

*Dear Council Member,*

*This letter is to inform you of the National Rifle Association's opposition to the West Burlington ordinance banning firearms in municipal buildings. The ordinance contradicts the plain terms of Iowa's firearms preemption law and may implicate Iowans' constitutional rights.*

*As you are undoubtedly aware, Iowa law prohibits a political subdivision of the state from "enact[ing] an ordinance regulating the ... possession ... of firearms when ... possession ... is otherwise lawful under the laws of this state." Iowa Code Ann. § 724.28. Moreover, "[a]n ordinance regulating firearms in violation of this section existing on or after April 5, 1990, is void." Id.*

*The ordinance purports to ban possession of firearms, including a handgun possessed by a person with a valid permit to carry weapons, within "municipal buildings." This term is broadly defined in the draft language to include "any structure, dwelling, garage or shelter owned, leased or otherwise occupied by the City of West Burlington, Iowa and used for any municipal or public purposes by the City."*

*State law does not forbid possession of a handgun in these areas by a person with a valid permit to carry weapons. See Iowa Code Ann. § 724.4(i). Under the plain terms of § 724.28, West Burlington therefore may not do so either. Of course, if persons with a valid permit to carry weapons were explicitly exempted from the ordinance, the same concerns would not apply.*

*The whole point of § 724.28 is to avoid a patchwork of local regulation that would prevent the effective exercise of a right recognized by the state. Because all decisions about where firearms possession may be curbed are made at the state level, they apply equally to all state citizens. The ordinance would bring about the very evil the state legislature meant to prevent with the preemption statute by allowing persons to be convicted under a local ordinance in circumstances where their behavior was legal under state law.*

*Moreover, the Second Amendment to the United States Constitution protects a right to keep and bear arms, a right which the Supreme Court recently affirmed in *McDonald v. Chicago* binds state and local governments, as well as the federal government. While the Supreme Court has indicated prohibitions on the carrying of firearms in "sensitive places" (which it stated may include "schools and government buildings") might be permissible, it has never sanctioned broad firearms bans in any public "structure" whatsoever.*

*The current definition of "municipal building" in the ordinance is so broad that it encompasses such structures as picnic pavilions, public rest stops and bathrooms, parking garages, bus stop overhangs or shelters, etc. These are hardly the sort of "sensitive places" the Supreme Court had in mind. "Sensitive" and "publicly-controlled" are not synonymous in law or in logic.*

*The NRA intends to notify its Iowa members of this and any other infringements on the lawful right to bear arms and will oppose these efforts with every means at our disposal.*