

JUDICIARY

FILED JAN 11 '01

SENATE FILE 21

BY MADDOX and TINSMAN

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to child endangerment violations and injuries to
2 a child and providing penalties.

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

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1 Section 1. Section 702.11, subsection 2, Code 2001, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. Child endangerment resulting in bodily
4 injury to a child in violation of section 726.6, subsection
5 2A.

6 Sec. 2. Section 726.6, subsection 1, unnumbered paragraph
7 1, Code 2001, is amended to read as follows:

8 A person who is the parent, guardian, or person having
9 custody or control over a child or a minor under the age of
10 eighteen with a mental or physical disability, or a person who
11 is a member of the household in which a child or such a minor
12 resides, commits child endangerment when the person does any
13 of the following:

14 Sec. 3. Section 726.6, subsection 1, paragraph b, Code
15 2001, is amended to read as follows:

16 b. By an intentional act or series of intentional acts,
17 uses unreasonable force, torture or cruelty that results in
18 physical injury, or that is intended to cause bodily injury or
19 serious injury.

20 Sec. 4. Section 726.6, Code 2001, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 2A. A person who commits child
23 endangerment resulting in bodily injury to a child or minor is
24 guilty of a class "D" felony.

25 Sec. 5. Section 726.6, subsection 3, Code 2001, is amended
26 to read as follows:

27 3. A person who commits child endangerment not resulting
28 in bodily injury or serious injury to a child or minor is
29 guilty of an aggravated misdemeanor.

30 EXPLANATION

31 This bill amends Code section 726.6, relating to child
32 endangerment violations, and includes a conforming change to
33 Code section 702.11, relating to forcible felonies.

34 Code section 726.6 is amended to include a person who is a
35 member of the child's or minor's household in the list of

1 possible perpetrators of an act of child endangerment. The
2 list of child endangerment acts is amended to include acts
3 intended to cause bodily injury. A new subsection provides
4 that an act of child endangerment resulting in bodily injury
5 to a child is a class "D" felony and the bill provides that an
6 act of child endangerment that does not result in bodily
7 injury or serious injury to a child is an aggravated
8 misdemeanor.

9 Current law provides that a felonious act of child
10 endangerment is a forcible felony. Code section 702.11 is
11 amended to provide that a class "D" felony act of child
12 endangerment resulting in bodily injury to a child is not a
13 forcible felony.

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