



IOWA HOUSE DEMOCRATS

BILL AND AMENDMENT SUMMARY

Firearms Rights Constitutional Amendment HJR 2009

Status of Bill: House Calendar

Committee: Judiciary (13-8)

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Lead Democrat: Rep. Bennett

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Background

Iowa is one of 6 states that does not have a provision in the state constitution addressing firearms rights (California, Maryland, Minnesota, New Jersey, New York). Some of these state constitutional provisions date back to the founding of the country and some have been enacted in recent decades. Louisiana was the most recent state to make changes to a constitutional provision related to firearms rights. The Louisiana Constitution, similar to HJR 2009, now states that the right to bear arms is a fundamental right that shall not be infringed and any restriction is subject to strict scrutiny.

Strict scrutiny is the highest standard of judicial review in U.S. courts. This standard is used to test whether statutes or government actions are constitutional. The United States Supreme Court generally reserves strict scrutiny standards for fundamental rights, either those included in the Bill of Rights or as part of the "liberty clause" of the 14th Amendment on due process. Strict scrutiny is also used for certain classes of people that deserve the highest level of protection, such as restrictions based on race, national origin, religion, and alienage.

The strict scrutiny test generally requires three elements:

- It must be a compelling government interest.
- The government action must be narrowly tailored to meet that interest.
- The government action must be the least restrictive means for meeting that interest.

Bill Summary

Amends the Iowa Constitution by stating the right to keep and bear arms shall not be infringed. The amendment makes it a fundamental right of the people to acquire, keep, possess, transport, carry, transfer, and use arms for all legitimate purposes. Any restriction to this right is subject to strict scrutiny.

Amendment Summary

H-8139 by Hunter

Creates a constitutional right to voting. The amendment creates a rights to automatic voter registration, early voting at least 40 days prior to an election, not being denied the vote based on a lack of an identification card, restoration of a felon's voting rights, an absentee ballot without fault, polling place accessibility, same day voter registration, fair and independent districts, an efficient and accessible voting system, portable voter registration, and voting by mail.

H-8270 by Wolfe

Strikes the current amendment language and replaces it with a version of the 2nd Amendment.

H-8282 by Wolfe

Strikes the current amendment language and replaces it with the current federal 2nd Amendment.

H-8274 by Wolfe

Strikes the current amendment language and replaces it with a version of the 2nd Amendment.

H-8281 by Wolfe

Strikes the current amendment language and replaces it with the current federal 2nd Amendment.

H-8278 by Wolfe

Strikes the current amendment language and replaces it with a version of the 2nd Amendment.

H-8280 by Wolfe

Strikes the current amendment language and replaces it with the current federal 2nd Amendment.

H-8101 by Mascher

Creates a constitutional right that it is the obligation of the state to ensure every resident has access to cost-effective, medically appropriate, and affordable health care as a fundamental right.

H-8105 by Mascher

Creates a right for the state to provide all youths in the state with an education through a system of public schools.

H-8275 by Isehart

Creates a right to a clean and healthy environment. This includes pure water, clean air, and ecologically health habitats and preservation of natural, scenic, historic, and aesthetic qualities of the environment. The state cannot infringe on this right by an action or inaction.

The public natural resources of the state are the common property of all the people. This includes both present and future generations. The state must conserve, maintain, and restore these resources for the health and benefit of all people.

H-8051 by Meyer

Strikes the current firearms rights in the resolution and replaces the language with the federal 2nd Amendment.

H-8062 by Mascher

Requires a person to obtain a permit to carry weapons and complete in-person firearm safety training prior to receiving a permit.

H-8063 by Mascher

Prohibits anyone under 21 years of age from possessing, receiving, or transporting an assault weapon that is a semiautomatic firearm with a large magazine that is configured for rapid fire and combat use.