724.4 Use of a dangerous weapon in the commission of a crime.**

26 A person who goes armed with a dangerous weapon on or about
27 the person, and who uses the dangerous weapon in the commission
28 of a crime, commits an aggravated misdemeanor.

29 Sec. 9. Section 724.4B, Code 2021, is amended by striking
30 the section and inserting in lieu thereof the following:

31 **724.4B Carrying firearms on school grounds — penalty —**
32 **exceptions.**

33 1. A person who goes armed with, carries, or transports a
34 firearm of any kind, whether concealed or not, on the grounds
35 of a school commits a class “D” felony. For the purposes of

1 this section, "school" means a public or nonpublic school as
2 defined in section 280.2.

3 2. Subsection 1 does not apply to the following:

4 a. A person who has been specifically authorized by the
5 school to go armed with, carry, or transport a firearm on the
6 school grounds for any lawful purpose.

7 b. A peace officer including a peace officer who has
8 not been certified and a federal officer when the officer's
9 employment requires going armed, whether or not the peace
10 officer or federal officer is acting in the performance of
11 official duties.

12 c. A member of the armed forces of the United States or
13 of the national guard or person in the service of the United
14 States, when the firearm is carried in connection with the
15 person's duties as such.

16 d. A correctional officer, when the officer's duties require
17 the officer to carry a firearm, serving under the authority of
18 the Iowa department of corrections.

19 e. A person who for any lawful purpose carries an unloaded
20 pistol, revolver, or other firearm inside a closed and fastened
21 container or securely wrapped package that is too large to be
22 concealed on the person.

23 f. A person who for any lawful purpose carries or
24 transports an unloaded pistol, revolver, or other firearm
25 in a vehicle or common carrier inside a closed and fastened
26 container or securely wrapped package that is too large to be
27 concealed on the person or carries or transports an unloaded
28 pistol, revolver, or other firearm inside a cargo or luggage
29 compartment where the pistol or revolver will not be readily
30 accessible to any person riding in the vehicle or common
31 carrier.

32 g. A law enforcement officer from another state when the
33 officer's duties require the officer to carry a firearm and the
34 officer is in this state for any of the following reasons:

35 (1) The extradition or other lawful removal of a prisoner

1 from this state.

2 (2) Pursuit of a suspect in compliance with chapter 806.

3 (3) Activities in the capacity of a law enforcement officer
4 with the knowledge and consent of the chief of police of the
5 city or the sheriff of the county in which the activities occur
6 or of the commissioner of public safety.

7 *h.* A licensee under chapter 80A or an employee of such
8 a licensee, while the licensee or employee is engaged in
9 the performance of duties, and if the licensee or employee
10 possesses a valid professional or nonprofessional permit to
11 carry weapons issued pursuant to this chapter.

12 Sec. 10. Section 724.5, Code 2021, is amended by striking
13 the section and inserting in lieu thereof the following:

14 **724.5 Availability of permit not to be construed as**
15 **prohibition on unlicensed carrying of weapons.**

16 The availability of a professional or nonprofessional permit
17 to carry weapons under this chapter shall not be construed to
18 impose a general prohibition on the otherwise lawful unlicensed
19 carrying or transport, whether openly or concealed, of a
20 dangerous weapon, including a loaded firearm.

21 Sec. 11. Section 724.6, subsection 1, paragraph a, Code
22 2021, is amended to read as follows:

23 *a.* (1) A person may be issued a permit to carry weapons
24 when the person's employment in a private investigation
25 business or private security business licensed under chapter
26 80A, or a person's employment as a peace officer, correctional
27 officer, security guard, bank messenger or other person
28 transporting property of a value requiring security, or in
29 police work, reasonably justifies that person going armed.

30 (2) A person may be issued a permit to carry weapons
31 if the person is an emergency medical care provider who is
32 designated and attached to a law enforcement tactical team by
33 the authorities having jurisdiction. A person issued a permit
34 to carry weapons under this paragraph shall train with the law
35 enforcement tactical team the person is designated and attached

1 to, complete a prescribed firearm safety training course
2 offered pursuant to section 724.9, subsection 1, paragraph
3 "e", complete any additional training as prescribed by the
4 authorities having jurisdiction, and not be disqualified under
5 section 724.8.

