BURGLARY, §713.3

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

Referred to in \$692A.101, 692A.102, 692A.126, 903B.1 Definition of forcible felony, see \$702.11