

## Amendment would block any responsible gun legislation

Iowa lawmakers in consecutive General Assemblies passed language for a gun rights amendment that, if approved this fall by voters, could have a tremendous impact on the ability of elected state officials to secure public safety in an era where mass shootings or shootings in public places are frequent and have become a constant threat nationally.<sup>1</sup>

Voters will consider **Public Measure 1** on the ballot in the November 8 General Election. This reckless amendment could prohibit reasonable safety measures like firearms safety training, universal background checks, and requiring a license to carry a gun in public.

This language will be added to the Iowa Constitution if approved by a majority of voters:

**“The right of the people to keep and bear arms shall not be infringed. The sovereign state of Iowa affirms and recognizes this right to be a fundamental individual right. Any and all restrictions of this right shall be subject to strict scrutiny.”**

### What voters should know

- **Iowans will be less safe** and have fewer abilities to petition their legislators for sensible gun laws if the proposed amendment passes.
- **The proposal goes far beyond the Second Amendment** to the U.S. Constitution.
- All Iowans already have Second Amendment rights.
- **Sensible limits on firearms** recently repealed could not be reinstated.

To get to the 2022 ballot, the proposed amendment had to pass the Legislature twice in separate General Assemblies. Much time has passed since legislative approval, and with the many issues that have emerged since in the Iowa Legislature across a range of policy on economic, fiscal, education, human rights and civic culture, the gun amendment has not received the kind of attention in public debate that might be expected.

### Common Good Iowa opposes Public Measure 1.

#### It's not a state 'Second Amendment'

- **Words are left out**

The proposed Iowa amendment does not include key language that reflects the intent of the Second Amendment. It places individual rights to own firearms, with no restrictions, ahead of public safety or the stated purpose in the U.S. Constitution that connects the right to bear arms to the need for a “well-regulated Militia.”

- **Extra words – big meaning**

The proposed Iowa amendment claims “the right of the people to keep and bear arms” to be “a fundamental individual right.” **There is no limit** on what “arms” that may entail. It further states: “Any and all restrictions of this right shall be subject to strict scrutiny.”

**Strict scrutiny** is a legal concept that only three states have added to their constitutions.<sup>2</sup>

A Missouri judge in 2015 used “strict scrutiny” to declare invalid a law that prohibited felons from possessing guns.<sup>3</sup>

The vote this fall in Iowa will have **no impact** on Iowans’ Second Amendment rights under the U.S. Constitution. A state amendment is not necessary to secure those rights. However, the proposed Iowa amendment actually would expand the intent of the U.S. Second Amendment.

### **Problems with recent gun law changes? No turning back**

Iowa has had laws that honored individuals’ Second Amendment rights. But in recent years, these have been repealed. For example, Iowa until July 2021 required a permit to purchase or carry a handgun in Iowa. Governor Reynolds signed HF 756, removing that requirement.<sup>4</sup>

If a future legislature were to determine that should change for public safety, the proposed constitutional amendment would make the change unduly difficult if not impossible.

### **Missing from public debate**

A concerted drive under current state leadership has removed widely accepted bipartisan laws that sought a balance between public safety and individual rights on gun issues. The pro-gun and gun industry lobby have gotten their way at every turn in recent years.

Meanwhile, the public safety side has been virtually ignored – and law enforcement concerns disregarded if they did not fit the gun interests’ talking points. The prospect for further threats to public safety rises with scheduled tax cuts that will reduce revenues necessary for effective law enforcement on which every Iowan counts to keep their families and neighbors safe.

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<sup>1</sup> Iowa Public Radio, Katarina Sostaric, <https://www.iowapublicradio.org/political-news/2022-09-08/a-gun-rights-constitutional-amendment-is-on-the-ballot-in-iowa>

<sup>2</sup> Giffords (gun violence group), January 2021. <https://www.iowapublicradio.org/political-news/2022-09-08/a-gun-rights-constitutional-amendment-is-on-the-ballot-in-iowa>

<sup>3</sup> Everytown for Gun Safety, March 2, 2015. <https://www.everytown.org/press/everytown-statement-on-missouri-courts-strict-scrutiny-decision-that-allows-convicted-felons-to-possess-guns/>

<sup>4</sup> Iowa Department of Public Safety. <https://dps.iowa.gov/hf756-iowas-new-weapon-permit-law>

Common Good Iowa is a nonpartisan, nonprofit public policy research and advocacy organization formed by the 2020 merger of the Child and Family Policy Center in Des Moines and the Iowa Policy Project in Iowa City. For CGI reports and perspectives on a wide spectrum of issues affecting Iowa families, visit [www.commongoodiowa.org](http://www.commongoodiowa.org). CGI is a member of Iowans for Responsible Gun Laws. For more information, see [www.iowansforresponsiblegunlaws.com](http://www.iowansforresponsiblegunlaws.com).