

**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](#)