

MARCH FOR OUR LIVES IOWA

Legislative Agenda 2023

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1. Introduction

1.1 Background

March For Our Lives Iowa furthers a central mission: place power in the hands of young people across Iowa to advocate for sensible gun violence prevention policies that save lives while encouraging youth involvement in politics. Integral to that mission, each year we create a legislative agenda, the annual list of policy recommendations and goals provided for the state of Iowa and its legislators.

This agenda aims to tackle issues that we, as a youth centered organization, feels are imperative for our safety and violence prevention. This past year has been filled with uncertain and unprecedented change, March for Our Lives Iowa has continued to organize and advocate for progress in our communities and state. Despite the passing of the Strict Scrutiny amendment with a horrific margin, the Legislative Affairs Team is delighted to present a comprehensive legislative agenda for the 2023 Iowa Legislative Session. This year's legislative agenda includes recommendations on mandatory waiting periods, universal background checks, and mandatory reporting of lost and stolen firearms.

1.2 Policy Team Introduction

Waverly Zhao serves as a Co-Director of Legislative Affairs for March For Our Lives Iowa. She has served as legislative team leads in other organizations, and will be a page in the Iowa House of Representatives for the House Minority Leader this legislative session. Waverly has a passion for public policy and legislative work, with plans to study Political Science in college next year. In her free time she enjoys playing soccer, thrifting, botany, and serving her community through activism and advocacy. She is excited to be a part of March for Our Lives Iowa for 2022-2023!

Tatum Watkins is a Co-Director of Legislative Affairs for March for Our Lives Iowa. Previously she has helped write her county's and districts platform for the 2022 Democratic Convention, and is passionate about making change through policy. Political activism, especially activism related to sensible gun control has always been important to Tatum. In middle school she helped organize a walkout against gun violence and has spoken at numerous events related to gun control since then. In her free time, Tatum enjoys spending time outdoors, golfing, visiting museums, and spending time with friends and family. Next year, Tatum will be attending Grinnell College where she plans to study art history.

They are looking forward to working with the rest of the Legislative Affairs Team, educating their community, and learning more about the legislative process throughout this term with March For Our Lives Iowa!

1.3 Membership

March For Our Lives Iowa 2022-2023 Team:

- Esha Bolar (she/her): Co-State Director
- Akshara Eswar (she/her): Co-State Director
 - Waverly Zhao (she/her): Co-Legislative Affairs Director
 - Tatum Watkins (she/her): Co-Legislative Affairs Director
 - Ada Nelson (they/she): Legislative Associate
 - Karlie Flam (she/him/they): Legislative Associate
 - Maia Boell (she/her): Legislative Associate
 - Ritika Shroff (she/her): Legislative Associate
 - Roland Preston (he/him): Legislative Associate
 - Sahasra Dendi (she/her): Legislative Associate
 - Saw Gee Dow Saw (he/him): Legislative Associate
 - Josue Aleman (he/they): Communications Director

- Carmela Davidson (she/they): Communications Associate
- Celia DiNitto (she/her): Communications Associate
- Finn McCombs (they/them): Communications Associate
- Grace Fisher (she/her): Communications Associate
- Lucas Wood (he/him): Communications Associate
- Madeline Crawford (she/her): Communications Associate
- Keiana James (she/her): Organizing/Intersectionality Directors
- Hannah Hayes (she/hers): Organizing/Intersectionality Directors
 - Ben Couvillon (he/him): Organizing/Intersectionality Associate
 - Claire Badio (she/they): Organizing/Intersectionality Associate
 - Dominic Eastman (he/him): Organizing/Intersectionality Associate
 - Estella Johnson (she/they): Organizing/Intersectionality Associate
 - Peyton Bellings (she/her): Organizing/Intersectionality Associate
 - Riesa Kongshaug (she/her): Organizing/Intersectionality Associate
 - Saina Narsian (she/her): Organizing/Intersectionality Associate

2. Overview

2.1 Strict Scrutiny

The annual legislative agenda drafted by March For Our Iowa serves to recommend common-sense gun policies that promote public safety. However, an amendment to the Iowa Constitution puts the passage of these policies at risk. Known as the “Iowa Right to Firearms” amendment or “strict scrutiny,” this amendment executes the following: a) add a right to own and bear firearms to the Iowa Constitution and b) require strict scrutiny for any alleged violations of the right brought before a court. When we look at the former, we see that this legislation relating to the right to own and bear firearms could be fairly commonplace; 44 states included a right to bear arms in their state constitutions in 2021.

