

**713.5 Burglary in the second degree.**

1. A person commits burglary in the second degree in either of the following circumstances:

a. While perpetrating a burglary in or upon an occupied structure in which no persons are present, the person has possession of an explosive or incendiary device or material, or a dangerous weapon, or a bodily injury results to any person.

b. While perpetrating a burglary in or upon an occupied structure in which one or more persons are present, the person does not have possession of an explosive or incendiary device or material, nor a dangerous weapon, and no bodily injury is caused to any person.

2. Burglary in the second degree is a class "C" felony.

3. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of [chapter 692A](#), the fact finder shall make a determination as provided in [section 692A.126](#).

[C79, 81, §713.3]

C83, §713.5

[92 Acts, ch 1231, §59](#); [94 Acts, ch 1107, §17](#); [2010 Acts, ch 1104, §18, 23](#)

Referred to in [§692A.102](#), [§692A.126](#)