

713.3 Burglary in the first degree.

1. A person commits burglary in the first degree if, while perpetrating a burglary in or upon an occupied structure in which one or more persons are present, any of the following circumstances apply:

- a.* The person has possession of an explosive or incendiary device or material.
- b.* The person has possession of a dangerous weapon.
- c.* The person intentionally or recklessly inflicts bodily injury on any person.
- d.* The person performs or participates in a sex act with any person which would constitute sexual abuse under section 709.1.

2. Burglary in the first degree is a class "B" felony.

[C51, § 2609; R60, § 4233; C73, § 3892; C97, § 4788; S13, § 4799-a; C24, 27, 31, 35, 39; § **12995, 1299712999**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, § 708.2, 708.4-708.6, C79, 81, § 713.2]

C83, § 713.3

90 Acts, ch 1233, § 41; 92 Acts, ch 1231, § 57; 94 Acts, ch 1107, §15; 98 Acts, ch 1059, §1

Footnotes

Definition of forcible felony, see § 702.11