6 Sec. 12. Section 724.6, subsection 2, Code 2021, is amended
7 to read as follows:

8 2. Notwithstanding subsection 1, fire fighters, as defined
9 in section 411.1, subsection 10, airport fire fighters included
10 under section 97B.49B, and emergency medical care providers,
11 ~~as defined in section 147A.1~~ other than emergency medical
12 care providers specified in subsection 1, paragraph "a",
13 subparagraph (2), shall not, as a condition of employment,
14 be required to obtain a permit under this section. However,
15 the provisions of this subsection shall not apply to a person
16 designated as an arson investigator by the chief fire officer
17 of a political subdivision.

18 Sec. 13. Section 724.6, Code 2021, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 3. For purposes of this section, "emergency
21 medical care provider" means the same as defined in section
22 147A.1.

23 DIVISION III

24 HANDGUN SAFETY TRAINING

25 Sec. 14. Section 724.9, subsection 1, paragraphs a and b,
26 Code 2021, are amended to read as follows:

27 a. Completion of any national rifle association handgun
28 safety training course or a handgun safety training course
29 offered by an instructor certified by an organization approved
30 by the department of public safety pursuant to section 724.9A.

31 b. Completion of any handgun safety training course
32 available to the general public offered by a law enforcement
33 agency, community college, college, private or public
34 institution or organization, or firearms training school,
35 utilizing instructors certified by the national rifle

1 ordinance, motion, resolution, policy, or amendment regulating
2 the ownership, possession, carrying, legal transfer, lawful
3 transportation, modification, registration, or licensing of
4 firearms, firearms attachments, or other weapons when the
5 ownership, possession, carrying, transfer, transportation, or
6 modification is otherwise lawful under the laws of this state.
7 An ordinance regulating firearms, firearms attachments, or
8 other weapons in violation of **this section** existing on or after
9 April 5, 1990, is void.

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

26 DIVISION V

27 POSSESSION AND STORAGE OF A FIREARM BY A TENANT

28 Sec. 17. Section 562A.11, Code 2021, is amended to read as
29 follows:

30 **562A.11 Prohibited provisions in rental agreements.**

31 1. A rental agreement shall not provide that the tenant or
32 landlord does any of the following:

33 a. Agrees to waive or to forego rights or remedies under
34 this chapter provided that this restriction shall not apply to
35 rental agreements covering single family residences on land

1 assessed as agricultural land and located in an unincorporated
2 area.

3 b. Authorizes a person to confess judgment on a claim
4 arising out of the rental agreement.

5 c. Agrees to pay the other party's attorney fees.

6 d. Agrees to the exculpation or limitation of any liability
7 of the other party arising under law or to indemnify the other
8 party for that liability or the associated costs connected
9 therewith.

10 1A. If the landlord receives rental assistance payments
11 under a rental assistance agreement administered by the
12 United States department of agriculture under the multifamily
13 housing rental assistance program under Tit. V of the federal
14 Housing Act of 1949, Pub. L. No. 81-171, or receives housing
15 assistance payments under a housing assistance payment contract
16 administered by the United States department of housing and
17 urban development under the housing choice voucher program,
18 the new construction program, the substantial rehabilitation
19 program, or the moderate rehabilitation program under section 8
20 of the United States Housing Act of 1937, Pub. L. No. 75-412, a
21 rental agreement shall not contain a provision or impose a rule
22 that requires a person to agree, as a condition of tenancy, to
23 a prohibition or restriction on the lawful ownership, use, or
24 possession of a firearm, a firearm component, or ammunition
25 within the tenant's specific rental unit. A landlord may
26 impose reasonable restrictions related to the possession,
27 use, or transportation of a firearm, a firearm component, or
28 ammunition within common areas as long as those restrictions do
29 not circumvent the purpose of this subsection. A tenant shall
30 exercise reasonable care in the storage of a firearm, a firearm
31 component, or ammunition. This subsection does not apply to
32 any prohibition or restriction that is required by federal or
33 state law, rule, or regulation.

34 2. A provision prohibited by ~~subsection 1~~ this section
35 included in a rental agreement is unenforceable. If a landlord

1 willfully uses a rental agreement containing provisions known
2 by the landlord to be prohibited, a tenant may recover actual
3 damages sustained by the tenant and not more than three months'
4 periodic rent and reasonable attorney fees.

5 Sec. 18. Section 562A.16, Code 2021, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 3. Except in cases of willful, reckless, or
8 gross negligence, a landlord is not liable in a civil action
9 for personal injury, death, property damage, or other damages
10 resulting from or arising out of an occurrence involving a
11 firearm, a firearm component, or ammunition that the landlord
12 is required to allow on the property under section 562A.11.

