

JAN 23 2003

JUDICIARY

HOUSE FILE 51
BY SMITH

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to child endangerment offenses that result in the
2 death of a child or minor and providing a penalty.

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

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HF 51

1 Section 1. Section 726.6, Code 2003, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3A. A person who commits child
4 endangerment resulting in the death of a child or minor is
5 guilty of a class "B" felony. Notwithstanding section 902.9,
6 subsection 2, a person convicted of a violation of this
7 subsection shall be confined for no more than fifty years.

8 EXPLANATION

9 Under current law in Code section 707.2, a person who kills
10 a child while committing child endangerment under Code section
11 726.6, subsection 1, paragraph "b", or while committing
12 assault under Code section 708.1 upon the child, and the death
13 occurs under circumstances manifesting an extreme indifference
14 to human life, commits murder in the first degree, which is a
15 class "A" felony. Under current law in Code section 726.6A, a
16 person who engages in a course of conduct including three or
17 more acts of child endangerment within a period of 12 months,
18 where one or more of the acts results in serious injury to the
19 child or minor or results in a skeletal injury to a child
20 under four years of age, is guilty of a class "B" felony.
21 Notwithstanding Code section 902.9, subsection 2, which limits
22 the term of confinement for a class "B" felony to 25 years, a
23 person convicted of such a child endangerment offense shall be
24 confined for no more than 50 years.

25 This bill provides that a child endangerment offense
26 resulting in the death of a child or minor, which does not
27 require a showing of extreme indifference to human life, is a
28 class "B" felony. The bill includes the same penalty
29 provision as exists for the current class "B" child
30 endangerment felony offense in that the term of confinement is
31 not more than 50 years rather than 25 years.

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