

FEB 28 1995

JUDICIARY

HOUSE FILE 226  
BY JOCHUM

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

**A BILL FOR**

1 An Act relating to establishing penalties for certain sex  
2 offenses with children and child endangerment offenses.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 226

1 Section 1. NEW SECTION. 709.17 ENHANCED PENALTY FOR  
2 REPEAT OFFENSES.

3 1. A person who is convicted of a second or subsequent  
4 violation of any provision of this chapter with a child shall  
5 be punished as follows:

6 a. For a second violation, the person shall be sentenced  
7 to two times the maximum term otherwise provided by law, and  
8 the judgment or sentence shall not be deferred, or suspended,  
9 notwithstanding section 907.3.

10 b. A third or subsequent violation shall be punished as a  
11 class "D" felony if the underlying offense is a misdemeanor,  
12 or shall be punished as a felony one class higher than the  
13 underlying offense if the underlying offense is a class "D" or  
14 class "C" felony. The person shall be sentenced to three  
15 times the maximum term otherwise provided by this paragraph,  
16 and the judgment or sentence shall not be deferred, or  
17 suspended, notwithstanding section 907.3. In addition, the  
18 person shall not be eligible for parole.

19 2. The penalties provided for in this section apply even  
20 though the second or subsequent violation with a child is for  
21 a different offense from the previous offense under this  
22 chapter.

23 Sec. 2. Section 726.6, subsection 2, Code 1995, is amended  
24 to read as follows:

25 2. A person who commits child endangerment resulting in  
26 serious injury to a child or minor or resulting in a skeletal  
27 injury to a child under the age of four years is guilty of a  
28 class "C" felony.

29 Sec. 3. NEW SECTION. 726.6B CHILD ENDANGERMENT RESULTING  
30 IN DEATH.

31 A person who commits child endangerment as defined in  
32 section 726.6, subsection 1, paragraph "b", which results in  
33 the death of a child or mentally or physically handicapped  
34 minor is guilty of a class "A" felony.

35 Sec. 4. CONDITIONAL EFFECTIVENESS PROVISION. This Act

1 shall not take effect unless an appropriation is made fully or  
2 proportionally funding the cost of complying with the Act in  
3 accordance with section 25B.2, subsection 3.

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## EXPLANATION

5 This bill provides that a person convicted of a second  
6 violation under chapter 709 with a child shall be sentenced to  
7 two times the term of imprisonment imposed for the offense.  
8 No part of this sentence shall be deferred or suspended by the  
9 court.

10 The bill also provides that a person convicted of a third  
11 or subsequent offense under chapter 709 with a child shall be  
12 punished as a class "D" felony if the underlying offense is a  
13 misdemeanor and a felony one class higher if the underlying  
14 offense is a class "D" or class "C" felony. The first and  
15 subsequent violations need not be of the same provision in  
16 chapter 709 for the enhanced penalties to take effect.

17 This bill also provides that a person committing child  
18 endangerment by intentionally using unreasonable force,  
19 torture, or cruelty that results in the death of a child or  
20 physically or mentally handicapped minor commits a class "A"  
21 felony. The bill further provides that a person who commits  
22 child endangerment resulting in a skeletal injury to a child  
23 under the age of four commits a class "C" felony.

24 The bill may contain a state mandate under chapter 25B. If  
25 the bill contains a state mandate, political subdivisions are  
26 not required to comply with the mandate unless an  
27 appropriation is made fully or proportionately funding the  
28 cost of the mandates in accordance with section 25B.2,  
29 subsection 3.

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