

House Study Bill 173 - Introduced

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

A BILL FOR

1 An Act relating to the transferring, carrying, transportation,
2 and possession of weapons by certain persons and in certain
3 locations, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I
EMPLOYER POLICIES REGARDING FIREARMS AND AMMUNITION —
DEPARTMENT OF CORRECTIONS AND OTHER DETENTION FACILITIES —
PARKING LOTS

Section 1. Section 719.7, subsection 3, paragraph a, Code 2023, is amended to read as follows:

a. Knowingly introduces contraband into, or onto, the grounds of a secure facility for the detention or custody of juveniles, detention facility, jail, community-based correctional facility, correctional institution, or institution under the management of the department of corrections. This paragraph does not prohibit the otherwise lawful carrying, transportation, or possession of a firearm or ammunition if the firearm or ammunition remains out of sight and inside a locked vehicle on the real property comprising the publicly accessible, nonsecure parking lot of the facility, jail, or institution.

Sec. 2. NEW SECTION. 724.4F Limitation on employers — firearms and ammunition.

1. For purposes of this section:

a. "Employee" means the same as defined in section 91A.2. "Employee" also includes a contract employee or volunteer.

b. "Place of employment" includes any property, including a secure parking lot, that is used for parking motor vehicles and is available to an employer's customers, employees, or invitees for temporary or long-term parking or storage of motor vehicles.

2. An employer shall not prohibit an employee from carrying, transporting, or possessing a firearm or ammunition if the firearm and ammunition are out of sight and inside a locked, privately owned motor vehicle on the real property comprising the employee's place of employment and if the carrying, transportation, or possession of the firearm or ammunition is otherwise lawful under the laws of this state.

3. An employer, owner, or lawful possessor of the property

1 on which the employer is located shall be immune from any
2 claim, cause of action, or lawsuit brought by any person
3 seeking damages that are alleged, directly or indirectly, as a
4 result of any firearm or ammunition brought onto the property
5 of the employer, owner, or lawful possessor by an employee
6 pursuant to this section.

7 4. An employer may prohibit an employee from carrying,
8 transporting, or possessing a firearm or ammunition in a
9 vehicle owned or leased by the employer or otherwise under the
10 employer's control or possession.

11 5. The prohibitions in this section shall apply to all
12 private employers and to all state and local governmental
13 entities of this state as defined in section 8A.101.

14 6. This section shall not apply to the extent that it
15 violates federal or other state law or the terms of a contract
16 with a federal entity.

17 Sec. 3. EFFECTIVE DATE. This division of this Act, being
18 deemed of immediate importance, takes effect upon enactment.

19 DIVISION II

20 FIREARMS ON SCHOOL PROPERTY

21 Sec. 4. NEW SECTION. **285.17 Weapons in school vehicles**
22 **transporting pupils.**

23 When transportation is provided pursuant to this chapter,
24 a driver shall not permit firearms or other weapons, nor
25 ammunition, to be carried in the passenger compartment of any
26 school vehicle transporting pupils except when the school
27 district or nonpublic school authorizes or directs a person
28 to carry, transport, or possess a firearm, other weapon, or
29 ammunition in the school vehicle.

30 Sec. 5. Section 724.4B, subsection 2, Code 2023, is amended
31 by adding the following new paragraphs:

32 NEW PARAGRAPH. *i.* A person, whether a driver or passenger
33 and including a person authorized or directed pursuant to
34 section 285.17, while the person is dropping off or picking
35 up from a school a student, staff member, or other person

1 having business at the school, or while the person is making
2 a delivery or pickup at a school, who has in the person's
3 possession a valid permit to carry weapons issued pursuant
4 to section 724.7, while going armed with, carrying, or
5 transporting a concealed pistol or revolver if the concealed
6 pistol or revolver remains in the vehicle and the vehicle
7 remains on the portion of the grounds of the school that
8 comprises its driveways and parking areas.

