

**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.

3. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A for violations of subsection 1, paragraphs "a", "b", or "c", the fact finder shall make a determination as provided in section 692A.126.

[C51, §2609; R60, §4233; C73, §3892; C97, §4788; S13, §4799-a; C24, 27, 31, 35, 39; §12995, 12997 – 12999; 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; 2010 Acts, ch 1104, §16, 23

Definition of forcible felony, see §702.11  
NEW subsection 3