

House File 2150

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1 3 AN ACT
1 4 ESTABLISHING A CHILD ENDANGERMENT OFFENSE FOR PERMITTING
1 5 THE PRESENCE OF A CHILD OR MINOR AT A LOCATION WHERE A
1 6 CONTROLLED SUBSTANCE MANUFACTURING OR PRODUCT POSSESSION
1 7 VIOLATION OCCURS AND PROVIDING A PENALTY.

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1 9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 10
1 11 Section 1. Section 124.401C, subsection 1, Code 2003, is
1 12 amended to read as follows:

1 13 1. In addition to any other penalties provided in this
1 14 chapter, a person who is eighteen years of age or older and
1 15 who either directly or by extraction from natural substances,
1 16 or independently by means of chemical processes, or both,
1 17 unlawfully manufactures methamphetamine, its salts, isomers,
1 18 and salts of its isomers in the presence of a minor shall be
1 19 sentenced up to an additional term of confinement of five
1 20 years. ~~However, the additional term of confinement shall not~~
1 21 ~~be imposed on a person who has been convicted and sentenced~~
1 22 ~~for a child endangerment offense under section 726.6,~~
1 23 ~~subsection 1, paragraph "g", arising from the same facts.~~

1 24 Sec. 2. Section 702.11, subsection 2, paragraph e, Code
1 25 Supplement 2003, is amended to read as follows:

1 26 e. Child endangerment ~~resulting in bodily injury to a~~
1 27 ~~child or a minor in violation of subject to penalty under~~
1 28 ~~section 726.6, subsection 5.~~

1 29 Sec. 3. Section 726.6, subsection 1, Code 2003, is amended
1 30 by adding the following new paragraph:

1 31 NEW PARAGRAPH. g. Knowingly permits a child or minor to
1 32 be present at a location where amphetamine, its salts,
1 33 isomers, or salts of isomers, or methamphetamine, its salts,
1 34 isomers, or salts of isomers is manufactured in violation of
1 35 section 124.401, subsection 1, or where a product is possessed
2 1 in violation of section 124.401, subsection 4.

2 2 Sec. 4. Section 726.6, subsections 5 and 6, Code 2003, are
2 3 amended to read as follows:

2 4 5. A person who commits child endangerment resulting in
2 5 bodily injury to a child or minor ~~or child endangerment in~~
2 6 ~~violation of subsection 1, paragraph "g" that does not result~~
2 7 ~~in a serious injury,~~ is guilty of a class "D" felony.

2 8 6. A person who commits child endangerment ~~that is not~~
2 9 ~~resulting in bodily injury or serious injury to a child or~~
2 10 ~~minor subject to penalty under subsection 4 or 5~~ is guilty of
2 11 an aggravated misdemeanor.

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2 15 _____
2 16 CHRISTOPHER C. RANTS
2 17 Speaker of the House

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2 19 _____
2 20 JEFFREY M. LAMBERTI
2 21 President of the Senate

2 22
2 23 I hereby certify that this bill originated in the House and
2 24 is known as House File 2150, Eightieth General Assembly.

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2 27 _____
2 28 MARGARET THOMSON
2 29 Chief Clerk of the House

2 30 Approved _____, 2004

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2 33 _____
2 34 THOMAS J. VILSACK
2 35 Governor