

TESTIMONY IN OPPOSITION TO HF 2502

TO MEMBERS OF THE IOWA SENATE JUDICIARY SUBCOMMITTEE

FROM HANNAH SHEARER, LITIGATION DIRECTOR, GIFFORDS LAW CENTER TO PREVENT GUN VIOLENCE

DATE MARCH 3, 2020

Dear Chair Schultz, Senator Whiting, and Senator Bisignano:

On behalf of Giffords Law Center to Prevent Gun Violence, the gun violence prevention organization founded by former Congresswoman Gabrielle Giffords, I submit the below testimony in opposition to HF 2502. **This dangerous measure threatens to move Iowa in the wrong direction on public safety.** It would introduce more guns into sensitive public places; deprive local governments of their traditional right to address community health and safety concerns; and place Iowans at greater risk of violence. I submit this testimony to highlight public health evidence and social science research showing the clear dangers of the policies included in HF 2502.

IOWA SHOULD PRESERVE EXISTING LOCAL AUTHORITY TO REGULATE GUNS

HF 2502's proposed expansion of Iowa's firearm preemption law is a solution in search of a problem. There is no evidence that law-abiding, responsible Iowans cannot determine how to comply with existing local laws that relate to firearms, or with the narrow set of laws that might be adopted in the future. But there is evidence that an expanded preemption law would threaten public safety by preventing local governments from implementing customized solutions to curb gun violence in their communities. The preemption language proposed in HF 2502 would also threaten the independence of local elected officials, placing such local leaders in a position where they may be responsible for attorney's fees or damages if a law they defend is later found to be preempted.

Gun violence and gun suicide is not a "one size fits all" problem that local legislators should be forbidden from addressing or punished for doing so. Iowa has substantial local variations in gun violence patterns: the state experiences more gun suicides in rural areas and more gun homicides in urban areas.¹ For example, Polk, Black Hawk, and Scott counties see elevated rates of gun homicides, while counties like Audubon and Union have the highest gun death rates across the state, almost entirely due to gun suicides. These counties should be able to regulate guns differently from each other. Local gun policies are also proven to be a powerful tool to combat gun crimes and trafficking. A comprehensive analysis of gun trafficking data by Mayors Against Illegal Guns found that states that prohibit local regulation of guns supply other states with guns used in crimes at a rate *more than four times greater* than states that allow local governments to enact gun regulations.²

¹ C. Branas et al., "Urban-Rural Shifts in Intentional Firearm Death," *American Journal of Public Health* 94, no.10 (2004).

² Mayors Against Illegal Guns, "Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking" (2010).

Further limiting local authority to adopt gun-related policies and regulate the safe storage of firearms, as HF 2502 proposes, could also drive up the risk of a mass shooting. Iowa is not immune to this risk: in just two weeks in 2018 following the massacre in Parkland, Florida, cities across Iowa received 13 “copycat” threats of possible school shootings.³ To protect residents from violence, localities with high homicide rates or who receive credible threats of shootings should be able to take steps to minimize violence to the full extent state law allows. This might include laws to prevent children from accessing guns, which have repeatedly been demonstrated to be effective,⁴ and can reduce the serious risk that a teen will carry out a public mass shooting with a parent’s gun.⁵

IOWA SHOULD ALLOW COURTS AND LOCAL GOVERNMENT BUILDINGS TO RESTRICT GUNS

HF 2502 would prevent court administrators from prohibiting guns in many areas of county courthouses, and would effectively bar local governments from restricting guns in public buildings unless they implement prohibitively expensive security measures. Allowing people other than trained law enforcement to carry hidden, loaded handguns in public buildings is not protected by the Second Amendment,⁶ and it will increase the risk of unintentional shootings and the prospect that everyday disagreements escalate into violent shootouts. Concealed carry in government buildings and courthouses also **increases the risk that a law-abiding citizen’s weapon will be stolen and used by someone else to harm or threaten government officials or the public.**⁷

Courthouses and local legislative meetings, in particular, are the site of high-stakes and highly emotional disputes. It is dangerous to allow people who are in tense, stressful situations to carry loaded, concealed weapons, or be around others who are carrying guns.⁸ In addition, people required to be in court should not have to worry that someone around them will use a concealed firearm to commit a premeditated or impulsive criminal act. The American Bar Association opposes concealed carry in courthouses for this reason—it will harm access to justice, including by deterring people from communities disproportionately victimized by gun violence from seeking help in court.⁹ Among the general public, too, there is near-universal agreement that introducing guns into sensitive places is a dangerous idea. **According to a nationwide poll, nine out of ten Americans oppose laws allowing guns in government buildings as well as in many other shared public spaces.**¹⁰

³ L. Ta, “At Least 13 ‘Copycat’ School Threats in Iowa Since Florida Shooting,” *Des Moines Register*, Feb. 28, 2018.

