

House File 518 - Introduced

HOUSE FILE 518

BY GUSTOFF

A BILL FOR

1 An Act relating to damages against participants in firearms
2 regulation violations by political subdivisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 724.28, subsection 3, Code 2023, is
2 amended to read as follows:

3 3. If a political subdivision of the state, prior to, on,
4 or after July 1, 2020, adopts, makes, enacts, or amends any
5 ordinance, measure, enactment, rule, resolution, motion, or
6 policy regulating the ownership, possession, carrying, legal
7 transfer, lawful transportation, modification, registration,
8 or licensing of firearms, firearms attachments, or other
9 weapons when the ownership, possession, carrying, transfer,
10 transportation, modification, registration, or licensing
11 of firearms, firearms attachments, or other weapons is
12 otherwise lawful under the laws of this state, a person
13 adversely affected by the ordinance, measure, enactment, rule,
14 resolution, motion, or policy may file suit in the appropriate
15 court for declaratory and injunctive relief and all damages
16 attributable to the violation, including all of the following:

17 a. The court shall assess the persons who participated
18 in the violation damages in the amount of not more than
19 five hundred dollars and not less than one hundred dollars
20 per day of the violation. A However, if a person knowingly
21 participated in such a violation, damages shall be in the
22 amount of not more than two thousand five hundred dollars and
23 not less than one thousand dollars per day of the violation.
24 These damages shall be paid by the court imposing them to the
25 political subdivision of the state.

26 b. The court shall also award the prevailing party in any
27 such lawsuit reasonable attorney fees and court costs.

28 EXPLANATION

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

31 This bill relates to damages against participants in
32 firearms regulation violations by political subdivisions.

33 Under current law, if a political subdivision violates the
34 prohibition against firearms regulation, a person adversely
35 affected may file suit in the appropriate court for declaratory

1 and injunctive relief and all damages attributable to the
2 violation. A court is required to award the prevailing party
3 in any such lawsuit reasonable attorney fees and court costs.

4 In addition to such damages, the bill requires the court to
5 assess damages against participants in the violation in the
6 amount of not more than \$500 and not less than \$100 per day,
7 or if a person knowingly participated in such a violation, in
8 the amount of not more than \$2,500 and not less than \$1,000
9 per day. Damages under the bill are paid by the court to the
10 political subdivision in question. Provisions similar to the
11 bill's requirements apply under current law to open records
12 violations (Code chapter 22).