However, the dangers of this amendment lie in the latter of the two implications: strict scrutiny. Strict Scrutiny is the most demanding standard of judicial review applied in constitutional cases. The implications? Any attempt to pass any policy relating to firearms will be delayed and likely lost. Sen. Tony Bisignano, a Democrat of Des Moines, stated that the addition of strict scrutiny to this legislation would make the amendment one of “the most radical” in the nation. Sen. Kevin Kinney, a Democrat, explains that the amendment would only weaken pre-existing firearm policies. Furthermore, *The Gazette* finds that passage of strict scrutiny will “prevent future legislatures from approving restrictions that would abridge Iowans' rights.”

2.2 Reality of Strict Scrutiny

This constitutional amendment serves to diminish the safety of all Iowans in many ways. Strict Scrutiny will endanger any hopes of introducing common-sense gun policy in the state of Iowa. Additionally, the vague and overbroad wording of the legislation leaves the definitions of terms like “arms” and “restrictions” up to broad interpretations, which may serve to undermine the few current gun regulation policies in Iowa. This also leaves room

for criminal offenders who violate existing Iowa gun laws to litigate their convictions under the constitution, allowing for criminals to face zero charges for breaking gun laws. This legislative agenda serves as a call to action to educate oneself, and join in opposition and awareness to an amendment that does not seek to provide additional rights to the individual, only to take away the safety of the whole.

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3. Mandatory Waiting Periods

3.1 Executive Summary

Firearms-related violence, specifically suicide, is an increasingly troubling issue for the state of Iowa. Having only grown in recent years, the firearm death rate by suicide has been a pinpoint of concern for many. Worries have only been heightened as the United States has seen a surge in suicide numbers during the COVID-19 pandemic, and that number is only expected to grow as we continue on. As we deal with the economic impacts of COVID-19 as seen in 2020, the suicide rate in Iowa may likely increase once again.

Near instantaneous access to firearms without proper waiting periods puts many at risk by allowing for impulsive acts of gun violence. To provide a cool-off period after the purchase of a firearm and to reduce the firearm death rate, March For Our Lives Iowa recommends implementing a 3-day waiting period and the completion of a passed background check for all firearm purchases in Iowa.

Iowa faces an increasing number of deaths by firearms. As of 2020, Iowa saw a firearm death rate of 8.4 per 100,000 total population. This rate has increased by 38% from 2009 to 2018, with most of this being contributed to suicide. Suicides make up 61% of gun deaths nationally. This percentage pales in comparison to Iowa's 79% of all firearm deaths being attributed to suicide.

3.2 Mandatory Waiting Period Laws

Mandatory waiting period laws require a certain number of days to elapse between the purchase of a firearm and when the buyer may take possession of that firearm. Additionally, waiting periods can also give law enforcement agencies additional time to complete background checks that sometimes cannot be completed within the three-day window provided by federal law. Plainly put, these laws create a buffer between the time of firearm purchase and firearm acquisition.

Presently, there is no federal law requiring a waiting period of any sort. A dealer may

transfer a firearm to a prospective purchaser as soon as he or she passes a background check. If the Federal Bureau of Investigation is unable to complete a background check within three business days, the dealer may complete the transfer by default. Accordingly, persons purchasing firearms from private sellers may take immediate possession of their weapons, unless state or local law provides otherwise.

Nine states, along with the District of Columbia, have instituted a waiting period that pertains to some type of firearm. This waiting period varies in length and type between states. Five states, along with the District of Columbia, have imposed waiting period laws for all firearm purchases ranging between three and fourteen days. Two states require waiting periods for certain classes of weapons. Two states, Maryland and New Jersey, require waiting periods for handguns only. The waiting periods for all of these states range between three and 14 days.

3.3 Evidence of Effectiveness

The immediate purchase and acquisition of a firearm allow people to act on temporary emotions and impulses, which can increase the risk of both firearm suicide and firearm homicide. Suicide attempts are often impulsive, singular episodes that involve little planning. Many studies suggest that most suicide survivors contemplated their actions for only a brief period of time — often less than 24 hours — before making a suicide attempt. Similarly, studies suggest that some of the factors that incite violence against others, such as anger and rage, can be short-lived.

Waiting period laws, which create a life saving buffer between the time of firearm purchase and firearm acquisition, can help to prevent impulsive acts of firearm violence. Waiting period laws help to prevent firearm suicides and firearm homicides. According to one estimation, waiting period laws may reduce firearm suicide rates by 7-11%. Waiting period laws also appear to reduce gun homicide rates. One study found that waiting period laws that delay the purchase of firearms by even a few days can reduce gun homicides by roughly 17%. Waiting period laws have proven to lower the rates of suicide. States with such laws had 51% fewer firearm suicides than states without. Another study showed that these states also experienced a 17% decrease in gun homicides. Over 900

firearm homicides could be prevented each year if every state implemented waiting periods.

