

House File 343 - Introduced

HOUSE FILE 343

BY WHEELER

A BILL FOR

1 An Act relating to the carrying of weapons including on the
2 grounds of a school, community college, or university, and
3 providing penalties.

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

1 DIVISION I
2 CARRYING AND POSSESSING WEAPONS INCLUDING ON SCHOOL DISTRICT
3 PROPERTY

4 Section 1. Section 232.52, subsection 2, paragraph a,
5 subparagraph (4), subparagraph division (a), subparagraph
6 subdivision (viii), Code 2021, is amended to read as follows:
7 (viii) Section 724.4, if the child used the knife in the
8 commission of a crime on school grounds.

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

11 **724.2A Peace officer — defined — reserved peace officer**
12 **included.**

13 As used in sections ~~724.4~~, ~~724.6~~, and ~~724.11~~, "peace officer"
14 includes a reserve peace officer as defined in [section 80D.1A](#).

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

17 **724.4 Use of a knife in the commission of a crime.**

18 A person who goes armed with a knife on or about the person,
19 and who uses the knife in the commission of a crime, commits an
20 aggravated misdemeanor.

21 Sec. 4. Section 724.4B, Code 2021, is amended by striking
22 the section and inserting in lieu thereof the following:

23 **724.4B Carrying dangerous weapons on school grounds —**
24 **penalty — exceptions.**

25 1. A person who goes armed with, carries, or transports
26 a dangerous weapon of any kind, whether concealed or not, on
27 the grounds of a school commits a class "D" felony. For the
28 purposes of this section, "school" means a public or nonpublic
29 school as defined in section 280.2.

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

31 a. A person who has been specifically authorized by the
32 school to go armed with, carry, or transport a dangerous weapon
33 on the school grounds for any lawful purpose.

34 b. A peace officer, when the officer's duties require the
35 person to carry a dangerous weapon.

1 *c.* A member of the armed forces of the United States or
2 of the national guard or person in the service of the United
3 States, when the dangerous weapon is carried in connection with
4 the person's duties as such.

5 *d.* A correctional officer, when the officer's duties require
6 the officer to carry a dangerous weapon, serving under the
7 authority of the Iowa department of corrections.

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

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

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

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

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

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

31 *h.* A person who is on the portion of school district
32 property that comprises its driveways, parking lots, and
33 sidewalks while going armed with, carrying, or transporting a
34 concealed pistol or revolver. A school shall be immune from
35 any claim, cause of action, or lawsuit by a person seeking

1 damages that are alleged, directly or indirectly, as a result
2 of any concealed pistol or revolver brought onto the school
3 district property by a person pursuant to this paragraph. This
4 paragraph shall not apply to a school governed by the board of
5 regents pursuant to section 262.7.

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

8 **724.5 Availability of permit not to be construed as**
9 **prohibition on unlicensed carrying of weapons.**

10 The availability of a professional or nonprofessional permit
11 to carry weapons under this chapter shall not be construed
12 to impose a general prohibition on the unlicensed carrying,
13 whether openly or concealed, of a dangerous weapon, including
14 a loaded firearm.

15 DIVISION II

16 CONCEALED CARRY ON COLLEGES AND UNIVERSITIES

17 Sec. 6. NEW SECTION. **260C.14B Limitation on authority —**
18 **dangerous weapons — carrying weapons.**

19 The board of directors of a community college shall comply
20 with the requirements of section 724.8B regarding policies and
21 rules relating to the carrying, transportation, or possession
22 of dangerous weapons in the buildings or on the grounds of the
23 community college.

24 Sec. 7. NEW SECTION. **262.9E Limitation on authority —**
25 **dangerous weapons — carrying weapons.**

26 The state board of regents shall comply with the
27 requirements of section 724.8B regarding policies and rules
28 relating to the carrying, transportation, or possession of
29 dangerous weapons in the buildings or on the grounds of a
30 university under the control of the state board of regents.

31 Sec. 8. Section 602.8105, Code 2021, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 5. The clerk of the district court shall
34 collect a civil penalty assessed under section 724.8B. Any
35 moneys collected from the civil penalty shall be deposited into

1 the general fund of the state.

