

**House File 2284 - Introduced**

HOUSE FILE 2284

BY SHAW, SCHULTZ, HEARTSILL,  
ALONS, SALMON, SHEETS,  
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HUSEMAN

**A BILL FOR**

1 An Act relating to the carrying and possession of weapons and  
2 providing penalties.

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

1 Section 1. Section 232.52, subsection 2, paragraph a,  
2 subparagraph (4), subparagraph division (a), subparagraph  
3 subdivision (viii), Code 2014, is amended to read as follows:  
4 (viii) Section 724.4, if the child ~~carried the dangerous~~  
5 ~~weapon~~ used the knife in the commission of a crime on school  
6 grounds.

7 Sec. 2. Section 708.8, Code 2014, is amended to read as  
8 follows:

9 **708.8 Going armed with intent.**

10 A person who goes armed with any dangerous weapon with the  
11 intent to use without justification such weapon against the  
12 person of another commits a class "D" felony. The intent  
13 required for a violation of this section shall not be inferred  
14 from the mere carrying or concealment of any dangerous weapon  
15 itself, including the carrying of a loaded firearm, whether in  
16 a vehicle or on or about a person's body.

17 Sec. 3. Section 724.4, Code 2014, is amended by striking the  
18 section and inserting in lieu thereof the following:

19 **724.4 Use of a knife in the commission of a crime.**

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

23 Sec. 4. Section 724.4B, Code 2014, is amended by striking  
24 the section and inserting in lieu thereof the following:

25 **724.4B Carrying weapons on school grounds — penalty —**  
26 **exceptions.**

27 1. A person who goes armed with, carries, or transports a  
28 firearm of any kind, whether concealed or not, on the grounds  
29 of a school commits a class "D" felony. For the purposes of  
30 this section, "school" means a public or nonpublic school as  
31 defined in section 280.2.

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

33 a. A person who has been specifically authorized by the  
34 school to go armed with, carry, or transport a firearm on the  
35 school grounds for any lawful purpose.

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

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

7     *d.* A correctional officer, when the officer's duties  
8 require, serving under the authority of the Iowa department of  
9 corrections.

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

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

21    *g.* A law enforcement officer from another state when the  
22 officer's duties require the officer to carry the weapon and  
23 the officer is in this state for any of the following reasons:

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

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

27       (3) Activities in the capacity of a law enforcement officer  
28 with the knowledge and consent of the chief of police of the  
29 city or the sheriff of the county in which the activities occur  
30 or of the commissioner of public safety.

31    Sec. 5. Section 724.4C, Code 2014, is amended to read as  
32 follows:

33       **724.4C Possession or carrying of firearms while under the**  
34 **influence.**

35       1. ~~A permit issued under this chapter is invalid if the~~

1 Except as provided in subsection 2, a person to whom the permit  
2 is issued is commits a serious misdemeanor if the person  
3 is intoxicated as provided under the conditions set out in  
4 section 321J.2, subsection 1-, and the person does any of the  
5 following:

6 a. Carries a dangerous weapon on or about the person.

7 b. Carries a weapon within the person's immediate access or  
8 reach while in a vehicle.

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

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

13 b. The transitory possession or use of a firearm during  
14 an act of justified self-defense or justified defense of  
15 another, provided that the possession lasts no longer than is  
16 immediately necessary to resolve the emergency.

17 Sec. 6. Section 724.5, Code 2014, is amended by striking the  
18 section and inserting in lieu thereof the following:

19 **724.5 Availability of permit not to be construed as**  
20 **prohibition on unlicensed carrying of weapons.**

21 The availability of a professional or nonprofessional permit  
22 to carry weapons under this chapter shall not be construed  
23 to impose a general prohibition on the unlicensed carrying,  
24 whether openly or concealed, of a deadly weapon, including a  
25 loaded firearm.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with  
28 the explanation's substance by the members of the general assembly.

29 This bill relates to the carrying and possession of weapons  
30 and provides penalties.

31 The bill amends Code section 708.8, the crime of going armed  
32 with a dangerous weapon with intent, a class "D" felony, to  
33 provide that the intent element required for a violation of  
34 this crime shall not be inferred from the mere carrying or  
35 concealment of a dangerous weapon.

1 The bill strikes Code section 724.4 relating to the crime of  
2 carrying dangerous weapons, an aggravated misdemeanor, without  
3 a valid permit or in other enumerated circumstances. Instead,  
4 the bill section creates a new crime of going armed with a  
5 knife in the commission of a crime, an aggravated misdemeanor.  
6 The bill makes a conforming change to Code section 232.52,  
7 subsection 2, relating to the suspension or revocation of a  
8 juvenile's driver's license or operating privilege. The bill  
9 also makes a conforming Code change to Code section 724.4B,  
10 relating to the carrying of weapons on school grounds, to  
11 specifically include certain categories of persons who are  
12 authorized to carry weapons on school grounds.

13 The bill amends Code section 724.4C relating to the crime of  
14 possession or carrying of firearms while under the influence  
15 of alcohol or a drug. Current law invalidates a permit to  
16 carry weapons if the person to whom the permit is issued is  
17 intoxicated, as defined in Code section 321J.2, subsection 1  
18 (while under the influence of an alcoholic beverage or other  
19 drug or a combination of such substances, while having an  
20 alcohol concentration of .08 or more, or while any amount of a  
21 controlled substance is present in the person, as measured in  
22 the person's blood or urine). The bill amends this provision  
23 to provide that a person commits a serious misdemeanor if  
24 the person is intoxicated and the person either carries a  
25 dangerous weapon on or about the person or carries a dangerous  
26 weapon within the person's immediate access or reach while in  
27 a vehicle. This crime does not apply to situations where a  
28 person carries or possesses a dangerous weapon while in the  
29 person's own dwelling, place of business, or on the person's  
30 land, and the transitory possession or use of a firearm during  
31 an act of justified self-defense or justified defense of  
32 another, if the possession of the firearm lasts no longer than  
33 immediately necessary to resolve the emergency.

34 The bill strikes Code section 724.5 relating to a person's  
35 duty to carry a valid permit to carry certain weapons for which

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1 a permit has been issued to the person and replaces that Code  
2 section to provide that the availability of a professional or  
3 nonprofessional permit to carry weapons shall not be construed  
4 to impose a general prohibition on the unlicensed carrying of a  
5 deadly weapon including a loaded firearm.