

See Judiciary 3/23/87

House File 498

JUDICIARY: Doyle, Chair; Mann and Holt

Amended for 55454 S. (S. 2) 3/24/87 (1012)  
MAR 12 1987

HOUSE FILE 498

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

Place On Calendar

(Formerly House File 219) -

Passed House, Date 3-18-87 (p. 679) Passed Senate, Date 3/29/87 (p. 1119)

Vote: Ayes 96 Nays 0 Vote: Ayes 45 Nays 1

Approved May 5, 1988

Repassed House 4/6/88 (p. 1433)  
79-0

A BILL FOR

1 An Act to restrict the possession of ballistic knives and  
2 providing for the application of a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 498

1 Section 1. Section 724.1, Code 1987, is amended by adding  
2 the following new subsection as subsection 5 and renumbering  
3 the subsequent subsections:

4 NEW SUBSECTION. 5. A ballistic knife. A ballistic knife  
5 is a knife with a detachable blade which is propelled by a  
6 spring-operated mechanism, elastic material, or compressed  
7 gas.

8 Sec. 2. Section 724.1, subsection 5, Code 1987, is amended  
9 to read as follows:

10 5 6. Any part or combination of parts either designed or  
11 intended to be used to convert any device into an offensive  
12 weapon as described in subsections 1 to 4 5 of this section,  
13 or to assemble into such an offensive weapon, except magazines  
14 or other parts, ammunition, or ammunition components used in  
15 common with lawful sporting firearms or parts including but  
16 not limited to barrels suitable for refitting to sporting  
17 firearms.

18 EXPLANATION

19 This bill classifies a ballistic knife as an offensive  
20 weapon and restricts possession of a ballistic knife to  
21 authorized persons such as police officers, military  
22 personnel, etc. The penalty for possession of an offensive  
23 weapon by an unauthorized person is a class "D" felony.

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HOUSE FILE 498

5545

1 Amend House File 498 as passed by the House as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 702.7, Code 1987, is amended  
6 to read as follows:

7 702.7 DANGEROUS WEAPON.

8 A "dangerous weapon" is any instrument or device  
9 designed primarily for use in inflicting death or  
10 injury upon a human being or animal, and which is  
11 capable of inflicting death upon a human being when  
12 used in the manner for which it was designed.

13 Additionally, any instrument or device of any sort  
14 whatsoever which is actually used in such a manner as  
15 to indicate that the defendant intends to inflict  
16 death or serious injury upon the other, and which,  
17 when so used, is capable of inflicting death upon a  
18 human being, is a dangerous weapon. Dangerous weapons  
19 include, but are not limited to, any offensive weapon,  
20 pistol, revolver, or other firearm, dagger, razor,  
21 stiletto, switchblade knife, or knife having a blade  
22 of three exceeding five inches or longer in length."

23 2. Page 1, by inserting after line 17 the  
24 following:

25 "Sec. 4. Section 724.4, Code Supplement 1987, is  
26 amended to read as follows:

27 724.4 CARRYING WEAPONS.

28 1. A Except as otherwise provided in this section,  
29 a person who goes armed with a dangerous weapon  
30 concealed on or about the person, or who, within the  
31 limits of any city, goes armed with a pistol or  
32 revolver, or any loaded firearm of any kind, whether  
33 concealed or not, or who knowingly carries or  
34 transports in a vehicle a pistol or revolver, commits  
35 an aggravated misdemeanor, provided that this section  
36 shall not apply to any of the following.

37 2. A person who goes armed with a knife concealed  
38 on or about the person, if the person uses the knife  
39 in the commission of a crime, commits an aggravated  
40 misdemeanor.

41 3. A person who goes armed with a knife concealed  
42 on or about the person, if the person does not use the  
43 knife in the commission of a crime:

44 a. If the knife has a blade exceeding eight inches  
45 in length, commits an aggravated misdemeanor.

46 b. If the knife has a blade exceeding five inches  
47 but not exceeding eight inches in length, commits a  
48 serious misdemeanor.

