

House File 250 - Introduced

HOUSE FILE 250

BY SHIPLEY

A BILL FOR

1 An Act relating to carrying and possessing weapons without a
2 permit, and 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 2021, is amended to read as follows:

4 (viii) Section 724.4 if the child used the knife in the
5 commission of a crime on school grounds.

6 Sec. 2. Section 724.2A, Code 2021, is amended to read as
7 follows:

8 **724.2A Peace officer — defined — reserved peace officer**
9 **included.**

10 As used in sections ~~724.4~~, ~~724.6~~, and ~~724.11~~, “*peace officer*”
11 includes a reserve peace officer as defined in section 80D.1A.

12 Sec. 3. Section 724.4, Code 2021, is amended by striking the
13 section and inserting in lieu thereof the following:

14 **724.4 Use of knife in the commission of a crime.**

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

18 Sec. 4. Section 724.4B, subsection 2, Code 2021, is amended
19 to read as follows:

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

21 ~~a. A person listed under section 724.4, subsection 4,~~
22 ~~paragraphs “b” through “f” or “j”.~~

23 ~~b. a.~~ A person who has been specifically authorized by
24 the school to go armed with, carry, or transport a firearm on
25 the school grounds, including for purposes of conducting an
26 instructional program regarding firearms.

27 ~~e. b.~~ A licensee under chapter 80A or an employee of
28 such a licensee, while the licensee or employee is engaged in
29 the performance of duties, and if the licensee or employee
30 possesses a valid professional or nonprofessional permit to
31 carry weapons issued pursuant to this chapter.

32 c. A member of the armed forces of the United States or
33 of the national guard or person in the service of the United
34 States, when the weapons are carried in connection with the
35 person’s duties as such.

1 d. A correctional officer, when the officer's duties
2 require, serving under the authority of the Iowa department of
3 corrections.

4 e. A person who for any lawful purpose carries an unloaded
5 pistol, revolver, or other dangerous weapon inside a closed
6 and fastened container or securely wrapped package that is too
7 large to be concealed on the person.

8 f. A person who for any lawful purpose carries or transports
9 an unloaded pistol or revolver in a vehicle inside a closed
10 and fastened container or securely wrapped package that is
11 too large to be concealed on the person or inside a cargo
12 or luggage compartment where the pistol or revolver will not
13 be readily accessible to any person riding in the vehicle or
14 common carrier.

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

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

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

21 (3) Activities in the capacity of a law enforcement officer
22 with the knowledge and consent of the chief of police of the
23 city or the sheriff of the county in which the activities occur
24 or of the commissioner of public safety.

25 Sec. 5. Section 724.5, Code 2021, is amended by striking the
26 section and inserting in lieu thereof the following:

27 **724.5 Availability of permit not to be construed as**
28 **prohibition on unlicensed carrying of weapons.**

29 The availability of a professional or nonprofessional permit
30 to carry weapons under this chapter shall not be construed
31 to impose a general prohibition on the unlicensed carrying,
32 whether openly or concealed, of a deadly weapon, including a
33 loaded firearm.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to carrying and possessing weapons without
3 a permit.

4 The bill strikes Code section 724.4 relating to the crime of
5 carrying dangerous weapons, an aggravated misdemeanor, without
6 a valid permit or in other enumerated circumstances. Instead,
7 the bill section creates a new crime of going armed with a
8 knife in the commission of a crime, an aggravated misdemeanor.
9 The bill amends Code section 232.52(2) by allowing a juvenile
10 court to enter a dispositional order suspending or revoking a
11 child's driver's license or operating privilege when the child
12 commits a delinquent act in violation of Code section 724.4
13 and the commission of the delinquent act is on school grounds.
14 The bill also makes conforming changes to Code section 724.4B,
15 relating to the carrying of weapons on school grounds, by
16 specifically identifying certain categories of persons who
17 are authorized to carry weapons on school grounds that were
18 previously identified by reference to Code section 724.4,
19 paragraphs "b" through "f" or "j".

20 The bill strikes Code section 724.5 relating to a person's
21 duty to carry a valid permit to carry certain weapons for
22 which a permit has been issued to the person and replaces that
23 Code section with a provision stating that the availability
24 of a professional or nonprofessional permit to carry weapons
25 shall not be construed to impose a general prohibition on the
26 unlicensed carrying of a deadly weapon including a loaded
27 firearm.

28 An aggravated misdemeanor, as referenced in the bill, is
29 punishable by confinement for no more than two years and a fine
30 of at least \$855 but not more than \$8,540.