ELECTRONICALLY FILED JUN 21, 2026 CLERK OF SUPREME COURT

IN THE SUPREME COURT OF IOWA
No. 25-1071

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STATE OF IOWA,

Plaintiff-Appellee,

v.

JAMES BERNARD JOHNSON,

Defendant-Appellant.

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ON APPEAL FROM THE IOWA DISTRICT COURT FOR
POLK COUNTY
THE HONORABLE PAUL D. SCOTT (MOTION TO DISMISS) &
THE HONORABLE JOSEPH W. SEIDLIN (TRIAL AND SENTENCING)
CASE NO. FECR383463

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# BRIEF OF AMICUS CURIAE BY TWENTY SEVEN IOWA STATE SENATORS PURSUANT TO IOWA CODE § 625A.19 IN SUPPORT OF STATE OF IOWA

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## STATEMENT REQUIRED BY IOWA R. APP. P. 6.906(4)(d)

No party or party's counsel authored this brief in whole or in part nor contributed money to fund the preparation or submission of this brief. No other person contributed money to fund the preparation or submission of this brief. No taxpayer funds or resources were utilized.

## INTEREST OF AMICI CURIAE

Pursuant to Iowa Code § 625A.19 (2026), Senate Majority Leader Mike Klimesh hereby files this brief of *amicus curiae* as the constitutionality of a statute is being questioned. Senate Majority Leader Klimesh is joined by twenty six other Iowa State Senators who were duly elected by the citizens of their several districts.

The Senate is a legislative body of the General Assembly created by Iowa Const. art. III. As elected State Senators, Amici have a duty under the Constitution to ensure that the General Assembly's authority in passing legislation is protected. This case involves a substantial impact on the authority of the General Assembly as a coequal branch of government.

Amici include: **Mike Klimesh**, Senate Majority Leader; **Amy Sinclair**, Senate President; **Ken Rozenboom**, Senate President Pro Tempore; and Senators **Adrian Dickey**, **Lynn Evans**, **Tim Kraayenbrink**, **Carrie Koelker**, **Kevin Alons**, **Mike Bousselot**, **Dan Dawson**, **Dawn Driscoll**, **Jesse Green**, **Kerry Gruenhagen**, **Mark Lofgren**, **Charlie McClintock**, **Mike Pike**, **Jeff Reichman**, **Dave Rowley**, **Sandy Salmon**, **Jason Schultz**, **Tom Shipley**, **Annettee Sweeney**, **Kara Warme**, **Scott Webster**, **Cherielynn Westrich**, **Jack Whitver**, and **Dan Zumbach**.

## ARGUMENT

### 1. INTRODUCTION.

Amici file this brief in defense of Iowa Code § 724.26(1) prohibiting a person who is convicted of a felony from possessing a firearm or offensive weapon. The brief focuses on the statute's constitutionality under U.S. Const. amend. II and Iowa Const. art. I, § 1A. Amici believe that § 724.26(1) is constitutional based on court precedent.

### 2. IOWA CODE § 724.26 IS CONSTITUTIONAL IN THIS APPEAL.

Amici urge this Court to find Iowa Code § 724.26(1) constitutional against all challenges in this appeal. Both the Supreme Court of the United States and the Iowa Supreme Court have issued opinions creating precedent that Amici believe are dispositive of this appeal.

Possession of firearms is for lawful purposes by law-abiding citizens. *See e.g. New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022); and *District of Columbia v. Heller*, 554 U.S. 570 (2008). The Iowa Supreme Court recently determined that Iowa Code § 724.26(1) is not facially unconstitutional under the Second Amendment or under Iowa Const. art. I, § 1A. In the same opinion, the Court also rejected an as-applied challenge to the statute. *See State v. Mahana*, ___N.W.3d____, 2026 WL 1699725 (Iowa June 12, 2026).

There is no reason for this Court to veer from the recent and very well-reasoned decision in *Mahana*. *See e.g. Burnett v. Smith*, 990 N.W.2d 289 (Iowa 2023); and *Planned Parenthood of the Heartland, Inc. v. Reynolds ex rel. State*, 975 N.W.2d 710 (Iowa 2022).

If there is an appeal that contains facts testing the outer boundaries of a potential as-applied challenge to the constitutionality of § 724.26(1), this appeal is not it. The conduct of the Appellant here is well within the State's compelling interest in preventing firearm violence and protecting public safety. The Iowa Supreme Court's decisions in *Mahana; State v. Woods*, 23 N.W.3d 258 (Iowa 2025); and *In re N.S.*, 13 N.W.3d 811 (Iowa 2024) foreclose the potential for any successful as-applied challenges in this appeal.

By leaving *Mahana* in place, this Court not only respects stare decisis but also protects the legislature's lawmaking authority under Iowa Const. art. III. The Iowa Supreme Court has recognized the legislature's authority as the branch of government responsible for advancing public policy. *See e.g. In re C.S.*, 516 N.W.2d 851 (Iowa 1994). This authority includes the "legislature's broad, inherent power to pass laws that promote the public health, safety, and welfare." *See Gravert v. Nebergall*, 539 N.W.2d 184, 186 (Iowa 1995). *Mahana* reaffirmed that § 724.26(1) reflects the legislature's policy determination of protecting public safety. This policy determination is especially true given the facts in this case.

In not disturbing *Mahana* and thus continuing the full enforcement of Iowa Code § 724.26(1), this Court protects stare decisis, the constitutional authority of the legislature, and public safety. Through *Mahana*, *Woods*, and *In re N.S.* the Iowa Supreme Court has provided a clear and predictable framework for evaluating challenges to § 724.26(1), and the facts in this appeal offer no special justification to disturb that framework.

## CONCLUSION

This brief is filed pursuant to Iowa Code § 625A.19 as the constitutionality of a state statute is questioned. Amici do not request time if oral arguments are scheduled. For the reasons stated herein, Amici urge the Court to find that Iowa Code § 724.26(1) is constitutional against all challenges in this appeal.

Respectfully submitted,

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## CERTIFICATE OF COMPLIANCE

This brief complies with the typeface requirements and type-volume limitation of Iowa R. App. P. 6.903(1)(d) and 6.903(1)(g)(1) or (2) because:

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*/s/ W. Charles Smithson*
Signature

June 21, 2026
Date

## CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2026, I electronically filed the forgoing with the Clerk of the Supreme Court of Iowa using the Iowa Electronic Document Management System, that will send notification to the parties of record.

*/s/ W. Charles Smithson*
W. Charles Smithson