

House Study Bill 543 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the definition of dangerous weapons to
2 include simulated firearms.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 702.7, Code 2018, is amended to read as
2 follows:

3 **702.7 Dangerous weapon.**

4 A "*dangerous weapon*" is any instrument or device designed
5 primarily for use in inflicting death or injury upon a human
6 being or animal, and which is capable of inflicting death
7 upon a human being when used in the manner for which it was
8 designed, except a bow and arrow when possessed and used
9 for hunting or any other lawful purpose. Additionally, any
10 instrument or device of any sort whatsoever which is actually
11 used in such a manner as to indicate that the defendant intends
12 to inflict death or serious injury upon the other, and which,
13 when so used, is capable of inflicting death upon a human
14 being, is a dangerous weapon. Dangerous weapons include but
15 are not limited to any offensive weapon, pistol, revolver, or
16 other firearm, simulated firearm, dagger, razor, stiletto,
17 switchblade knife, knife having a blade exceeding five inches
18 in length, or any portable device or weapon directing an
19 electric current, impulse, wave, or beam that produces a
20 high-voltage pulse designed to immobilize a person.

21 Sec. 2. NEW SECTION. **702.26 Simulated firearm.**

22 "*Simulated firearm*" means a device which is not a firearm,
23 but which is expressly represented to be a firearm, or a device
24 which is not a firearm but which is impliedly represented to be
25 a firearm and which by its appearance would lead a reasonable
26 person to believe it to be a 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 definition of dangerous weapons and
31 simulated firearms.

32 The bill includes a "simulated firearm" within the
33 definition of "dangerous weapons".

34 Under the bill, a simulated firearm means a device which
35 is not a firearm, but which is expressly represented to be

1 a firearm, or a device which is not a firearm but which is
2 impliedly represented to be a firearm and which by appearance
3 would lead a reasonable person to believe it to be a firearm.
4 The bill, by expanding the definition of dangerous weapons
5 in Code section 702.7 to include a simulated firearm, also
6 affects numerous other Code sections and criminal offenses.
7 The affected Code sections include the following: 80A.4
8 (private investigative agencies and security agents — license
9 requirements), 236.12 (domestic abuse — notification of
10 rights), 280.17A (uniform school requirements — procedures for
11 handling dangerous weapons), 280.17B (students suspended or
12 expelled for possession of dangerous weapons), 708.1 (assault),
13 708.2 (penalties for assault), 708.2A (domestic abuse assault),
14 708.2C (assault in violation of individual rights), 708.3A
15 (assaults on persons engaged in certain occupations), 708.6
16 (intimidation with a dangerous weapon), 708.8 (going armed with
17 intent), 708.11 (stalking), 708.13 (disarming a peace officer),
18 708A.1 (terrorism), 709.3 (sexual abuse in the second degree),
19 710.3 (kidnapping in the second degree), 711.2 (robbery in the
20 first degree), 713.3 (burglary in the first degree), 713.4
21 (attempted burglary in the first degree), 713.5 (burglary in
22 the second degree), 713.6 (attempted burglary in the second
23 degree), 719.1 (interference with official acts), 719.7
24 (possessing contraband), 723A.1 (criminal street gangs), 724.4
25 (carrying weapons), 724.4C (possession or carrying dangerous
26 weapons while under the influence), and 902.7 (minimum sentence
27 — use of dangerous weapon).