

JUDICIARY

SENATE FILE 2021  
BY MCKIBBEN

(COMPANION TO LSB 5200HH  
BY PAULSEN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act establishing a child endangerment offense for permitting  
2 the presence of a child or minor at a location where a  
3 controlled substance manufacturing or possession violation  
4 occurs and providing a penalty.

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

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SF 2021  
JUDICIARY

1 Section 1. Section 702.11, subsection 2, paragraph e, Code  
2 Supplement 2003, is amended to read as follows:

3 e. Child endangerment ~~resulting-in-bodily-injury-to-a~~  
4 ~~child-or-a-minor-in-violation-of~~ subject to penalty under  
5 section 726.6, subsection 5.

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

8 NEW PARAGRAPH. g. Knowingly permits a child or minor to  
9 be present at a location where a controlled substance is  
10 manufactured or possessed with the intent to manufacture in  
11 violation of section 124.401, subsection 1, or where a product  
12 is possessed in violation of section 124.401, subsection 4.

13 Sec. 3. Section 726.6, subsections 5 and 6, Code 2003, are  
14 amended to read as follows:

15 5. A person who commits child endangerment resulting in  
16 bodily injury to a child or minor or child endangerment in  
17 violation of subsection 1, paragraph "g", is guilty of a class  
18 "D" felony.

19 6. A person who commits child endangerment that is not  
20 ~~resulting-in-bodily-injury-or-serious-injury-to-a-child-or~~  
21 ~~minor~~ subject to penalty under subsection 4 or 5 is guilty of  
22 an aggravated misdemeanor.

23 EXPLANATION

24 This bill establishes a child endangerment offense for  
25 permitting the presence of a child or minor at a location  
26 where a controlled substance manufacturing or possession  
27 violation occurs.

28 The child endangerment offense occurs when a child or a  
29 minor is permitted to be present at a location where a  
30 controlled substance is either manufactured or possessed with  
31 the intent to manufacture in violation of Code section  
32 124.401, subsection 1, or where a product is possessed with  
33 the intent to manufacture a controlled substance in violation  
34 of Code section 124.401, subsection 4. Code section 124.401  
35 is part of the offenses and penalties division of the

1 controlled substances chapter. The referenced subsections  
2 include defined terms such as "manufacture" and a threshold  
3 for the amounts of controlled substances for which possession  
4 triggers a violation.

5 The bill classifies the new child endangerment offense as a  
6 class "D" felony, punishable by confinement for no more than  
7 five years and a fine of at least \$750 but not more than  
8 \$7,500.

9 The bill includes conforming amendments to Code sections  
10 702.11 and 726.6 to provide that the new offense is not a  
11 forcible felony.

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