

FILED FEB 9 1990

SENATE FILE 2289
BY SZYMONIAK

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

A BILL FOR

1 An Act relating to child endangerment, and increasing criminal
2 penalties.

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

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SF 2289

1 Section 1. Section 726.6, subsections 2 and 3, Code 1989,
2 are amended by striking the subsections and inserting in lieu
3 thereof the following:

4 2. A person who commits child endangerment resulting in
5 the death of the child or minor, or who commits three or more
6 acts of child endangerment involving the same child or minor
7 within a twelve-month period, resulting in serious injury to
8 the child or minor or resulting in an injury to the skeletal
9 system of a child under the age of four years, commits a class
10 "B" felony, and notwithstanding section 902.9, subsection 1,
11 shall be punished by confinement for no more than fifty years.

12 3. A person who commits three or more acts of child en-
13 dangerment involving the same child or minor within a twelve-
14 month period commits a class "B" felony.

15 4. A person who commits child endangerment resulting in
16 serious injury to a child or minor or an injury to the
17 skeletal system of a child under the age of four years commits
18 a class "C" felony.

19 5. A person who commits child endangerment resulting in
20 bodily injury to a child or minor commits a class "D" felony.

21 6. A person who commits any other child endangerment,
22 except as otherwise provided in this section, commits an
23 aggravated misdemeanor.

24 EXPLANATION

25 The bill changes the penalties for child endangerment and
26 increases the penalties under certain circumstances.

27 Under current law, child endangerment resulting in serious
28 injury is a class "C" felony, whereas child endangerment which
29 does not result in serious injury is an aggravated
30 misdemeanor. The bill provides that three or more acts of
31 child endangerment involving the same victim within a twelve-
32 month period is a class "B" felony, and is punishable by
33 imprisonment for up to 50 years if the acts result in serious
34 injury or an injury to the skeletal system of a child under
35 the age of four years. While the bill still provides that

1 child endangerment resulting in serious injury is a class "C"
2 felony, it further adds child endangerment resulting in an
3 injury to the skeletal system of a child under four years of
4 age to the list of class "C" felonies.

5 The bill further increases criminal penalties by providing
6 that child endangerment resulting in bodily injury is a class
7 "D" felony. Other forms of child endangerment continue to be
8 aggravated misdemeanors.

9 The bill further alters current law regarding child
10 endangerment resulting in death. Pursuant to Iowa Code
11 section 702.11, felonious child endangerment is a forcible
12 felony. Further, if a person kills another person with malice
13 aforethought while participating in a forcible felony, that
14 person commits murder in the first degree pursuant to section
15 707.2, subsection 2, a class "A" felony. The bill provides
16 that if a person commits child endangerment resulting in the
17 death of the child, the person commits a class "B" felony,
18 punishable by imprisonment for up to 50 years, even though the
19 person had no malice aforethought. Thus, under the bill, a
20 person need only have the requisite intent to commit child
21 endangerment, with no malice, in order to be subject to 50
22 years of imprisonment.

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