

House Study Bill 20 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to the carrying of weapons and providing a
2 penalty.

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

1 Section 1. Section 708.8, Code 2011, is amended to read as
2 follows:

3 **708.8 ~~Going armed~~ Carrying with intent.**

4 A person who ~~goes armed with~~ carries any dangerous weapon
5 with the intent to use without justification such weapon
6 against ~~the person of~~ another commits a class "D" felony.

7 Sec. 2. Section 724.4, Code 2011, is amended to read as
8 follows:

9 **724.4 Carrying weapons.**

10 1. Except as otherwise provided in this section, a person
11 who ~~goes armed with~~ carries a dangerous weapon ~~concealed on~~
12 ~~or about the person, or who, within the limits of any city,~~
13 ~~goes armed with a pistol or revolver, or any loaded firearm of~~
14 ~~any kind, whether concealed or not, or who knowingly carries~~
15 ~~or transports in a vehicle a pistol or revolver, or who has~~
16 a dangerous weapon within the person's immediate access or
17 reach while in a vehicle, with the intent to use the dangerous
18 weapon in an unlawful manner against another person commits an
19 aggravated misdemeanor. The mere carrying or possession of a
20 dangerous weapon shall not give rise to an inference that the
21 person intended to use the dangerous weapon unlawfully against
22 another person.

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

26 3. A person who ~~goes armed with~~ carries a knife concealed
27 on or about the person, if the person is not in violation of
28 subsection 1 and does not use the knife in the commission of a
29 crime, commits one of the following offenses:

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

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

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

1 following:

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

5 ~~b.~~ A peace officer, when the officer's duties require the
6 person to carry such weapons.

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

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

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

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

25 ~~g.~~ e. A person while the person is lawfully engaged in
26 target practice ~~on a range designed for that purpose or while~~
27 ~~actually engaged in lawful hunting.~~

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

30 ~~i.~~ A person who has in the person's possession and who
31 displays to a peace officer on demand a valid permit to carry
32 weapons which has been issued to the person, and whose conduct
33 is within the limits of that permit. A person shall not be
34 convicted of a violation of this section if the person produces
35 at the person's trial a permit to carry weapons which was valid

1 ~~at the time of the alleged offense and which would have brought~~
2 ~~the person's conduct within this exception if the permit had~~
3 ~~been produced at the time of the alleged offense.~~

4 ~~f.~~ g. A law enforcement officer from another state when the
5 officer's duties require the officer to carry the weapon and
6 the officer is in this state for any of the following reasons:

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

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

10 (3) Activities in the capacity of a law enforcement officer
11 with the knowledge and consent of the chief of police of the
12 city or the sheriff of the county in which the activities occur
13 or of the commissioner of public safety.

14 ~~k.~~ h. A person engaged in the business of transporting
15 prisoners under a contract with the Iowa department of
16 corrections or a county sheriff, a similar agency from another
17 state, or the federal government.

18 Sec. 3. Section 724.4B, Code 2011, is amended to read as
19 follows:

20 **724.4B Carrying weapons on school grounds — penalty —**
21 **exceptions.**

22 1. A person who ~~goes armed with,~~ carries, or transports a
23 firearm of any kind, whether concealed or not, on the grounds
24 of a school commits a class "D" felony. For the purposes of
25 this section, "school" means a public or nonpublic school as
26 defined in section 280.2.

27 2. Subsection 1 does not apply to the following:

28 a. A person listed under section 724.4, subsection 4,
29 paragraphs "b" through "~~f~~" or "~~j~~" "d" and "g".

30 b. A person who has been specifically authorized by the
31 school to ~~go armed,~~ carry, or transport a firearm on the school
32 grounds, including for purposes of conducting an instructional
33 program regarding firearms.

34 Sec. 4. Section 724.4C, Code 2011, is amended to read as
35 follows:

1 **724.4C Possession or carrying of firearms dangerous weapons**
2 **while under the influence.**

3 1. A ~~permit issued under this chapter is invalid if the~~
4 ~~person to whom the permit is issued is~~ who carries a dangerous
5 weapon on or about the person while in an intoxicated condition
6 as provided in section 321J.2, subsection 1 commits a simple
7 misdemeanor.

8 2. This section shall not apply to any of the following:

9 a. A person who carries or possesses a dangerous weapon
10 while in the person’s own dwelling or place of business or on
11 land owned or lawfully possessed by the person.

12 b. The transitory possession or use of a dangerous weapon
13 during an act committed in self-defense or in defense of
14 another person if legally justified or excused, provided that
15 the possession or use of the dangerous weapon lasts no longer
16 than is immediately necessary to resolve the emergency.

17 Sec. 5. REPEAL. Section 724.5, Code 2011, is repealed.

18 EXPLANATION

19 This bill relates to the carrying of weapons and provides a
20 penalty.

21 Current law provides that a person who goes armed with a
22 dangerous weapon concealed on or about the person, or who,
23 within the limits of any city, goes armed with a pistol or
24 revolver, or any loaded firearm of any kind, whether concealed
25 or not, or who knowingly carries or transports in a vehicle a
26 pistol or revolver, commits an aggravated misdemeanor unless
27 certain circumstances apply including if the person has in the
28 person’s possession a valid permit to carry weapons. The bill
29 eliminates this provision and provides that except for other
30 lawful purposes provided in the bill, a person who carries a
31 dangerous weapon on or about the person or who has a dangerous
32 weapon within the person’s immediate access or reach while in
33 a vehicle, with the intent to use the dangerous weapon in an
34 unlawful manner against another person, commits an aggravated
35 misdemeanor. The mere carrying or possession of a dangerous

1 weapon shall not give rise to an inference that the person
2 intended to use the dangerous weapon unlawfully against another
3 person. A dangerous weapon is defined as any instrument or
4 device designed primarily for use in inflicting death or
5 injury upon a human being or animal, and which is capable of
6 inflicting death upon a human being when used in the manner
7 for which it was designed, except for a bow and arrow used for
8 hunting or any other lawful purpose (Code section 702.7).

9 The bill generally makes conforming changes to the phrase
10 "goes armed with" relating to dangerous weapons and knives to
11 "carries". The bill also makes conforming changes to Code
12 section 724.4B relating to the carrying of weapons and firearms
13 on school grounds.

14 The bill eliminates a provision invalidating a person's
15 permit to carry weapons if the person is intoxicated.

16 The bill provides that a person who carries a dangerous
17 weapon while the person is in an intoxicated condition commits
18 a simple misdemeanor punishable by confinement for no more than
19 30 days or a fine of at least \$65 but not more than \$625 or by
20 both. This criminal penalty does not apply to a person who
21 carries or possesses a dangerous weapon while in the person's
22 own dwelling or place of business or on land owned or lawfully
23 possessed by the person or to the transitory possession or use
24 of a dangerous weapon during an act committed in self-defense
25 or in defense of another person if legally justified or
26 excused, provided that the possession or use of the dangerous
27 weapon lasts no longer than is immediately necessary to resolve
28 the emergency.

29 The bill repeals Code section 724.5 relating to a person's
30 duty to carry a weapons permit if the person goes armed with a
31 revolver, pistol, or pocket billy concealed upon the person,
32 currently a simple misdemeanor.