

House File 105 - Introduced

HOUSE FILE 105

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A BILL FOR

1 An Act concerning maintaining dangerous weapons at a child care
2 facility or when transporting a child receiving care from a
3 child care facility, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 237A.1, Code 2019, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7A. "*Dangerous weapon*" means the same as
4 defined in section 702.7.

5 Sec. 2. NEW SECTION. 237A.3C **Dangerous weapons.**

6 1. A facility shall develop and maintain written policies
7 relating to the storage of dangerous weapons in the facility
8 and in a motor vehicle used to transport a child receiving care
9 from the facility.

10 2. *a.* The written policies shall include all of the
11 following:

12 (1) A dangerous weapon shall be inaccessible to a child
13 receiving care from the facility.

14 (2) A firearm shall be maintained in a locked place similar
15 to a gun case.

16 (3) Ammunition shall be maintained in a locked place
17 separate from a firearm.

18 (4) A firearm in a motor vehicle used to transport a child
19 receiving care from the facility shall be unloaded and any
20 ammunition in the vehicle shall be kept separate from the
21 firearm and in a locked container.

22 *b.* A parent or guardian shall be advised of any dangerous
23 weapon, other than a kitchen knife, located on the premises of
24 a facility.

25 3. A person who has involvement with child care at a
26 facility shall not do any of the following during regular
27 business hours:

28 *a.* Allow a dangerous weapon to be accessible to a child at
29 the facility.

30 *b.* Maintain a firearm in an unlocked place at the facility.

31 *c.* Maintain ammunition with a firearm at the facility.

32 *d.* Maintain ammunition in an unlocked place at the facility.

33 *e.* Knowingly possess or transport a loaded firearm in a
34 motor vehicle used to transport a child receiving care from the
35 facility.

1 f. Knowingly maintain ammunition with a firearm in a motor
2 vehicle used to transport a child receiving care from the
3 facility.

4 g. Knowingly maintain ammunition in an unlocked container in
5 a motor vehicle used to transport a child receiving care from
6 the facility.

7 4. For purposes of this section, "*involvement with child*
8 *care*" means a person who is an owner or employee of a facility.

9 5. Notwithstanding any other provision of law to the
10 contrary, a person who violates subsection 3 commits an
11 aggravated misdemeanor.

12 EXPLANATION

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

15 This bill relates to maintaining dangerous weapons at a
16 child care facility or when transporting a child receiving care
17 from a facility.

18 The bill requires a child care facility to develop and
19 maintain written policies relating to the storage of a
20 dangerous weapon in the facility and in a motor vehicle used to
21 transport a child receiving care from the facility.

22 "Facility" is defined under Code section 237A.1(5) as a
23 child care center, preschool, or a registered child development
24 home; "child" is defined under Code section 237A.1(2) as a
25 person under 12 years of age or a person 13 to 19 years of age
26 who has a developmental disability; and "dangerous weapon" is
27 defined under Code section 702.7.

28 The bill requires the written policy to include all of the
29 following: a dangerous weapon shall be inaccessible to a child
30 receiving care from the facility, a firearm shall be maintained
31 in a locked place similar to a gun case, ammunition shall be
32 maintained in a locked place separate from a firearm, and a
33 firearm in a motor vehicle used to transport a child receiving
34 care from the facility shall be unloaded and any ammunition in
35 the vehicle shall be kept separate from the firearm and in a

1 locked container.

2 The bill defines "involvement with child care" to mean an
3 owner or employee of a facility.

4 Under the bill, a person who has involvement with child care
5 at the child care facility shall not do any of the following
6 during regular business hours: allow a dangerous weapon to be
7 accessible to a child at the facility, maintain a firearm in
8 an unlocked place at the facility, maintain ammunition with a
9 firearm at the facility, maintain ammunition in an unlocked
10 place at the facility, knowingly possess or transport a loaded
11 firearm in a motor vehicle used to transport a child receiving
12 care from the facility, knowingly maintain ammunition with a
13 firearm in a motor vehicle used to transport a child receiving
14 care from the facility, or knowingly maintain ammunition in an
15 unlocked container in a motor vehicle used to transport a child
16 receiving care from the facility.

17 A person who violates the bill commits an aggravated
18 misdemeanor. An aggravated misdemeanor is punishable by
19 confinement for no more than two years and a fine of at least
20 \$625 but not more than \$6,250.

21 The license of a child care facility may also be suspended,
22 revoked, or reduced to a provisional license for a violation of
23 the bill pursuant to Code section 237A.8.