

Senate File 120 - Introduced

SENATE FILE 120

BY SCHNEIDER

A BILL FOR

1 An Act prohibiting a governing board of a public college or
2 university from adopting or enforcing any policy or rule
3 that prohibits a person from carrying, transporting, or
4 possessing a dangerous weapon producing a nonprojectile
5 high-voltage pulse designed to immobilize a person in the
6 buildings or on the grounds of such a college or university,
7 and including civil penalties.

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

1 Section 1. NEW SECTION. **260C.14A** Limitation on authority —
2 **nonprojectile high-voltage pulse weapons designed to immobilize.**

3 The board of directors of a community college shall comply
4 with the requirements of section 724.8A regarding policies and
5 rules relating to the carrying, transportation, or possession
6 of a dangerous weapon that directs an electric current,
7 impulse, wave, or beam that produces a high-voltage pulse
8 designed to immobilize a person in the buildings or on the
9 grounds of the community college, as long as such a dangerous
10 weapon does not generate a projectile that directs an electric
11 current, impulse, wave, or beam that produces a high-voltage
12 pulse designed to immobilize a person, and such a dangerous
13 weapon is not used in the commission of a public offense.

14 Sec. 2. NEW SECTION. **262.9D** Limitation on authority —
15 **nonprojectile high-voltage pulse weapons designed to immobilize.**

16 The state board of regents shall comply with the
17 requirements of section 724.8A regarding policies and rules
18 relating to the carrying, transportation, or possession of a
19 dangerous weapon that directs an electric current, impulse,
20 wave, or beam that produces a high-voltage pulse designed to
21 immobilize a person in the buildings or on the grounds of a
22 university under the control of the state board of regents, as
23 long as such a dangerous weapon does not generate a projectile
24 that directs an electric current, impulse, wave, or beam that
25 produces a high-voltage pulse designed to immobilize a person,
26 and such a dangerous weapon is not used in the commission of a
27 public offense.

28 Sec. 3. Section 602.8105, Code 2019, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 5. The clerk of the district court shall
31 collect a civil penalty assessed under section 724.8A. Any
32 moneys collected from the civil penalty shall be deposited into
33 the general fund of the state.

34 Sec. 4. NEW SECTION. **724.8A** Limitation on authority —
35 **nonprojectile high-voltage pulse weapons designed to immobilize**

1 — **public universities and community colleges.**

2 1. The governing board of a university under the control
3 of the state board of regents as provided in chapter 262,
4 or a community college under the jurisdiction of a board of
5 directors for a merged area as provided in chapter 260C shall
6 not adopt or enforce any policy or rule that prohibits the
7 carrying, transportation, or possession of a dangerous weapon
8 that directs an electric current, impulse, wave, or beam
9 that produces a high-voltage pulse designed to immobilize a
10 person in the buildings or on the grounds of such a college
11 or university, as long as such a dangerous weapon does not
12 generate a projectile that directs an electric current,
13 impulse, wave, or beam that produces a high-voltage pulse
14 designed to immobilize a person, and such a dangerous weapon is
15 not used in the commission of a public offense.

16 2. *a.* A governing board found to be in violation of
17 subsection 1 shall be assessed a civil penalty of between two
18 thousand five hundred dollars and five thousand dollars and
19 shall be ordered to pay the plaintiff's reasonable attorney
20 fees and court costs.

21 *b.* The requirements of this section may be enforced by the
22 state or through a private cause of action.

23 *c.* The civil penalty shall be collected by the clerk of the
24 district court and shall be deposited as provided in section
25 602.8105, subsection 5.

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 Under current law, Code section 724.4(4)(1) allows a person
30 who is 18 years of age or older to go armed with a dangerous
31 weapon that directs an electric current, impulse, wave, or beam
32 that produces a high-voltage pulse designed to immobilize a
33 person, as long as such a dangerous weapon does not generate a
34 projectile that directs an electric current, impulse, wave, or
35 beam that produces a high-voltage pulse designed to immobilize

1 a person, and such a dangerous weapon is not used in the
2 commission of a public offense.

3 This bill provides that the governing board of a university
4 under the control of the state board of regents as provided in
5 Code chapter 262, or a community college under the jurisdiction
6 of a board of directors for a merged area as provided in Code
7 chapter 260C shall not adopt or enforce any policy or rule
8 that prohibits the carrying, transportation, or possession of
9 a dangerous weapon that directs an electric current, impulse,
10 wave, or beam that produces a high-voltage pulse designed to
11 immobilize a person in the buildings or on the grounds of
12 such a college or university, as long as such a dangerous
13 weapon does not generate a projectile that directs an electric
14 current, impulse, wave, or beam that produces a high-voltage
15 pulse designed to immobilize a person, and such a dangerous
16 weapon is not used in the commission of a public offense.

17 The bill provides that a governing board found to be in
18 violation of the bill shall be assessed a civil penalty
19 of between \$2,500 and \$5,000 and shall pay the plaintiff's
20 reasonable attorney fees and court costs. The bill may be
21 enforced by the state or through a private cause of action.
22 The bill specifies that the civil penalty shall be deposited
23 into the general fund of the state.