49 4. Subsections 1 through 3 do not apply to any of  
50 the following:

- 1     1 a. A person who goes armed with a dangerous  
2 weapon in the person's own dwelling or place of  
3 business, or on land owned or possessed by the person.  
4     2 b. Any A peace officer, when the officer's  
5 duties require the person to carry such weapons.  
6     3 c. Any A member of the armed forces of the  
7 United States or of the national guard or person in  
8 the service of the United States, when the weapons are  
9 carried in connection with the person's duties as  
10 such.  
11    4 d. A correctional officer, when the officer's  
12 duties require, serving under the authority of the  
13 Iowa department of corrections.  
14    5 e. Any A person who for any lawful purpose  
15 carries an unloaded pistol, revolver, or other  
16 dangerous weapon inside a closed and fastened  
17 container or securely wrapped package which is too  
18 large to be concealed on the person.  
19    6 f. Any A person who for any lawful purpose  
20 carries or transports an unloaded pistol or revolver  
21 in any a vehicle inside a closed and fastened  
22 container or securely wrapped package which is too  
23 large to be concealed on the person or inside a cargo  
24 or luggage compartment where the pistol or revolver  
25 will not be readily accessible to any person riding in  
26 the vehicle or common carrier.  
27    7 g. Any A person while the person is lawfully  
28 engaged in target practice on a range designed for  
29 that purpose or while actually engaged in lawful  
30 hunting.  
31    h. A person who carries a knife used in hunting or  
32 fishing, while actually engaged in lawful hunting or  
33 fishing.  
34    8 i. Any A person who has in the person's  
35 possession and who displays to any a peace officer on  
36 demand a valid permit to carry weapons which has been  
37 issued to the person, and whose conduct is within the  
38 limits of that permit. No A person shall not be  
39 convicted of a violation of this section if the person  
40 produces at the person's trial a permit to carry  
41 weapons which was valid at the time of the alleged  
42 offense and which would have brought the person's  
43 conduct within this exception if the permit had been  
44 produced at the time of the alleged offense.  
45    9 j. A law enforcement officer from another state  
46 when the officer's duties require the officer to carry  
47 the weapon and the officer is in this state for any of  
48 the following reasons:  
49     a- (1) The extradition or other lawful removal of  
50 a prisoner from this state.

- 1     b- (2) Pursuit of a suspect in compliance with  
2 chapter 806.  
3     c- (3) Activities in the capacity of a law  
4 enforcement officer with the knowledge and consent of  
5 the chief of police of the city or the sheriff of the  
6 county in which the activities occur or of the  
7 director of public safety."  
8     3. Title page, by striking lines 1 and 2 and  
9 inserting the following: "An Act to revise provisions  
10 relating to dangerous weapons and the carrying of  
11 dangerous weapons and knives, and providing  
12 penalties."  
13     4. By renumbering as necessary.

S-5545

Filed March 24, 1988

*Adopted 3/24/88 (p. 118)*

BY COMMITTEE ON JUDICIARY  
DONALD V. DOYLE, Chairperson

## SENATE AMENDMENT TO HOUSE FILE 498

H-6081

1 Amend House File 498 as passed by the House as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 702.7, Code 1987, is amended  
6 to read as follows:

7 702.7 DANGEROUS WEAPON.

8 A "dangerous weapon" is any instrument or device  
9 designed primarily for use in inflicting death or  
10 injury upon a human being or animal, and which is  
11 capable of inflicting death upon a human being when  
12 used in the manner for which it was designed.  
13 Additionally, any instrument or device of any sort  
14 whatsoever which is actually used in such a manner as  
15 to indicate that the defendant intends to inflict  
16 death or serious injury upon the other, and which,  
17 when so used, is capable of inflicting death upon a  
18 human being, is a dangerous weapon. Dangerous weapons  
19 include, but are not limited to, any offensive weapon,  
20 pistol, revolver, or other firearm, dagger, razor,  
21 stiletto, switchblade knife, or knife having a blade  
22 of three exceeding five inches or longer in length."

23 2. Page 1, by inserting after line 17 the  
24 following:

25 "Sec. 4. Section 724.4, Code Supplement 1987, is  
26 amended to read as follows:

27 724.4 CARRYING WEAPONS.