⁴ Numerous studies over the past 20 years have found that child access prevention laws can reduce suicide and unintentional gun deaths and injuries among children and teens by up to 54%. For citations, see Giffords Law Center, “Child Access Prevention,” <https://lawcenter.giffords.org/child-access/>.

⁵ Studies show that between 70 and 90% of guns used in youth suicides, unintentional shootings among children, and school shooting perpetrated by shooters under the age of 18 are acquired from the home or the homes of relatives or friends. *See id.*

⁶ *District of Columbia v. Heller*, 554 U.S. 570, 626-27 & n.26 (2008) (regulations prohibiting guns in government buildings are presumptively lawful).

⁷ C. Branas et al., “Investigating the Link Between Gun Possession and Gun Assault,” *American Journal of Public Health* 99, no. 11 (November 2009): 2034, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2759797/pdf/2034.pdf>.

⁸ *See, e.g.*, D. W. Webster et al., *Firearms on College Campuses: Research Evidence and Policy Implications* 10 (Oct. 15, 2016) (noting that civilians generally lack the tactical ability to intervene in a public mass shooting in “chaotic, high-stress situations”).

⁹ L. Laird, “Limit Guns in Courthouses and Train Those Who Use Them, ABA House of Delegates Urges,” *ABA Journal* (2019).

¹⁰ D. Hemenway et al., “National Attitudes Concerning Gun Carrying in the United States,” *Injury Prevention* 2001, no. 7 (2011): 282–285, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1730790/pdf/v007p00282.pdf>.

Finally, no credible statistical evidence exists to show that allowing the carry of handguns would *reduce* the risk of gun violence in courthouses or local government buildings. The most comprehensive and rigorous study of concealed carry laws found that in states with weak permitting laws that allow guns in more public spaces, **violent crime rates were 13% to 15% higher than predicted had such laws not been in place.**¹¹ What's more, firearms are rarely used successfully in self-defense; research shows that armed self-defense is successful in less than one percent of crimes.¹² In contrast, one study found that people carrying a gun were 4.46 times more likely to be shot in an assault than those not carrying a gun, and were 4.23 times more likely to be killed.¹³

IOWA SHOULD ALLOW LOCAL ZONING OF SHOOTING RANGES

Local governments have traditionally had broad authority to use zoning to regulate shooting ranges. The U.S. Supreme Court has repeatedly recognized the importance of local zoning and stated that localities must be given the chance to “experiment with solutions to admittedly serious problems” through their zoning power.¹⁴ The Supreme Court has also said that “the essence of zoning” is to “preserv[e] the quality of life in the community.” Local governments would not be able to do this if they lack the power to specially regulate shooting ranges beyond how they are regulated by state law.¹⁵ Local communities know best how to zone businesses within their borders, and this is particularly true in the context of shooting ranges, which pose unique noise and safety concerns to the local community that other businesses do not.

In sum, HF 2502 proposes a package of dangerous measures that are contradicted by the weight of the evidence on public health and safety. Giffords Law Center urges the subcommittee to follow the lead of the Iowa State Sheriffs' & Deputies' Association and the Iowa Police Chief Association, and reject this bill.

ABOUT GIFFORDS LAW CENTER

For nearly 25 years, the legal experts at Giffords Law Center to Prevent Gun Violence have been fighting for a safer America by researching, drafting, and defending the laws, policies, and programs proven to save lives from gun violence.

¹¹ J. Donohue, *Right-to-Carry Laws and Violent Crime: A Comprehensive Assessment Using Panel Data and a State-Level Synthetic Control Analysis* (Nat'l Bureau of Econ. Research, Working Paper No. 23510) (2018), www.nber.org/papers/w23510.

¹² D. Hemenway & S. J. Solnick, “The Epidemiology of Self-Defense Gun Use: Evidence from the National Crime Victimization Surveys 2007–2011,” *Preventive Medicine*, vol. 79: 22-27 (2015).

¹³ C. Branas et al., “Investigating the Link Between Gun Possession and Gun Assault,” *American Journal of Public Health* 99, no. 11 (November 2009): 2034, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2759797/pdf/2034.pdf>.

¹⁴ *City of Renton v. Playtime Theatres*, 475 U.S. 41, 52 (1986).

¹⁵ *Id.* at 54.