3.4 Constitutionality and Viability

The Constitutionality of mandatory waiting period laws has also been proven in court. In *Silvester v. Harris (2016)*, the Ninth Circuit entered judgment in favor of Kamala Harris, defendant and Attorney General of the State of California, stating that the law does not violate plaintiffs' Second Amendment rights because the ten-day wait is a reasonable precaution for the purchase of a second or third weapon, as well as for a first purchase. Vice President Harris and President Joe Biden have shown an outpouring of support for gun policy that extends waiting periods. In 1993, Biden shepherded the Brady Handgun Violence Prevention Act through Congress to establish the background check system that has since kept more than three million firearms out of dangerous hands. The pair have voiced their support for closing the "Charleston loophole," which allows people to complete the purchase of a firearm if their background check is not completed within three business days. Their support of this policy also extends to the proposal in the Enhanced Background Checks Act of 2019, which lengthens the timeline from three to 10 business days.

3.5 Recommendation

March For Our Lives Iowa recommends a 3-day mandatory waiting period for all firearms purchased in a private transaction or through a federally licensed firearms dealer within the state of Iowa. This is contingent upon two statements.

- 1.) The 3-day waiting period begins only once the background check process has been completed.
- 2.) Possession of a permit to carry firearms in public does not exempt those purchasing a firearm from the waiting period.

Proceedings shall be modeled off of policies in the District of Columbia and Florida. No seller shall deliver a firearm to the purchaser thereof until 3-days have elapsed from the date of the purchase thereof, except in the case of sales to marshalls, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly appointed law enforcement officers. At the time of purchase, the

purchaser shall sign in duplicate and deliver to the seller a statement containing his or her full name, address, occupation, date, and place of birth, the date of purchase, the caliber, make, model, and manufacturer's number of the firearm and a statement that the purchaser is not forbidden by law to possess a firearm. The seller shall, within six hours after purchase, sign and attach his or her address and deliver one copy to such person or persons as the Chief of Police may designate, and shall retain the other copy for six years. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated by law as entitled to possess the same, and then only after permission to make such sale has been obtained from the Chief of Police.

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4. Universal Background Checks

4.1 Executive Summary

Gun violence is an issue that continues to prove troublesome for the United States. 38,000 Americans die from gun violence every year and an average of 100 people die every day. This is due in part to the fact that prohibited purchasers have been able to arm themselves simply because the law did not require a background check. Additionally, it is critical for state law enforcement to properly report crimes that would bar the purchase of a firearms into the NICS, the National Background Check System that is run by the F.B.I, to close the loopholes that put weapons into the hands of dangerous people. We can look to Buffalo, New York for a recent example of this: a thorough background check requirement for all firearm sales could have saved the 10 victims who were shot and killed at a supermarket on May 14th, 2022. The gunman, who was 18 at the time of the shooting, legally purchased an AR-15 from a licensed gun salesman despite showing a history of serious mental health issues. He had been institutionalized in high school after an incident where he mentioned “murder-suicide”. A federal grand jury has since returned a 27 count indictment, including 13 firearms offenses charges. .

Even the smallest error can lead, directly or indirectly, to tragedy. In 2014, a 15-year-old boy walked into his high school in Marysville, Wash., and fatally shot four students before killing himself. The gun he used was purchased by his father, who obtained it after a background check failed to flag an order of protection filed against him for assaulting his onetime partner, after local authorities failed to input a conviction for domestic abuse, which should have halted the sale instantly.

In another case, in 2017, a gunman burst into a church in Sutherland Springs, Texas, and shot 26 people to death with a semiautomatic weapon. He had purchased it after his background check did not include a domestic violence conviction prior to his discharge from the Air Force, which had failed to enter the conviction into the system.

March For Our Lives Iowa recommends a mandatory background check on all sales and

transfers of firearms in Iowa. Additionally, over 90% of Americans and 79% of Iowans support universal background checks.

4.2 Loopholes and Unrestricted Firearm Sales

Currently, private sales of firearms are often unrestricted, a 2017 study shows 22% of firearm owners who obtained their most recent firearm within the previous two years reported doing so without a background check. Under current laws, background checks are not required on private/unlicensed sales and transfers. Our federal firearm laws allow people to purchase firearms without passing a background check. Under current law, unlicensed sellers can transfer firearms without having to run any background check whatsoever. Because of this, people who are subject to domestic violence convictions or court orders, people who have been convicted of violent crimes, and people ineligible to possess firearms for mental health reasons can easily purchase firearms from unlicensed sellers with no background check in Iowa.

