

House File 2057 - Introduced

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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 2016, 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 2016, 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 2016, 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 2016, is amended by striking
24 the section and inserting in lieu thereof the following:

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

27 1. A person who goes armed with, carries, or transports
28 a dangerous weapon of any kind, whether concealed or not, on
29 the grounds of a school commits a class "D" felony. For the
30 purposes of this section, "school" means a public or nonpublic
31 school as 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 dangerous weapon
35 on the 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 or common carrier
16 inside a closed and fastened container or securely wrapped
17 package which is too large to be concealed on the person or
18 inside a cargo or luggage compartment where the pistol or
19 revolver will not be readily accessible to any person riding in
20 the vehicle or common carrier.

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

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

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

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

32 Sec. 5. Section 724.4C, Code 2016, is amended to read as
33 follows:

34 **724.4C Possession or carrying of ~~firearms~~ weapons while under**
35 **the influence.**

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

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

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

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

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

18 Sec. 6. Section 724.5, Code 2016, is amended by striking the
19 section and inserting in lieu thereof the following:

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

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

27 EXPLANATION

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

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

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

1 concealment of a dangerous weapon.

2 The bill amends Code section 724.4 by striking the original
3 penalty for carrying dangerous weapons. Instead, the bill
4 creates a new crime of going armed with a knife in the
5 commission of a crime, an aggravated misdemeanor. The bill
6 makes a conforming change to Code section 232.52, subsection
7 2, relating to the suspension or revocation of a juvenile's
8 driver's license or operating privilege. The bill also makes a
9 conforming Code change to Code section 724.4B, relating to the
10 carrying of weapons on school grounds, to specifically include
11 certain categories of persons who are authorized to carry
12 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

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