2 Sec. 9. NEW SECTION. 724.8B Limitation on authority —
3 dangerous weapons — public universities and community colleges.

4 1. The governing board of a university under the control
5 of the state board of regents as provided in chapter 262,
6 or a community college under the jurisdiction of a board
7 of directors for a merged area as provided in chapter 260C
8 shall not adopt or enforce any policy or rule that prohibits
9 the carrying, transportation, or possession of any dangerous
10 weapon, as defined in section 702.7, in the buildings or on the
11 grounds of such a college or university.

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

17 b. The requirements of this section may be enforced by the
18 state or through a private cause of action.

19 c. The civil penalty shall be collected by the clerk of the
20 district court and shall be deposited as provided in section
21 602.8105, subsection 5.

22 EXPLANATION

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

25 This bill relates to the carrying of weapons including on
26 school grounds or in the buildings or on the grounds of a
27 community college or university.

28 DIVISION I — CARRYING AND POSSESSING WEAPONS INCLUDING
29 ON SCHOOL DISTRICT PROPERTY. The bill amends Code section
30 724.4 by striking the current penalty for carrying dangerous
31 weapons. Instead, the bill amends the current crime of going
32 armed with a knife in the commission of a crime, an aggravated
33 misdemeanor, to provide that a person who goes armed with a
34 knife on or about the person, or who used the knife in the
35 commission of a crime, commits an aggravated misdemeanor.

1 An aggravated misdemeanor is punishable by confinement for
2 no more than two years and a fine of at least \$855 but not
3 more than \$8,540. The bill makes a conforming change to Code
4 section 232.52(2) relating to the suspension or revocation of
5 a juvenile's driver's license or operating privilege and a
6 conforming change to Code section 724.2A due to the strike of
7 Code section 724.4 in the bill. The bill also makes a change
8 to Code section 724.4B, relating to the carrying of weapons on
9 school grounds, to specifically include certain categories of
10 persons who are authorized to carry weapons on school grounds.

11 The bill provides that a person may go armed with, carry,
12 or transport a concealed pistol or revolver on school district
13 property that comprises its driveways, parking lots, and
14 sidewalks. The bill provides that a school shall be immune
15 from any claim, cause of action, or lawsuit by a person seeking
16 damages that are alleged, directly or indirectly, as a result
17 of a concealed pistol or revolver brought onto school district
18 property by a person pursuant to the bill. The bill does not
19 apply to a school governed by the board of regents pursuant to
20 Code section 262.7.

21 A person who goes armed with, carries, or transports a
22 firearm on the grounds of a school in violation of Code section
23 724.4B commits a class "D" felony. A class "D" felony, as
24 referenced in the bill, is punishable by confinement for no
25 more than five years and a fine of at least \$1,025 but not more
26 than \$10,245.

27 The bill strikes Code section 724.5 relating to a person's
28 duty to carry a valid permit to carry certain weapons for
29 which a permit has been issued to the person and replaces that
30 Code section with language providing that the availability
31 of a professional or nonprofessional permit to carry weapons
32 shall not be construed to impose a general prohibition on
33 the unlicensed carrying, whether openly or concealed, of a
34 dangerous weapon, including a loaded firearm.

35 A dangerous weapon is any instrument or device designed

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

17 DIVISION II — CONCEALED CARRY ON COLLEGES AND UNIVERSITIES.

18 The bill provides that the governing board of a university
19 under the control of the state board of regents as provided in
20 Code chapter 262 or a community college under the jurisdiction
21 of a board of directors for a merged area as provided in Code
22 chapter 260C shall not adopt or enforce any policy or rule that
23 prohibits the carrying, transportation, or possession of any
24 dangerous weapon in the buildings or on the grounds of such a
25 college or university.

26 The bill provides that a governing board found to be in
27 violation of the bill shall be assessed a civil penalty
28 of between \$2,500 and \$5,000 and shall pay the plaintiff's
29 reasonable attorney fees and court costs. The bill may be
30 enforced by the state or through a private cause of action.
31 The bill specifies that the civil penalty shall be deposited
32 into the general fund of the state.