9 NEW PARAGRAPH. *j.* A person retired under chapter 97A
10 or 411, or section 97B.49B or 97B.49C, after service as a
11 peace officer who retired in good standing, who maintains
12 certification, and who, during the most recent twelve-month
13 period, has met the standards for qualifications in firearm
14 safety training determined by the state agency or political
15 subdivision that the person formerly served.

16 Sec. 6. EFFECTIVE DATE. This division of this Act, being
17 deemed of immediate importance, takes effect upon enactment.

18 DIVISION III

19 DANGEROUS WEAPONS IN VEHICLES AT REGENTS UNIVERSITIES AND
20 COMMUNITY COLLEGE CAMPUSES

21 Sec. 7. NEW SECTION. **260C.14B** Limitation on authority —
22 **dangerous weapons.**

23 The board of directors of a community college shall comply
24 with the requirements of section 724.8C regarding policies and
25 rules relating to the carrying, transportation, or possession
26 of dangerous weapons, as defined in section 702.7, in a
27 personal vehicle on the grounds of the community college.

28 Sec. 8. NEW SECTION. **262.9E** Limitation on authority —
29 **dangerous weapons.**

30 The state board of regents shall comply with the
31 requirements of section 724.8C regarding policies and rules
32 relating to the carrying, transportation, or possession of
33 dangerous weapons, as defined in section 702.7, in a personal
34 vehicle on the grounds of a university under the control of the
35 state board of regents.

1 Sec. 9. NEW SECTION. **724.8C Limitation on authority —**
2 **dangerous weapons — public universities and community colleges.**

3 The governing board of a university under the control
4 of the state board of regents as provided in chapter 262
5 or a community college under the jurisdiction of a board
6 of directors for a merged area as provided in chapter 260C
7 shall not adopt or enforce any policy or rule that prohibits
8 the carrying, transportation, or possession of any dangerous
9 weapon, as defined in section 702.7, in a personal vehicle on
10 the grounds of such a college or university if the dangerous
11 weapon is not visible from outside of the vehicle and such
12 carrying, transportation, or possession is not otherwise
13 prohibited under this chapter. A governing board of a
14 university or community college shall be immune from any
15 claim, cause of action, or lawsuit by a person seeking damages
16 that are alleged, directly or indirectly, as a result of
17 any concealed dangerous weapon brought onto the grounds of
18 a university or college campus by a person pursuant to this
19 section.

20 DIVISION IV

21 INSURANCE COVERAGE — FIREARMS ON SCHOOL GROUNDS

22 Sec. 10. NEW SECTION. **515.80 Nondenial of property and**
23 **casualty insurance — schools.**

24 1. For purposes of this section, unless the context
25 otherwise requires:

26 *a. "Authorized insurer"* means an insurer authorized by
27 the commissioner of insurance to write property and casualty
28 insurance under a certificate of authority issued by the
29 commissioner to transact insurance in this state.

30 *b. "School"* means a public or nonpublic school as defined
31 in section 280.2.

32 2. No later than December 31, 2023, the commissioner of
33 insurance shall adopt rules that prohibit an authorized insurer
34 from denying property and casualty insurance to a school
35 based solely on the presence of a person authorized under

1 section 724.4B, subsection 2, going armed with, carrying, or
2 transporting a firearm on the grounds of a school.

3 3. The rules adopted by the commissioner of insurance under
4 subsection 2 shall apply to all authorized insurers that, on or
5 after January 1, 2024, deliver, issue for delivery, continue,
6 or renew a property and casualty contract in this state for a
7 school.

8 DIVISION V

9 GUNS IN VEHICLES ON PUBLIC HIGHWAYS

10 Sec. 11. Section 805.8B, subsection 3, paragraph q, Code
11 2023, is amended by striking the paragraph.

12 Sec. 12. REPEAL. Section 483A.36, Code 2023, is repealed.

13 Sec. 13. EFFECTIVE DATE. This division of this Act, being
14 deemed of immediate importance, takes effect upon enactment.

