

## HOUSE REPUBLICAN STAFF ANALYSIS

Bill: House File 654 (Formerly HSB 173)	House Committee: <b>PASSED</b> on March 2 (11-8)
Committee: Public Safety	House Floor:
Floor Manager: Rep. Holt	Senate Floor:
Date: April 11, 2023	Governor:
Staff: Amanda Wille (1-5230)	

### Firearms

- Division I allows loaded firearms in locked vehicles on most publicly owned property.
- Division II strikes a DHHS rule that prohibits foster parents from having loaded firearms in their vehicle.
- Division III allows loaded firearms to be in a vehicle on school property while dropping off or picking up a student.
- Division IV allows loaded firearms to be in a vehicle parked at regents universities or community colleges.
- Division V prohibits insurance companies from refusing to insure a school that allows firearms in their buildings.
- Division VI clarifies a person can have a loaded firearm in their car while driving.
- Division VII allows a person to have a loaded firearm on their snowmobile or ATV.
- Division VIII strikes a rule prohibiting firearms at casinos. Casinos will determine their own firearm policy.
- Division IX makes several changes to 724 regarding who can possess and who can carry firearms.

### Section by Section Analysis

#### H-1206

##### Division I

Firearms, Ammunition, or Dangerous Weapons- Department of Corrections and other Detention Facilities- Publicly Accessible Parking Lots

This division allows anyone who can legally carry a firearm to keep that firearm in their locked vehicle on any public property. If the person leaves their firearm in the vehicle, the firearm must be out of sight and the vehicle must be locked.

If a firearm is left in a vehicle at a prison or a jail the vehicle must be in a nonsecure parking lot of the facility.

Public parking areas include those operated by the state, a county, city, or township.

This division does not apply to a parking lot at a facility, including an armory owned or operated by the National Guard. The definition of facility and National Guard are previously defined in code.

This division is effective upon enactment.

Examples of public parking areas include, but are not limited to:

State:

State owned hospitals  
Supreme Court building  
All state buildings  
Prisons (9)  
All regents university parking lots  
State run care centers- Cherokee, Independence  
DNR managed land including:

- wildlife management areas
- state parks and recreation areas
- state forests.

State Laboratory- Crime lab  
Some little league parks  
Terrace Hill  
DOT facilities /Weigh stations

State Patrol district buildings  
IPTV/PBS building  
Community based corrections facilities

County/City

Jails  
School administration buildings  
County court houses  
Libraries  
County owned hospitals  
County/city parks  
City pools  
County fairgrounds

**Division II**

Firearms in Vehicles Transporting Foster Children

DHHS is not permitting foster families to carry firearms in their vehicle unless they are unloaded and the firearm and the ammunition are locked separately. However, they do not prohibit families from carrying loaded firearms when out with the foster children.

This DHHS rule is not a federal requirement.

This division strikes the DHHS rule and ensure that foster families can legally carry their firearms in their vehicles while transporting children.

**Division III**

Firearms on School Property

This division allows a person who has a permit to carry a firearm to have a firearm in their vehicle if they are dropping off or picking up a someone from a school building. This also applies to people who are making deliveries to the school.

A person driving a school vehicle cannot have a firearm in the passenger compartment unless authorized by the school.

The division also allows a person who is a qualified retired law enforcement officer to carry a firearm on school grounds. This is what is allowed for current law enforcement officers under the code.

This division is effective upon enactment.

#### **Division IV**

##### **Dangerous Weapons in Vehicles at Regents Universities and Community College Campuses**

This division allows a person to keep a firearm in their vehicle on a community college campus or a regents university campus. The vehicle must be locked and the firearm must be stored out of sight.

This change does not stop law enforcement or those authorized by the university or community college from carrying weapons. This includes but is not limited to students engaged in competitive shooting sports, campus security, and criminal justice classes.

#### **Division V**

##### **Insurance Coverage- Firearms on School Grounds**

Requires the commissioner of insurance to adopt rules to prohibit an authorized insurer from denying property and casualty insurance to a school based solely on the school authorizing a person to carry a firearm on school grounds.