28 1. A Except as otherwise provided in this section,  
29 a person who goes armed with a dangerous weapon  
30 concealed on or about the person, or who, within the  
31 limits of any city, goes armed with a pistol or  
32 revolver, or any loaded firearm of any kind, whether  
33 concealed or not, or who knowingly carries or  
34 transports in a vehicle a pistol or revolver, commits  
35 an aggravated misdemeanor; provided that this section  
36 shall not apply to any of the following:

37 2. A person who goes armed with a knife concealed  
38 on or about the person, if the person uses the knife  
39 in the commission of a crime, commits an aggravated  
40 misdemeanor.

41 3. A person who goes armed with a knife concealed  
42 on or about the person, if the person does not use the  
43 knife in the commission of a crime:

44 a. If the knife has a blade exceeding eight inches  
45 in length, commits an aggravated misdemeanor.

46 b. If the knife has a blade exceeding five inches  
47 but not exceeding eight inches in length, commits a  
48 serious misdemeanor.

49 4. Subsections 1 through 3 do not apply to any of  
50 the following:

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1     † a. A person who goes armed with a dangerous  
2 weapon in the person's own dwelling or place of  
3 business, or on land owned or possessed by the person.

4     2 b. Any A peace officer, when the officer's  
5 duties require the person to carry such weapons.

6     3 c. Any A member of the armed forces of the  
7 United States or of the national guard or person in  
8 the service of the United States, when the weapons are  
9 carried in connection with the person's duties as  
10 such.

11     4 d. A correctional officer, when the officer's  
12 duties require, serving under the authority of the  
13 Iowa department of corrections.

14     5 e. Any A person who for any lawful purpose  
15 carries an unloaded pistol, revolver, or other  
16 dangerous weapon inside a closed and fastened  
17 container or securely wrapped package which is too  
18 large to be concealed on the person.

19     6 f. Any A person who for any lawful purpose  
20 carries or transports an unloaded pistol or revolver  
21 in any a vehicle inside a closed and fastened  
22 container or securely wrapped package which is too  
23 large to be concealed on the person or inside a cargo  
24 or luggage compartment where the pistol or revolver  
25 will not be readily accessible to any person riding in  
26 the vehicle or common carrier.

27     7 g. Any A person while the person is lawfully  
28 engaged in target practice on a range designed for  
29 that purpose or while actually engaged in lawful  
30 hunting.

31     h. A person who carries a knife used in hunting or  
32 fishing, while actually engaged in lawful hunting or  
33 fishing.

34     8 i. Any A person who has in the person's  
35 possession and who displays to any a peace officer on  
36 demand a valid permit to carry weapons which has been  
37 issued to the person, and whose conduct is within the  
38 limits of that permit. No A person shall not be  
39 convicted of a violation of this section if the person  
40 produces at the person's trial a permit to carry  
41 weapons which was valid at the time of the alleged  
42 offense and which would have brought the person's  
43 conduct within this exception if the permit had been  
44 produced at the time of the alleged offense.

45     9 j. A law enforcement officer from another state  
46 when the officer's duties require the officer to carry  
47 the weapon and the officer is in this state for any of  
48 the following reasons:

49     a. (1) The extradition or other lawful removal of  
50 a prisoner from this state.

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Page Three

- 1       b- (2) Pursuit of a suspect in compliance with  
2 chapter 806.  
3       c- (3) Activities in the capacity of a law  
4 enforcement officer with the knowledge and consent of  
5 the chief of police of the city or the sheriff of the  
6 county in which the activities occur or of the  
7 director of public safety."  
8       3. Title page, by striking lines 1 and 2 and  
9 inserting the following: "An Act to revise provisions  
10 relating to dangerous weapons and the carrying of  
11 dangerous weapons and knives, and providing  
12 penalties."  
13       4. By renumbering as necessary.

H-6081 FILED MARCH 30, 1988 RECEIVED FROM THE SENATE

*House Journal 4/6 (p. 143)*



HOUSE FILE 498

AN ACT

TO REVISE PROVISIONS RELATING TO DANGEROUS WEAPONS AND THE CARRYING OF DANGEROUS WEAPONS AND KNIVES, AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 702.7, Code 1987, is amended to read as follows:

702.7 DANGEROUS WEAPON.

A "dangerous weapon" is any instrument or device designed primarily for use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death upon a human being when used in the manner for which it was designed. Additionally, any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the defendant intends to inflict death or serious injury upon the other, and which, when so used, is capable of inflicting death upon a human being, is a dangerous weapon. Dangerous weapons include, but are not limited to, any offensive weapon, pistol, revolver, or other firearm, dagger, razor, stiletto, switchblade knife, or knife having a blade of ~~three~~ exceeding five inches or longer in length.