15 DIVISION VI

16 SUSPENSION AND REVOCATION OF PERMITS

17 Sec. 14. Section 724.13, subsection 1, Code 2023, is amended
18 to read as follows:

19 1. An issuing officer who finds that a person issued a
20 permit to carry weapons under [this chapter](#) has been arrested
21 for a disqualifying offense or is the subject of proceedings
22 that could lead to the person's ineligibility for such permit
23 may immediately suspend such permit. An issuing officer
24 proceeding under [this section](#) shall immediately notify
25 the permit holder of the suspension by personal service or
26 certified mail on a form prescribed and published by the
27 commissioner of public safety and the suspension shall become
28 effective upon the permit holder's receipt of such notice. ~~If
29 the suspension is based on an arrest or a proceeding that does
30 not result in a disqualifying conviction or finding against
31 the permit holder, the issuing officer shall immediately
32 reinstate the permit upon receipt of proof of the matter's
33 final disposition. If the arrest leads to a disqualifying
34 conviction or the proceedings to a disqualifying finding, the
35 issuing officer shall revoke the permit. The issuing officer~~

1 may also revoke the permit of a person whom the issuing officer
2 later finds was not qualified for such a permit at the time
3 of issuance or ~~who~~ whom the officer finds provided materially
4 false information on the permit application. A person
5 aggrieved by a suspension or revocation under [this section](#) may
6 seek review of the decision pursuant to [section 724.21A](#).

7 Sec. 15. Section 724.15, subsection 3, Code 2023, is amended
8 to read as follows:

9 3. An issuing officer who finds that a person issued a
10 permit to acquire pistols or revolvers under [this chapter](#) has
11 been arrested for a disqualifying offense or is the subject of
12 proceedings that could lead to the person's ineligibility for
13 such permit may immediately suspend such permit. An issuing
14 officer proceeding under [this subsection](#) shall immediately
15 notify the permit holder of the suspension by personal service
16 or certified mail on a form prescribed and published by the
17 commissioner of public safety and the suspension shall become
18 effective upon the permit holder's receipt of such notice. ~~If~~
19 ~~the suspension is based on an arrest or a proceeding that does~~
20 ~~not result in a disqualifying conviction or finding against~~
21 ~~the permit holder, the issuing officer shall immediately~~
22 ~~reinstate the permit upon receipt of proof of the matter's~~
23 ~~final disposition. If the arrest leads to a disqualifying~~
24 ~~conviction or the proceedings to a disqualifying finding, the~~
25 ~~issuing officer shall revoke the permit. The issuing officer~~
26 may also revoke the permit of a person whom the issuing officer
27 later finds was not qualified for such a permit at the time of
28 issuance or whom the officer finds provided materially false
29 information on the permit application. A person aggrieved by a
30 suspension or revocation under [this subsection](#) may seek review
31 of the decision pursuant to [section 724.21A](#).

32 DIVISION VII

33 CARRYING WEAPONS ON STATE FAIRGROUNDS

34 Sec. 16. NEW SECTION. 724.33 Carrying weapons on state
35 fairgrounds.

1 The state fair board established in chapter 173 may restrict
2 the carrying, possession, or transportation of firearms or
3 other dangerous weapons on property under the state fair
4 board's control if adequate arrangements are made by the state
5 fair board to screen persons for firearms or other dangerous
6 weapons and the state fair board provides armed security
7 personnel on the property where the restriction is to be in
8 effect.

