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## LEGAL UPDATE

Legal Services Division



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Ground Floor, State Capitol Building

Des Moines, Iowa 50319

515.281.3566

### IOWA SUPREME COURT DECISION — POSSESSION OF A FIREARM ON SCHOOL GROUNDS

**Purpose.** *Legal updates are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update is intended to provide legislators, legislative staff, and other persons interested in legislative matters with summaries of recent meetings, court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although an update may identify issues for consideration by the General Assembly, it should not be interpreted as advocating any particular course of action.*

#### **State v. Mathias**

**Filed December 6, 2019**

**No. 18-1119**

[www.iowacourts.gov/iowa-courts/supreme-court/supreme-court-opinions/case/18-1119](http://www.iowacourts.gov/iowa-courts/supreme-court/supreme-court-opinions/case/18-1119)

**Facts and Procedural Background.** On September 22, 2017, while Davenport North High School and Davenport Central High School played a football game at the Davenport Community School District's Brady Street Athletic Complex (the Complex), James Mathias was placing flyers on cars in one of the Complex's parking lots. A uniformed Davenport police captain working security in an off-duty capacity at the football game asked to see Mathias's identification. As Mathias reached for his identification, the officer noticed a bulge on the side of Mathias's waist. Mathias admitted he had a firearm, but said he had a permit, which he provided to the officer along with his identification.

The Complex is located more than a mile from the school district's classroom buildings, but "the stadium itself has multiple signs that say 'Davenport Community Schools,' at least some of which are visible from the parking lots." Unsure of whether the law prohibiting the carrying of a firearm on the grounds of a school applied to the Complex, the officer determined he should first get Mathias off the property and deal with the legal matters later. After the officer told Mathias to leave, Mathias walked away and did not return to the Complex.

In the following weeks, the officer spoke with the Scott County Attorney's Office about the incident. On February 19, 2018, the state charged Mathias with carrying a firearm on the grounds of a school in violation of Iowa Code section 724.4B. The statute provides that, unless specifically exempted, a person who goes armed with, carries, or transports a firearm of any kind, whether concealed or not, on the grounds of a school, whether public or private, commits a class "D" felony.

Mathias pled not guilty, and the case proceeded to a jury trial. At the close of the state's case and again at the close of all the evidence, Mathias moved for judgment of acquittal. He argued there was insufficient evidence that the Complex parking lot was included in the term "grounds of a school." The court denied the motion.

**Holding.** The Court agreed with the district court's determination that "grounds of a school" under Iowa Code section 724.4B includes recreational facilities and affirmed the judgment of the district court.

**Issues on Appeal.** Whether the district court erred in denying Mathias's motion for judgment of acquittal and whether the district court properly instructed the jury that the grounds of a school may include recreational and cultural facilities.

**Analysis.** Chief Justice Wiggins, in writing for the four-member majority, noted that the primary issue in the case was whether the parking lot where Mathis was carrying a firearm is included in the term “grounds of a school.” Describing the term as ambiguous, the Court looked to the ordinary and common meaning of the term, the exemptions provided in statute, the language in related provisions (Iowa Code section 724.4A, relating to the definition of “weapons-free zones” that includes real property comprising a school; Iowa Code section 124.401A, relating to the manufacture or distribution of a controlled substance to persons on real property comprising a school; and Iowa Code section 142D.3 prohibiting smoking on school grounds), and to federal and state case law.

In addition, considering the consequences of a particular construction, the practical issues of the provision, and the notion that education “is not limited to only that which occurs in the traditional classroom setting,” the Court determined it could find no meaningful distinction between school athletic facilities that are or are not contiguous to a classroom building.

The Court held “‘grounds of a school’... can include school district-owned athletic facilities that are not part of or built on the land contiguous to the classroom building,” and because the Complex was being used for school-sponsored activities at the time, “the district court did not err in denying Mathias’s motion for judgment of acquittal.” Finally, the Court determined that “(W)hen the Code does not define a term in a criminal statute, the district court must engage in statutory construction and define that term for the jury” and therefore “the district court did not commit error when it instructed the jury.”

**Concurring Opinion.** Justice McDonald’s concurring opinion, in which Justices Waterman and Christensen join, focused on “what comprises a school within the meaning of the statute,” which he felt was not adequately addressed in the majority opinion or in the dissenting opinion. Justice McDonald’s opinion cites certain case law finding that “the grounds of a school includes those parts of the physical plant of a school, including all grounds contiguous thereto, where programming or instruction is delivered to students.”

**Dissenting Opinion.** In his dissenting opinion, Justice Mansfield asserts his belief that “grounds of a school” means “a school plus contiguous real property.” Further, he was “unconvinced that the term includes the parking lot of a football stadium separated by over a mile from the school itself.” Justice Mansfield would reverse the defendant’s conviction on the basis of insufficient evidence.

LSA Staff Contact: Kathleen B. Hanlon, 515.281.3847 or [kathy.hanlon@legis.iowa.gov](mailto:kathy.hanlon@legis.iowa.gov)

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