Sec. 2. Section 724.1, Code 1987, is amended by adding the following new subsection as subsection 5 and renumbering the subsequent subsections:

NEW SUBSECTION. 5. A ballistic knife. A ballistic knife is a knife with a detachable blade which is propelled by a spring-operated mechanism, elastic material, or compressed gas.

Sec. 3. Section 724.1, subsection 5, Code 1987, is amended to read as follows:

5 6. Any part or combination of parts either designed or intended to be used to convert any device into an offensive weapon as described in subsections 1 to 4 5 of this section, or to assemble into such an offensive weapon, except magazines or other parts, ammunition, or ammunition components used in common with lawful sporting firearms or parts including but not limited to barrels suitable for refitting to sporting firearms.

Sec. 4. Section 724.4, Code Supplement 1987, is amended to read as follows:

724.4 CARRYING WEAPONS.

1. A Except as otherwise provided in this section, a person who goes armed with a dangerous weapon concealed on or about the person, or who, within the limits of any city, goes armed with a pistol or revolver, or any loaded firearm of any kind, whether concealed or not, or who knowingly carries or transports in a vehicle a pistol or revolver, commits an aggravated misdemeanor; provided that this section shall not apply to any of the following:

2. A person who goes armed with a knife concealed on or about the person, if the person uses the knife in the commission of a crime, commits an aggravated misdemeanor.

3. A person who goes armed with a knife concealed on or about the person, if the person does not use the knife in the commission of a crime:

a. If the knife has a blade exceeding eight inches in length, commits an aggravated misdemeanor.

b. If the knife has a blade exceeding five inches but not exceeding eight inches in length, commits a serious misdemeanor.

4. Subsections 1 through 3 do not apply to any of the following:

1 a. A person who goes armed with a dangerous weapon in the person's own dwelling or place of business, or on land owned or possessed by the person.

2 b. Any A peace officer, when the officer's duties require the person to carry such weapons.

3 g. Any A member of the armed forces of the United States or of the national guard or person in the service of the United States, when the weapons are carried in connection with the person's duties as such.

4 d. A correctional officer, when the officer's duties require, serving under the authority of the Iowa department of corrections.

5 e. Any A person who for any lawful purpose carries an unloaded pistol, revolver, or other dangerous weapon inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person.

6 f. Any A person who for any lawful purpose carries or transports an unloaded pistol or revolver in any a vehicle inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person or inside a cargo or luggage compartment where the pistol or revolver will not be readily accessible to any person riding in the vehicle or common carrier.

7 g. Any A person while the person is lawfully engaged in target practice on a range designed for that purpose or while actually engaged in lawful hunting.

h. A person who carries a knife used in hunting or fishing, while actually engaged in lawful hunting or fishing.

8 i. Any A person who has in the person's possession and who displays to any a peace officer on demand a valid permit to carry weapons which has been issued to the person, and whose conduct is within the limits of that permit. No A person shall not be convicted of a violation of this section if the person produces at the person's trial a permit to carry weapons which was valid at the time of the alleged offense and which would have brought the person's conduct within this exception if the permit had been produced at the time of the alleged offense.

9 j. A law enforcement officer from another state when the officer's duties require the officer to carry the weapon and the officer is in this state for any of the following reasons:

a- (1) The extradition or other lawful removal of a prisoner from this state.

b- (2) Pursuit of a suspect in compliance with chapter 806.

c- (3) Activities in the capacity of a law enforcement officer with the knowledge and consent of the chief of police of the city or the sheriff of the county in which the activities occur or of the director of public safety.

.....  
DONALD D. AVENSON  
Speaker of the House

.....  
JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 498, Seventy-second General Assembly.

.....  
JOSEPH O'HERN  
Chief Clerk of the House

Approved May 5, 1988

.....  
TERRY E. BRANSTAD  
Governor