In fact, an estimated 22% of US gun owners acquired their most recent firearm without a background check which translates to millions of Americans acquiring millions of guns, no questions asked, each year. Specifically, long-gun transfers by private sellers are not subject to background checks in Iowa.

This is extremely problematic as from 2007 to 2016, at least 43 percent of Iowa's domestic violence firearm homicides of women were committed with long guns. What is even more daunting is the fact that around 80% of all firearms acquired for criminal purposes are obtained through transfers from unlicensed sellers, and 96% of inmates convicted of firearm offenses who were already prohibited from possessing a firearm at the time of the offense obtained their weapon from an unlicensed seller.

4.3 Universal Background Check System

The system of universal background checks entails that almost all types of firearms transactions would be recorded and the information about the buyer be checked out through the

NICS. Under the current system, the law requires federally licensed firearms dealers, but not private sellers, to initiate a background check on the purchaser prior to the sale of a firearm. Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the Federal Bureau of Investigation using only the National Instant Criminal Background Check System (NICS) database. In addition, Giffords Law Center states that people can be exempt from background checks “after an authorized government official has conducted a background investigation, including a search of the NICS database, to verify that possession of a firearm would not be unlawful”.

Iowa is a partial point of contact state for NICS. County sheriffs and the Iowa Department of Public Safety (IDPS) serve as partial state points of contact for background checks on prospective handgun purchasers, with county sheriffs conducting checks on applicants for five-year permits to acquire a handgun or permits to carry a concealed handgun, and the IDPS conducting handgun-related checks for state employees and non-residents.

Iowa previously required background checks on private sales of handguns, but in 2021, Iowa eliminated its longstanding handgun permit requirement, including the comprehensive criminal history check that state law enforcement previously conducted on all handgun purchasers. Handgun purchasers are now treated like long gun purchasers and are no longer required to pass a state background check conducted by county sheriffs and the Iowa department of public safety.

4.4 Evidence of Effectiveness

Time and time again universal background checks have proven their effectiveness. First, we find that state gun laws requiring universal background checks for all firearm sales resulted in homicide rates 15% lower than states without such laws. Laws prohibiting the possession of firearms by people who have been convicted of a violent crime were associated with an 18% reduction in homicide rates. As soon as these laws are implemented there is a dramatic decrease in

homicide rates, thus saving lives. In contrast, the average firearm homicide rate in states without background checks is 58% higher than the average in states with background-check laws in place. A 2017 report from the U.S. Justice Department found that nearly 197 million applications for firearm transfers or permits have been run through the National Instant Criminal Background Check System. Of those checks run between 1994 and 2015, more than 3 million applications — 1.5% — were denied, mainly due to criminal convictions. Since 1998 in Iowa, nearly 14,000 firearm sales to prohibited purchasers have been denied, including nearly 6,000 illegal sales to convicted felons and over 3,000 illegal sales to prohibited domestic abusers. Even under the current laws, universal background checks have proven their effectiveness and saved numerous lives. In 2020 alone, the FBI background check system halted over 300,000 illegal gun sales, according to an article by Everytown for Gun Safety. It is empirically clear that requiring universal background checks on all sales and transfers will only save more lives.

4.5 Constitutionality and Viability

The Supreme Court has found that background checks do not violate the Second Amendment. In *District of Columbia v. Heller (2008)*, the Supreme Court ruled that “Nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.” Additionally, more than 90% of the American public supports background checks for all firearm sales.

4.6 Recommendation

March For Our Lives Iowa recommends that Iowa expand its required background checks to all firearms. This would entail that all transfers and sales of firearms would have to surpass NICS background checks regardless of the type of firearm. It would be structured the same way as the currently required background checks of handguns but would entail a wider scope to include mandatory background checks on long guns and semiautomatic weapons.

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5. Mandatory Reporting of Lost or Stolen Firearms

5.1 Executive Summary

Among other pressing firearm issues in Iowa, the state faces growing concerns about firearm trafficking. Ranging from a period of 2012 to 2015, research from the Center for American Progress found that approximately 6,444 firearms were stolen in Iowa.

Furthermore, firearms stolen from Iowa are frequently trafficked across state lines for use in violent crime. Regardless of the final location, these stolen firearms prove to be a risk to public safety. Almost 2,700 crime guns found across state lines from 2010 to 2016 were originally purchased in Iowa. This poses a threat not only to Iowans, but residents of states surrounding it.