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DIVISION VIII

10 CARRYING FIREARMS ON SNOWMOBILES AND ALL-TERRAIN VEHICLES

11 Sec. 17. Section 321G.13, subsection 2, Code 2023, is
12 amended to read as follows:

13 ~~2. a. A person shall not operate or ride a snowmobile with~~
14 ~~a firearm in the person's possession unless it is unloaded and~~
15 ~~enclosed in a carrying case, except as otherwise provided.~~

16 ~~However, a nonambulatory person may carry an uncased and~~
17 ~~unloaded firearm while operating or riding a snowmobile.~~

18 ~~b. (1) A person may operate or ride a snowmobile with a~~
19 ~~loaded firearm, whether concealed or not, without a permit to~~
20 ~~carry weapons, if the person operates or rides on land owned,~~
21 ~~possessed, or rented by the person and the person's conduct is~~
22 ~~otherwise lawful.~~

23 ~~(2) A person may operate or ride a snowmobile with a loaded~~
24 ~~pistol or revolver, whether concealed or not, if the person is~~
25 ~~operating or riding the snowmobile on land that is not owned,~~
26 ~~possessed, or rented by the person, and the person's conduct is~~
27 ~~otherwise lawful.~~

28 ~~c. A person shall not discharge a firearm while on a~~
29 ~~snowmobile, except that a nonambulatory person may discharge a~~
30 ~~firearm from a snowmobile while lawfully hunting if the person~~
31 ~~is not operating or riding a moving snowmobile.~~

32 Sec. 18. Section 321I.14, subsection 2, Code 2023, is
33 amended to read as follows:

34 ~~2. a. A person shall not operate or ride an all-terrain~~
35 ~~vehicle with a firearm in the person's possession unless it is~~

1 ~~unloaded and enclosed in a carrying case, except as otherwise~~
2 ~~provided. However, a nonambulatory person may carry an uncased~~
3 ~~and unloaded firearm while operating or riding an all-terrain~~
4 ~~vehicle.~~

5 ~~b. (1) A person may operate or ride an all-terrain vehicle~~
6 ~~with a loaded firearm, whether concealed or not, without a~~
7 ~~permit to carry weapons, if the person operates or rides on~~
8 ~~land owned, possessed, or rented by the person and the person's~~
9 ~~conduct is otherwise lawful.~~

10 ~~(2) A person may operate or ride an all-terrain vehicle with~~
11 ~~a loaded pistol or revolver, whether concealed or not, if the~~
12 ~~person is operating or riding the all-terrain vehicle on land~~
13 ~~that is not owned, possessed, or rented by the person, and the~~
14 ~~person's conduct is otherwise lawful.~~

15 ~~e. A person shall not discharge a firearm while on an~~
16 ~~all-terrain vehicle, except that a nonambulatory person may~~
17 ~~discharge a firearm from an all-terrain vehicle while lawfully~~
18 ~~hunting if the person is not operating or riding a moving~~
19 ~~all-terrain vehicle.~~

20 Sec. 19. EFFECTIVE DATE. This division of this Act, being
21 deemed of immediate importance, takes effect upon enactment.

22 DIVISION IX

23 FIREARMS ON PROPERTIES LICENSED TO CONDUCT GAMBLING GAMES OR
24 SPORTS WAGERING

25 Sec. 20. NEW SECTION. 99D.7A Limitations on rules.

26 Rules adopted pursuant to section 99D.7 shall not prohibit
27 a licensee from authorizing a person to possess a firearm on
28 the licensee's property. This subsection does not prohibit
29 a licensee from adopting a policy limiting the possession of
30 firearms on the licensee's property.

31 EXPLANATION

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

34 This bill relates to the transferring, carrying,
35 transportation, and possession of weapons by certain persons

1 and in certain locations. The bill is organized by divisions.

2 DIVISION I — EMPLOYER POLICIES REGARDING FIREARMS AND
3 AMMUNITION — DEPARTMENT OF CORRECTIONS AND OTHER DETENTION
4 FACILITIES — PARKING LOTS. The bill provides that the current
5 prohibition against introducing contraband into, or onto,
6 the grounds of certain facilities and institutions under the
7 jurisdiction of the department of corrections does not apply to
8 the otherwise lawful carrying, transportation, or possession of
9 a firearm or ammunition if the firearm or ammunition remains
10 out of sight and inside a locked vehicle on the real property
11 comprising the publicly accessible, nonsecure parking lot of
12 the secure facility, jail, or institution.