The rules shall be adopted no later than December 31, 2023 and shall apply to all insurers on or after January 1, 2024

#### **Division VI**

##### **Guns in Vehicles on Public Highways**

Under current law, there is confusion if a person can have a loaded firearm in their vehicle while on public highways. This division repeals the confusing language and ensures a law-abiding citizen can have a loaded firearm in their vehicle.

This division is effective upon enactment.

#### **Division VII**

##### **Carrying Firearms on Snowmobiles and All-Terrain Vehicle**

Under current law a person cannot carry a loaded firearm on a snowmobile or an ATV. That language is struck from code.

A person will be allowed to carry a loaded firearm on a snowmobile or an ATV, however they cannot shoot from either machine. There is an exception for non-ambulatory hunters.

This division is effective upon enactment.

### **Division VIII**

#### **Firearms on Properties Licensed to Conduct Gambling Games or Sports Wagering**

Strikes rules that ban firearms in casinos. Casinos can still prohibit firearms but each casino must make their own policy.

### **Division IX**

#### **Eligibility to Carry Weapons**

There have been significant changes made to firearms laws in the past few years and some of those changes were not consistently applied throughout the code This division addresses those issues.

There is a legal difference between being able to possess and being able to carry a firearm. This has been in code for years. When the permit requirement was eliminated the phrases “carry” and “possess” were used in the wrong areas. Changes are made in this division to clarify who can carry a firearm and who can only possess a firearm.

In a previous firearms omnibus bill, the courts were given power to add people prohibited from possessing firearms to the National Criminal Background Check System (NICS). NICS is run by the FBI and is heavily regulated. If the courts added a person they are the only entity that can remove the person. This created conflict between DPS and the courts. This division strikes the courts power to add prohibited people to NICS and returns the power to DPS.

There are times where a person cannot qualify for a permit to carry but is not prohibited from possessing weapons on their own property. This division fixes problems created with HF 756 (2021) and makes it clear a person can have a weapon on their own property even if they do not qualify for a permit to carry, so long as they are not prohibited from possessing firearms.

When permits were required in Iowa, a person addicted to alcohol could not qualify for a permit. There was no standard for what addicted to alcohol meant. People who the sheriff believed were a danger to themselves or others were also prohibited from having a permit. Now that permits are not required neither of these sections are needed. However, if a person is adjudicated as being addicted to alcohol, or being a danger to themselves or others they will not be allowed to possess a firearm.

The language in this division has been reviewed by DPS.

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## **Amendment Analysis**

**H- 1126- B. Meyer** Strike after amendment.

Property owners bill of rights.

The government shall not force anyone to allow guns on their property.

Eminent domain cannot be used for a private use unless the owner of the land agrees to sell.

**H-1206- Holt** Strike after amendment. See analysis above

**H-1208 to H-1206 -Stone—Firearm Safety Instruction Program in Schools**

**Section 256.9 New Subsection**

By July 1, 2024 the Director of the Dept. of Ed. shall develop and distribute to all school districts an age-appropriate model program for firearm safety instruction for grades K-12. The program for K-6 shall be based on the Eddie Eagle program developed by the NRA and the program for 7-12 shall be based on the hunter education course developed by the NRA.

School districts are encouraged to implement the K-6 model.

**Section 256.11(4)**

Amended education standards for grades 7-8 to include firearm safety instruction by July 1, 2024.

Firearm safety instruction shall be based on the model program as stated above. Courses may be offered at sites other than the public school, including nonpublic facilities within the public-school district. An approved course offered during the summer months, on Saturdays, after regular school hours during the regular terms or partly in one term or summer vacation period and partly in the succeeding term or summer vacation period, shall satisfy the requirements of this paragraph. (This is how we handle driver's ed.)

**Section 256.11(5)**

For grades 9-12, educational standards include ½ unit of firearm safety instruction based on the model program as stated above. It can be offered the same as above to meet the requirements. (Same as driver's ed.)

Changes the title.

**H-XXXX to H- 1206- Holt**

Adds chapter 99f to division VIII to ensure all casinos are covered under the law change.