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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by adding and enacting a new Article VIII. Large-Capacity Magazines and Trigger Activators, including Sections 70-307 through 70-311, to Chapter 70. Offenses and Miscellaneous Provisions.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by adding and enacting a new Article VIII. Large-Capacity Magazines and Trigger Activators, including Sections 70-307 through 70-311, to Chapter 70. Offenses and Miscellaneous Provisions, as follows:

ARTICLE VIII. LARGE-CAPACITY MAGAZINES AND TRIGGER ACTIVATORS.

Sec. 70-307. Purpose.

- (a) The United States experienced three of its ten deadliest mass shootings in just five months between late 2017 and early 2018. Large-capacity ammunition magazines holding more than 10 rounds were used in all three shootings, including the massacre of 17 students and school staff in Parkland, Florida in February 2018; the brutal killing of 26 at a church in Sutherland Springs, Texas in November 2017; and the mass murder of 58 concertgoers in Las Vegas, Nevada, in October 2017. Twelve municipal employees of Virginia Beach, Va. were murdered on May 31, 2019 by a person using handguns with extended or large-capacity ammunition magazines. Large-capacity magazines increase the number of victims injured and killed in mass shootings by enabling shooters to fire more bullets before reloading, a moment when many mass shooters are stopped before they can further increase their death tolls. Large-capacity magazines are not necessary for self-defense, more than ten rounds of ammunition would only be theoretically useful for self-defense in an exceedingly small number of situations, and using such magazines increases the risk that a stray bullet will hit an innocent bystander. The use of large-capacity magazines results in more lives being lost during high-fatality mass shootings, and research demonstrates that in shootings with 6 or more victims the factor most associated with high death tolls is use of a magazine holding more than ten bullets. Citizens are in danger of experiencing a similar mass shooting, and the Des Moines Register reported that in the span of just two weeks after the devastating shooting in Parkland, Florida, Iowa school districts received 13 “copycat” threats from students and others.

- (b) On October 1, 2017, a gunman opened fire from a room on the 32nd floor of the Mandalay Bay hotel in Las Vegas, Nevada, into a crowd at a country music concert. In total, 58 people died and 422 suffered gunshot injuries. The shooter fired more than 1,100 rounds of ammunition, firing on average nine rounds per second, using semiautomatic rifles modified with bump stocks. This event was the worst mass shooting in modern United States history. Bump-stocks are one example of a dangerous class of firearm accessory known as trigger activators. Bump-stocks are designed to modify a semiautomatic firearm so that it operates with an enhanced rate of fire, simulating a fully automatic machinegun. A bump stock has recently been specifically added to the definition of "machine gun" under federal law which prohibits possession of a machine gun without special federal permits. There are other trigger activators on the market, arguably that do not fit the definition of a machine gun, that can substantially increase the rate at which a gun can be fired. Like bump stocks, these deadly devices could be used by a shooter to rapidly kill and maim hundreds of people.
- (c) Prohibiting possession of the firearm accessories of large-capacity magazines and trigger activators as defined in this Article will substantially increase public safety.

### Sec. 70-308. Definitions.

For purposes of this Article the terms "large-capacity magazine" and "trigger activator" are defined as follows:

- (1) "Large-capacity magazine" means any detachable ammunition feeding device for a firearm with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:
- a. A feeding device that has been permanently altered so it cannot hold more than 10 rounds;
  - b. An attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition;
  - c. A magazine that is manufactured or sold solely for use by a lever-action or bolt-action long gun, by an antique firearm, or by a firearm determined to be a curio or relic by the Bureau of Alcohol, Tobacco, and Firearms.
- (2) "Trigger activator" means the following:
- a. Bump-stock as defined in federal rules at 27 C.F.R. §§ 447.11, 478.11 and 479.11 or a bump-stock like accessory that is affixed to a semi-automatic firearm so that the trigger resets and continues firing without additional physical manipulation of the trigger by the shooter;
  - b. Binary trigger which is a firearm accessory that allows a round to be fired when the trigger is pulled and fired again when it is released, producing a substantially higher rate of fire than single trigger pulls;
  - c. Burst trigger which is a firearm accessory that allows the discharge of two or more rounds with a single pull of the trigger by altering the trigger reset, producing a substantially higher rate of fire;
  - d. Rotating trigger crank which is a firearm accessory that can be attached to firearms with traditional triggers to substantially increase a gun's rate of fire by activating a gear whose teeth or mechanism depresses the trigger when cranked, allowing a user to fire the gun much more rapidly than without the aid of the crank.

**Sec. 70-309. Illegal possession of a large-capacity magazine.**

- (a) It shall be unlawful to knowingly possess any large-capacity magazine within the City of Des Moines.
- (b) The following are exceptions to the prohibition stated in subsection (a):
  - (1) Any person who was legally in possession of a large-capacity magazine prior to the effective date of this Article, provided that such person shall comply 90 days after such effective date by doing any of the following:
    - a. Remove the magazine from the City;
    - b. Lawfully sell or transfer the magazine outside of the City;
    - c. Surrender the magazine to the Police Department for destruction;
    - d. Permanently modify the magazine so that it holds no more than 10 rounds;
  - (2) A government officer, agent, or employee, member of the armed forces of the United States, or peace officer, only to the extent that such person is otherwise authorized to possess a large-capacity magazine in connection with his or her official duties;
  - (3) A gunsmith for purposes of modifying a large-capacity magazine to be legally compliant;
  - (4) An entity that operates an armored vehicle business pursuant to the laws of Iowa, and an authorized employee of such entity, while in the course and scope of his or her employment;
  - (5) A historical society, museum, or institutional collection, including one that is open to the public, provided that the large-capacity magazine is unloaded and properly secured from unauthorized handling;
  - (6) A forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities.

**Sec. 70-310. Illegal possession of a trigger activator.**

- (a) It shall be unlawful to knowingly possess a trigger activator including a removable manual or power-driven trigger activator, constructed so that, when installed in or attached to a semiautomatic firearm:
  - (1) the rate at which the trigger is activated substantially increases; or
  - (2) the rate of fire substantially increases.
- (b) The following are exceptions to the prohibition stated in subsection (a):
  - (1) Any person who was legally in possession of a trigger activator prior to the effective date of this Article, provided that such person shall comply 90 days after such effective date by doing any of the following:
    - a. Remove the trigger activator from the City;
    - b. Lawfully sell or transfer the trigger activator outside of the City;
    - c. Surrender the trigger activator to the Police Department for destruction.
  - (2) A government officer, agent, or employee, member of the armed forces of the United States, or peace officer, only to the extent that such person is otherwise authorized to possess a trigger activator in connection with his or her official duties;

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- (3) A historical society, museum, or institutional collection, including one that is open to the public, provided that if the trigger activator is attached to a firearm, the firearm is unloaded and properly secured from unauthorized handling;
- (4) A forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities.

**Sec. 70-311. Penalties.**

Any person who violates any section of this Article shall be guilty of a simple misdemeanor punishable by fine as provided by section 1-15 of this Code or shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-15 of this Code.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:



Douglas P. Philiph  
Assistant City Attorney