13 Sec. 19. Section 562A.27A, subsection 2, paragraph b, Code
14 2021, is amended to read as follows:

15 b. Illegal use of a firearm or other weapon, the threat to
16 use a firearm or other weapon illegally, or possession of an
17 illegal firearm. The mere possession or storage of a firearm
18 by a tenant in the dwelling unit that the tenant rents does not
19 constitute a clear and present danger.

20 Sec. 20. Section 562B.11, Code 2021, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 1A. If the landlord receives rental
23 assistance payments under a rental assistance agreement
24 administered by the United States department of agriculture
25 under the multifamily housing rental assistance program
26 under Tit. V of the federal Housing Act of 1949, Pub. L.
27 No. 81-171, or receives housing assistance payments under a
28 housing assistance payment contract administered by the United
29 States department of housing and urban development under the
30 housing choice voucher program, the new construction program,
31 the substantial rehabilitation program, or the moderate
32 rehabilitation program under section 8 of the United States
33 Housing Act of 1937, Pub. L. No. 75-412, a rental agreement
34 shall not contain a provision or impose a rule that requires a
35 person to agree, as a condition of tenancy, to a prohibition or

1 restriction on the lawful ownership, use, or possession of a
2 firearm, a firearm component, or ammunition within the tenant's
3 specific rental unit. A landlord may impose reasonable
4 restrictions related to the possession, use, or transportation
5 of a firearm, a firearm component, or ammunition within common
6 areas as long as those restrictions do not circumvent the
7 purpose of this subsection. A tenant shall exercise reasonable
8 care in the storage of a firearm, a firearm component, or
9 ammunition. This subsection does not apply to any prohibition
10 or restriction that is required by federal or state law, rule,
11 or regulation.

12 Sec. 21. Section 562B.11, subsection 2, Code 2021, is
13 amended to read as follows:

14 2. A provision prohibited by ~~subsection 1~~ this section
15 included in a rental agreement is unenforceable. If a landlord
16 or tenant knowingly uses a rental agreement containing
17 provisions known to be prohibited by this chapter, the other
18 party may recover actual damages sustained.

19 Sec. 22. Section 562B.17, Code 2021, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 3. Except in cases of willful, reckless, or
22 gross negligence, a landlord is not liable in a civil action
23 for personal injury, death, property damage, or other damages
24 resulting from or arising out of an occurrence involving a
25 firearm, a firearm component, or ammunition that the landlord
26 is required to allow on the property under section 562B.11.

27 Sec. 23. Section 562B.25A, subsection 2, paragraph b, Code
28 2021, is amended to read as follows:

29 *b.* Illegal use of a firearm or other weapon, the threat to
30 use a firearm or other weapon illegally, or possession of an
31 illegal firearm. The mere possession or storage of a firearm
32 by a tenant in the tenant's dwelling unit does not constitute a
33 clear and present danger.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to the acquisition and possession of
3 weapons.

4 DIVISION I — ACQUIRING PISTOLS AND REVOLVERS. Current
5 law provides that any person who intends to purchase a pistol
6 or revolver is required to first obtain an annual permit to
7 acquire pistols or revolvers unless the person is otherwise
8 exempt from obtaining such a permit. It is the intent of the
9 bill to satisfy federal requirements of 18 U.S.C. §922(t)(3)
10 in order to acquire a pistol or revolver. The bill provides
11 that in order to acquire a pistol or revolver from a federally
12 licensed firearms dealer, an unlicensed person is required
13 to have a valid permit to acquire or a valid permit to carry
14 weapons issued in accordance with Code chapter 724 or the
15 person must complete a satisfactory national instant criminal
16 background check pursuant to 18 U.S.C. §922(t). The bill
17 provides that a valid permit to carry weapons or license issued
18 by another state to any nonresident of this state does not
19 satisfy the requirements to acquire a pistol or revolver in
20 this state.

21 Under the bill, a person is not eligible to acquire a pistol
22 or revolver if the person is less than 21 years of age except
23 when required for certain duties, is prohibited by Code section
24 724.26 (felon in possession of a firearm), federal law, or
25 by a court order from possessing, shipping, transporting, or
26 receiving a firearm.

27 The bill, in Code section 724.15, provides that a permit to
28 acquire firearms may be suspended or revoked by the issuing
29 officer and the aggrieved permit holder may file an appeal with
30 an administrative law judge under Code section 724.21A.