Firearms are most safe when in the hands of the intended purchaser. When missing firearms go unreported, Iowa has no strategy in obtaining the information to track them down. Because Iowa has no strategy for obtaining information, an innocent person may be

traced back to a crime committed with a stolen gun if they didn't report their gun stolen. In order to prevent legally-purchased firearms from falling in the wrong hands and protect the safety of Iowans and bordering states alike, March For Our Lives Iowa recommends the implementation of the mandatory reporting of lost and stolen firearms to local law enforcement.

5.2 Mandatory Reporting Laws

Stolen firearms pose a public safety risk to Iowans because criminals possess those firearms instead of the lawful owners. Mandatory Reporting laws serve a central purpose: notify law enforcement of missing and stolen firearms. Ranging from immediate reporting to seven-day reporting, these laws require one to contact local law enforcement for any arms deemed lost or stolen. Reporting this information allows law enforcement to work proactively once notified of a situation regarding firearm theft; it ensures that gun owners are held accountable for their weapons. Furthermore, gun traffickers presently claim that illegally sold firearms have been stolen from them to avoid responsibility for the firearms. The passage of Mandatory Reporting in Iowa would ensure legal methods are in place to hold traffickers accountable and responsible for such crimes.

Currently, no federal law exists to mandate reporting of lost and stolen firearms. Giffords Law Center states that “[f]rom 2006 to 2016, the number of guns reported stolen from individuals increased by approximately 60%”. However, eleven states along with the District of Columbia have taken initiative in passing varied versions of this legislation. States such as Ohio and Massachusetts dictate that one must report a lost or stolen firearm “forthwith” or immediately; some states provide a longer, more lenient period. While states such as Rhode Island, Hawaii, and New York require reporting within 24 hours, Delaware allows for a longer, seven-day grace period. A plethora of states have taken the first step in mandating reporting to reduce firearm trafficking; Iowa is not one of them.

5.3 Evidence of Effectiveness

A 2010 report from Mayors Against Illegal Guns highlights the success of these laws, regardless of variation. Seven states, as well as the District of Columbia, had such laws at the time of the report's release. The report dictated that the average export rate for firearms in those states with mandatory reporting laws was 6.2 guns per 100,000 residents. However, those in states without such laws found themselves with much higher export rates. The average export rate was 16.1 guns per 100,000 residents in the 43 states without mandatory reporting laws. Mandatory Reporting laws contribute to lower rates of firearm export, thus meaning reduced firearm trafficking. Therefore, Mandatory Reporting laws help to reduce the number of firearms being used for violent crimes, and contribute to the overall safety of the public.

5.4 Constitutionality and Viability

Such legislation has made its way to the floor of the Iowa State Legislature in years prior. In early 2021, Representative Staed, along with Representatives Hunter, Anderson, Kurth, and Mascher introduced a bill to mandate reporting of lost/stolen firearms, among other things. Entitled "House File 253," this legislation ended in committee. However, firearm trafficking has only increased in the status quo, making mandatory reporting legislation all the more relevant and necessary.

Furthermore, this recommended legislation aligns with Iowa Code. Section 903.1 of the code states that "a simple misdemeanor is punishable by up to 30 days in jail, a fine of \$65 to \$625, or both." March For Our Lives Iowa recommends a fine of \$250 to ensure that failure to report will be classified as a simple misdemeanor, thus staying within the bounds of Iowa Code.

5.5 Recommendation

March for Our Lives Iowa recommends the passage of a bill mandating that gun owners are to report stolen or lost firearms to local law enforcement in a timely manner. Those failing to report missing firearms within 72 hours of discovering the firearm has been stolen/lost shall be classified as a simple misdemeanor and punished with a scheduled \$250 fine.

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6. Summary

The March for Our Lives Iowa Legislative Affairs Team recommends the immediate implementation of the following laws:

1. Mandatory Waiting Period of 3 days or the length of time it takes for an NICS background check to be completed prior to the purchase or exchange of all firearms.
2. Mandatory use of Universal Background Checks using the National Instant Criminal Background Check System (NICS) to ensure that all firearms stay out of dangerous hands.
3. Mandatory Reporting of Lost or Stolen Firearms within 72-hours of discovering a firearm to be lost or stolen. The failure to do so will be classified as a simple misdemeanor, with a scheduled punishment of a \$250 fine.

Common Sense Gun Laws are an undebatable protection that is necessary in order to maintain safety within Iowa schools and communities. March for Our Lives Iowa will continue to advocate for the safety of all Iowans.