13 The bill prohibits an employer from prohibiting an employee
14 from carrying, possessing, or transporting a firearm or
15 ammunition on the real property comprising the employee's place
16 of employment if the firearm or ammunition is out of sight
17 and inside a locked, privately owned motor vehicle and if the
18 carrying, transportation, or possession of the firearm or
19 ammunition is otherwise lawful under the laws of this state.
20 The bill defines "employee", which includes a contract employee
21 or volunteer. The bill provides that an employer, owner,
22 or lawful possessor of the property on which the employer
23 is located is immune from any claim, cause of action, or
24 lawsuit seeking damages alleged as a result of any firearm
25 brought onto the property of the employer, owner, or lawful
26 possessor on which the employer is located by an employee. The
27 bill provides situations for which an employer may prohibit
28 the carrying, transportation, or possession of firearms and
29 ammunition.

30 This division of the bill takes effect upon enactment.

31 DIVISION II — FIREARMS ON SCHOOL PROPERTY. Under
32 current administrative rules, the driver of a school vehicle
33 transporting pupils shall not permit firearms or other weapons,
34 nor ammunition, to be carried in the passenger compartment.
35 The bill allows a school district or nonpublic school to

1 authorize or direct a person to carry, transport, or possess a
2 firearm, other weapon, or ammunition in a school vehicle.

3 Current law generally prohibits a person from going
4 armed with, carrying, or transporting a firearm of any kind,
5 whether concealed or not, on the grounds of a school. The
6 bill authorizes a person, whether a driver or passenger and
7 including a person authorized or directed pursuant to the bill,
8 while the person is dropping off or picking up from a school a
9 student, staff member, or other person having business at the
10 school, or while the person is making a delivery or pickup at a
11 school, who has in the person's possession a valid permit to
12 carry weapons to go armed with, carry, or transport a concealed
13 pistol or revolver on school grounds if the concealed pistol
14 or revolver remains in the vehicle and the vehicle remains
15 on the portion of the grounds of the school that comprises
16 its driveways and parking areas. The bill also authorizes a
17 retired peace officer to go armed with, carry, or transport
18 a firearm on the grounds of a school if the retired peace
19 officer retired in good standing, maintains certification, and,
20 during the most recent 12-month period, has met the standards
21 for qualifications in firearm safety training determined by
22 the state agency or political subdivision that the individual
23 formerly served.

24 This division of the bill takes effect upon enactment.

25 DIVISION III — DANGEROUS WEAPONS IN VEHICLES AT REGENTS
26 UNIVERSITIES AND COMMUNITY COLLEGE CAMPUSES. The bill provides
27 that the governing board of a university under the control of
28 the state board of regents as provided in Code chapter 262
29 or a community college under the jurisdiction of a board of
30 directors for a merged area as provided in Code chapter 260C
31 shall not adopt or enforce any policy or rule that prohibits
32 the carrying, transportation, or possession of any dangerous
33 weapon, as defined in Code section 702.7, in a personal vehicle
34 on the grounds of such a college or university if the dangerous
35 weapon is not visible from outside of the vehicle and such

1 carrying, transportation, or possession is not otherwise
2 prohibited under Code chapter 724.

3 A dangerous weapon is any instrument or device designed
4 primarily for use in inflicting death or injury upon a human
5 being or animal, and that is capable of inflicting death upon a
6 human being when used in the manner for which it was designed,
7 except a bow and arrow when possessed and used for hunting or
8 any other lawful purpose. Additionally, any instrument or
9 device of any sort whatsoever that is actually used in such a
10 manner as to indicate that the defendant intends to inflict
11 death or serious injury upon the other, and that, when so
12 used, is capable of inflicting death upon a human being, is a
13 dangerous weapon. Dangerous weapons, as amended in the bill,
14 include but are not limited to any pistol, revolver, or other
15 firearm, dagger, razor, stiletto, switchblade knife, knife
16 having a blade exceeding five inches in length, or any portable
17 device or weapon directing an electric current, impulse,
18 wave, or beam that produces a high-voltage pulse designed to
19 immobilize a person.