31 The bill strikes the language of current Code section
32 724.16, relating to transferring a pistol or revolver to a
33 person without a permit or acquiring a pistol or revolver
34 without a permit and substitutes language prohibiting the
35 transfer of a firearm to another person who does not possess a

1 permit if the person knows or reasonably should know the person
2 is prohibited from receiving or possessing a firearm under Code
3 section 724.26 or federal law. The bill also provides that a
4 person shall not loan or rent a firearm to another person for
5 temporary use during lawful activities if the person knows or
6 reasonably should know the person is prohibited from receiving
7 or possessing a firearm under Code section 724.26 or federal
8 law. A person who violates this provision commits a class
9 "D" felony. Currently, a person who acquires ownership of a
10 pistol or revolver without a valid permit to acquire pistols
11 or revolvers or a person who transfers ownership of a pistol
12 or revolver to a person who does not have in the person's
13 possession a valid permit to acquire pistols or revolvers
14 is guilty of an aggravated misdemeanor, except as otherwise
15 provided in Code section 724.15(2).

16 The bill makes a conforming change to Code section 724.27
17 relating to the restoration of firearms rights.

18 A class "D" felony, as referenced in the bill, is punishable
19 by confinement for no more than five years and a fine of at
20 least \$1,025 but not more than \$10,245.

21 DIVISION II — CARRYING AND POSSESSING WEAPONS — SCHOOL
22 GROUNDS — EMERGENCY MEDICAL CARE PROVIDERS. Current law
23 requires department of administrative services rules to
24 prohibit a person, other than a peace officer, from openly
25 carrying a pistol or revolver in the capitol building and on
26 the grounds surrounding the capitol building including state
27 parking lots and parking garages unless the person displays
28 a valid permit to carry weapons upon request from capitol
29 security personnel. The bill removes the language requiring a
30 person to display a permit to carry weapons upon request.

31 The bill amends Code section 724.4 by striking the current
32 penalty for carrying dangerous weapons. Instead, the bill
33 amends the current crime of going armed with a knife in the
34 commission of a crime, an aggravated misdemeanor, to provide
35 that a person who goes armed with a dangerous weapon on or

1 about the person, and who used the dangerous weapon in the
2 commission of a crime, commits an aggravated misdemeanor.
3 An aggravated misdemeanor is punishable by confinement for
4 no more than two years and a fine of at least \$855 but not
5 more than \$8,540. The bill makes a conforming change to Code
6 section 232.52(2) relating to the suspension or revocation of
7 a juvenile's driver's license or operating privilege and a
8 conforming change to Code section 724.2A due to the strike of
9 Code section 724.4 in the bill. The bill amends the offense of
10 carrying weapons on school grounds under Code section 724.4B to
11 create an offense of carrying firearms on school grounds and
12 to specifically include certain categories of persons who are
13 authorized to carry weapons on school grounds.

14 A person who goes armed with, carries, or transports a
15 firearm on the grounds of a school in violation of Code section
16 724.4B commits a class "D" felony.

17 The bill strikes Code section 724.5 relating to a person's
18 duty to carry a valid permit to carry certain weapons for
19 which a permit has been issued to the person and replaces that
20 Code section with language providing that the availability
21 of a professional or nonprofessional permit to carry weapons
22 shall not be construed to impose a general prohibition on the
23 otherwise lawful unlicensed carrying or transport, whether
24 openly or concealed, of a dangerous weapon, including a loaded
25 firearm.

26 The bill specifies that a peace officer or reserve peace
27 officer including a peace officer or reserve peace officer
28 who has not been certified, and a federal officer when the
29 officer's employment requires going armed, may go armed with,
30 carry, or transport a firearm on school grounds, whether or not
31 the officer is acting in the performance of official duties.

32 Current law restricts persons eligible to obtain a
33 professional permit to carry weapons to certain individuals
34 involved with investigation, security, valuable property
35 transportation, corrections, and other police work if the

1 individual's occupation reasonably justifies the individual
2 going armed. The bill allows an emergency medical care
3 provider to obtain a professional permit to carry weapons
4 if the emergency medical care provider is designated and
5 attached to a law enforcement tactical team by the authorities
6 having jurisdiction. Additionally, the emergency medical
7 care provider shall train with the tactical team, complete a
8 firearm safety training course that qualifies a peace officer
9 to carry a firearm in the normal course of the peace officer's
10 duties, complete any additional training as prescribed by
11 the authorities having jurisdiction, and not be disqualified
12 from obtaining a professional or nonprofessional permit to
13 carry weapons. Notwithstanding a general prohibition, the
14 bill allows an employer of an emergency medical care provider
15 to require an emergency medical care provider to obtain
16 a professional permit to carry weapons as a condition of
17 employment if the emergency medical care provider accompanies
18 police tactical teams consistent with the bill.

