
LEGAL UPDATE

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IOWA SUPREME COURT DECISION — RIGHT TO BEAR ARMS — UNLAWFUL ACTIVITY

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State v. Woods

Filed June 27, 2025, and amended September 4, 2025

No. 24-0261

Background. In this case, police stopped Kevin Woods for driving a commercial vehicle with inoperable taillights. During the stop, the officer smelled marijuana and observed a THC vape pen in plain view. A search of the vehicle revealed marijuana, a scale, a loaded semiautomatic pistol, and multiple high-capacity magazines, totaling 68 rounds of ammunition. Woods was charged with possession of a controlled substance under Iowa Code section 124.401(5) and carrying a dangerous weapon while in the illegal possession of a controlled substance, a serious misdemeanor under Iowa Code section 724.8B. Woods entered a conditional guilty plea to both charges but preserved his right to challenge the constitutionality of the weapons conviction on appeal.

Issue. The issue before the Court was whether Iowa Code section 724.8B, which prohibits carrying firearms while in the illegal possession of a controlled substance or while committing an indictable offense, violates the Second and Fourteenth Amendments of the United States Constitution and Article I, Section 1A of the Iowa Constitution (state constitutional right to keep and bear arms).

Holding. The Court affirmed Woods's conviction. It held that there is no constitutional right to carry firearms while committing a crime, including drug possession, and therefore Iowa Code section 724.8B is constitutional both on its face and as applied.

Analysis. Justice McDonald, writing for the majority, applied the framework from *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022), and *United States v. Rahimi*, 602 U.S. 680 (2024). At step one, the Court determined that the Second Amendment protects the rights of "law-abiding, responsible citizens," *District of Columbia v. Heller*, 554 U.S. 570, 635 (2008), and does not extend to firearm possession while engaged in criminal activity. Because Woods was unlawfully possessing marijuana, his firearm possession was categorically unprotected, ending the analysis. The Court added that even under a step-two historical inquiry, Iowa Code section 724.8B would survive constitutional scrutiny because it is narrowly tailored and consistent with historical traditions of regulating firearms when combined with dangerous or unlawful conduct. It distinguished between status-based dispossession laws, which permanently strip firearm rights, and conduct-based laws like Iowa Code section 724.8B, which apply only during unlawful activity. Citing federal and state precedent, including *United States v. Jackson*, 555 F.3d 635, 636 (7th Cir. 2009), *United States v. Risner*, 129 F.4th 361, 367-68 (6th Cir. 2025), and Iowa cases such as *State v. Mehner*,

480 N.W.2d 872, 879 (Iowa 1992), and *State v. Breunier*, 564 N.W.2d 365, 370 (Iowa 1997), the Court reaffirmed that the Constitution does not protect the right to be armed while committing crimes. Because Iowa Code section 724.8B imposes only a temporary restriction during the commission of criminal conduct and addresses the inherent dangers of combining guns and drugs, the statute was upheld as constitutional.

Dissents. Justice McDermott, joined by Justices Waterman and May, dissented. The dissent argued that Iowa Code section 724.8B impermissibly restricts the constitutional right to bear arms because the statute imposes a blanket prohibition on firearm possession whenever a person is in possession of a controlled substance, regardless of the circumstances. The dissent further argued the majority improperly ended the *Bruen* analysis at step one and failed to adequately engage with the historical tradition inquiry. Justice McDermott stressed that the statute was both overbroad and lacking sufficient historical analogue, particularly as applied to personal-use marijuana offenses, which do not necessarily demonstrate a danger.

Justice May also filed a separate dissent, joined by Justices Waterman and McDermott, emphasizing that the majority's categorical exclusion of all individuals engaged in criminal conduct from Second Amendment protections was too sweeping. The dissent argued that the Court should have conducted a more nuanced historical analysis and cautioned against conflating all unlawful conduct with forfeiture of fundamental rights.

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