

## BULLETIN NO. 7

### Guns on School Grounds

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#### **Iowa Code Prohibits Firearms on School Grounds with Few Exceptions**

In the wake of the tragedy at Sandy Hook Elementary School in Newton, CT on December 14, 2012, several inquiries have been made by school officials over the last year about whether it is lawful to carry a weapon on school grounds if the carrier has a permit to carry. On January 1, 2011, certain amendments to the Iowa Code provisions governing carrying weapons went into effect. In short, the amendments made it easier to get a non-professional permit to carry weapons in the State of Iowa. However, even if a person has a non-professional permit to carry weapons, Iowa Code section 724.4B clearly prohibits firearms on the grounds of schools.

Iowa Code section 724.4B specifically states that bringing weapons onto the grounds of a school is a class D felony. The only exceptions to having a firearm on school grounds are if:

- The person is a peace officer, member of the armed forces or National Guard, or correctional officer, who is carrying the weapon in connection with his or her duties as such; or
- The weapon is unloaded, inside a closed and fastened container or securely wrapped package or in the luggage or cargo compartment (i.e., trunk) of a vehicle; or
- The school has specifically authorized the person to bring the weapon onto school grounds, such as for purposes of conducting an instructional program regarding firearms.

Moreover, Iowa Code section 724.7, as amended, specifically states that a permit is not valid where possessing or carrying a firearm is prohibited by state or federal law. Under federal law, it is generally unlawful to possess a firearm in a "school zone," subject to exceptions similar to those in the Iowa Code described above. 18 U.S.C. § 922(q)(2). "School zone" includes the grounds of any public or private elementary or secondary school, as well as all public property within 1,000 feet of such a school. 18 U.S.C. § 921(a)(25).

In summary, unless an exception applies, both state and federal law clearly prohibit firearms on school grounds, whether or not a person has a lawful permit to carry a weapon.

If you have any questions about the laws pertaining to weapons on school grounds, please contact Nicole M. Proesch at (515) 281-8661 or [Nicole.proesch@iowa.gov](mailto:Nicole.proesch@iowa.gov) or your legal counsel.

This federal statute is separate and apart from the federal Gun-Free Schools Act, which requires states, as a condition of receiving federal education funds to enact laws expelling students who bring guns to school. 20 U.S.C. § 7151(b)(1). (Iowa has enacted such a law. Iowa Code § 280.21B.)

The Iowa School Safety Coalition was formed in December 2012. Participating organizations include Iowa Homeland Security & Emergency Management, Iowa State Fire Marshal, Iowa Division of Intelligence and Fusion Center, Iowa Department of Education, Iowa Emergency Management Association, Des Moines Police Department, Iowa State Education Association, Iowa Association of School Boards, School Administrators of Iowa, American Institute of Architects – Iowa Chapter, EMC Insurance Companies.