20 DIVISION IV — INSURANCE COVERAGE — FIREARMS ON SCHOOL
21 GROUNDS. The bill requires the commissioner of insurance to
22 adopt rules no later than December 31, 2023, to prohibit an
23 authorized insurer from denying property or casualty insurance
24 to a school based solely on the presence of a person who
25 lawfully goes armed with, carries, or transports a firearm on
26 the grounds of a school.

27 DIVISION V — GUNS IN VEHICLES ON PUBLIC HIGHWAYS. Unless
28 otherwise permitted by law, current law generally prohibits
29 a person from having or carrying a gun in or on a vehicle
30 on a public highway unless the gun is taken down or totally
31 contained in a fastened case and with its barrels and attached
32 magazines unloaded. A person conveying an assembled, unloaded
33 gun is subject to a scheduled fine of \$35. A person conveying
34 a loaded gun is subject to a scheduled fine of \$70. The bill
35 repeals the prohibition and strikes the associated scheduled

1 fines.

2 This division of the bill takes effect upon enactment.

3 DIVISION VI — SUSPENSION AND REVOCATION OF PERMITS. Under
4 current law, an issuing officer who finds that a person issued
5 a permit to carry weapons or a permit to acquire pistols
6 or revolvers has been arrested for a disqualifying offense
7 or is the subject of proceedings that could lead to the
8 person's ineligibility for such permit may immediately suspend
9 such permit. If the suspension is based on an arrest or a
10 proceeding that does not result in a disqualifying conviction
11 or finding against the permit holder, the issuing officer
12 shall immediately reinstate the permit upon receipt of proof
13 of the matter's final disposition. If the arrest leads to a
14 disqualifying conviction or the proceedings to a disqualifying
15 finding, the issuing officer shall revoke the permit. The bill
16 strikes the provisions requiring an officer to immediately
17 reinstate or revoke a permit.

18 DIVISION VII — CARRYING WEAPONS ON STATE FAIRGROUNDS.
19 The bill provides that the state fair board may restrict the
20 carrying, possession, or transportation of firearms or other
21 dangerous weapons on property under the state fair board's
22 control if adequate arrangements are made by the state fair
23 board to screen persons for firearms or other dangerous weapons
24 and the state fair board provides armed security personnel on
25 the property where the restriction is to be in effect.

26 DIVISION VIII — CARRYING FIREARMS ON SNOWMOBILES AND
27 ALL-TERRAIN VEHICLES. Current law prohibits a person from
28 operating or riding a snowmobile or all-terrain vehicle with a
29 loaded firearm in the person's possession unless the person is
30 operating or riding the snowmobile or all-terrain vehicle on
31 land that is owned, possessed, or rented by the person, and the
32 person's conduct is otherwise lawful. Additionally, a person
33 may operate or ride a snowmobile or all-terrain vehicle with a
34 loaded pistol or revolver on land that is not owned, possessed,
35 or rented by the person if the person's conduct is otherwise

1 lawful. The bill strikes these prohibitions and exceptions.

2 This division of the bill takes effect upon enactment.

3 DIVISION IX — FIREARMS ON PROPERTIES LICENSED TO CONDUCT
4 GAMBLING GAMES OR SPORTS WAGERING. Current administrative
5 rules prevent a patron or employee of a facility licensed to
6 conduct gambling games or sports wagering from possessing any
7 pistol or firearm within the licensed facility without the
8 express written approval of the administrator of the racing
9 and gaming commission (commission). The bill provides that
10 the administrative rules adopted by the commission shall not
11 prohibit a licensee from authorizing a person to possess a
12 firearm on the licensee's property. The bill does not prohibit
13 a licensee from adopting a policy limiting the possession of
14 firearms on the licensee's property.