19 By operation of law, a professional permit to carry weapons
20 will authorize an emergency medical care provider to go armed
21 anywhere in the state only while engaged in employment and
22 while going to and from the place of employment. An emergency
23 medical care provider shall submit an application and undergo
24 a criminal history background check prior to receiving a
25 professional permit to carry weapons. A professional permit
26 to carry weapons issued to an emergency medical care provider
27 shall expire 12 months after the date of issue.

28 DIVISION III — HANDGUN SAFETY TRAINING. Current law
29 requires an applicant for an initial permit to carry weapons
30 to demonstrate knowledge of firearm safety. An applicant
31 may demonstrate knowledge of firearm safety by, among other
32 methods, completing any national rifle association handgun
33 safety training course or completing any handgun safety
34 training course available to the general public offered by
35 certain entities that utilize an instructor certified by the

1 national rifle association.

2 The bill requires the department of public safety
3 (department) to adopt rules to approve additional organizations
4 that may certify an individual as an instructor eligible to
5 offer certain handgun safety training courses. The rules shall
6 require a handgun safety training instructor to apply to the
7 organization for recertification at least once every five
8 years. The rules shall also require the department to charge a
9 fee to cover the costs necessary to maintain a list of approved
10 organizations and a list of certified instructors.

11 The bill requires the department to maintain on the
12 department's internet site applications for an organization
13 to receive approval to certify and recertify handgun safety
14 training instructors, a list of approved organizations
15 that certify handgun safety training instructors that shall
16 include the national rifle association, a list of certified
17 instructors, and general information relating to permits to
18 carry weapons, firearm safety, and training opportunities
19 currently available to the public.

20 DIVISION IV — FIREARM REGULATION BY POLITICAL SUBDIVISIONS.

21 Current law prohibits a political subdivision from enacting
22 an ordinance, motion, resolution, policy, or amendment
23 regulating the ownership, possession, legal transfer, lawful
24 transportation, modification, registration, or licensing
25 of firearms, firearms attachments, or other weapons when
26 the ownership, possession, transfer, transportation, or
27 modification is otherwise lawful under the laws of this state.
28 The bill extends the prohibition to include carrying firearms,
29 firearms attachments, or other weapons when the ownership,
30 possession, transfer, transportation, or modification is
31 otherwise lawful.

32 DIVISION V — POSSESSION AND STORAGE OF A FIREARM BY A
33 TENANT. When a landlord receives rental assistance payments
34 through certain federal programs, the bill prohibits the rental
35 agreement from including a provision or imposing a rule that

1 requires a person to agree, as a condition of tenancy, to a
2 prohibition or restriction on the lawful ownership, use, or
3 possession of a firearm, a firearm component, or ammunition
4 within the tenant's dwelling unit. In the context of a tenant
5 leasing a mobile home space, "dwelling unit" excludes the real
6 property used to accommodate a manufactured or mobile home.
7 A landlord may impose reasonable restrictions related to the
8 possession, use, or transportation of a firearm, a firearm
9 component, or ammunition within common areas as long as those
10 restrictions do not circumvent the purpose of the bill. The
11 bill requires a tenant to exercise reasonable care in the
12 storage of a firearm, a firearm component, or ammunition. The
13 prohibition on terms of a rental agreement does not apply to
14 any prohibition or restriction that is required by federal or
15 state law, rule, or regulation.

16 The bill provides that except in cases of willful, reckless,
17 or gross negligence, a landlord is not liable in a civil action
18 for personal injury, death, property damage, or other damages
19 resulting from or arising out of an occurrence involving a
20 firearm, a firearm component, or ammunition that the landlord
21 is required to allow on the property under the bill. The bill
22 provides that the mere possession or storage of a firearm by
23 a tenant in the dwelling unit does not constitute a clear and
24 present danger.

25 A provision in a rental agreement that violates the bill is
26 unenforceable. A tenant of a dwelling unit may recover from a
27 landlord actual damages sustained by the tenant, not more than
28 three months' periodic rent, and reasonable attorney fees if
29 the landlord willfully uses a rental agreement that contains
30 provisions known by the landlord to be prohibited by the bill.
31 A tenant of a mobile home space may recover from a landlord
32 actual damages sustained if the landlord knowingly includes in
33 the rental agreement a provision known to be prohibited by the
34 bill.