

*Reprinted*

2/15/95 Judiciary  
FILED FEB 14 1995  
2/22/95 Do Pan

SENATE FILE 142  
BY FINK

(COMPANION TO LSB 1835HH BY  
MORELAND)

Passed Senate, Date (P.458) 2/27/95 Passed House, Date \_\_\_\_\_  
Vote: Ayes 49 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act establishing felonious child endangerment as a nonbailable  
2 offense.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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**SENATE FILE 142**

S-3075  
1 Amend Senate File 142 as follows:  
2 1. Page 1, by striking lines 18 through 20.  
By RANDAL GIANNETTO

S-3075 FILED FEBRUARY 23, 1995  
(P. 457) *Adopted*  
*2-27-95*

S.F. 142

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1 Section 1. Section 811.1, subsections 1 and 2, Code 1995,  
2 are amended to read as follows:

3 1. A defendant awaiting judgment of conviction and  
4 sentencing following either a plea or verdict of guilty of a  
5 class "A" felony, murder, felonious assault, felonious child  
6 endangerment, sexual abuse in the second degree, sexual abuse  
7 in the third degree, kidnapping, robbery in the first degree,  
8 arson in the first degree, or burglary in the first degree, or  
9 any felony included in section 124.401, subsection 1,  
10 paragraph "a".

11 2. A defendant appealing a conviction of a class "A"  
12 felony, murder, felonious assault, felonious child  
13 endangerment, sexual abuse in the second degree, sexual abuse  
14 in the third degree, kidnapping, robbery in the first degree,  
15 arson in the first degree, or burglary in the first degree, or  
16 any felony included in section 124.401, subsection 1,  
17 paragraph "a".

18 Sec. 2. CONDITIONAL EFFECTIVENESS PROVISION. This Act  
19 shall not take effect unless an appropriation is made in  
20 accordance with section 25B.2, subsection 3.

21 EXPLANATION

22 This bill provides that a person who commits felonious  
23 child endangerment under chapter 726 is not eligible for bail.  
24 The bill applies to defendants awaiting judgment as well as  
25 defendants appealing convictions.

26 This bill may include a state mandate as defined in section  
27 25B.3. The bill does not take effect unless an appropriation  
28 is made in accordance with section 25B.2, subsection 3, fully  
29 or proportionately funding the cost to political subdivisions  
30 of complying with the bill.

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**SENATE FILE 142  
FISCAL NOTE**

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The estimate for Senate File 142 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 142 makes the offender charged with felonious child endangerment ineligible for bail.

**Assumptions:**

1. It is estimated that there are 14 felonious child endangerment charges annually.
2. The time from the arrest through trial is between 60 and 90 days for Class B felonies, such as felonious child endangerment.
3. The average cost for maintaining an inmate in jail is \$51.07 per day.

**Fiscal Impact:**

The cost to counties is estimated to be between \$43,000 and \$64,000 annually.

**Correctional Impact:**

There is no significant impact on the correctional system.

**Sources:**

Criminal and Juvenile Justice Division, Department of Human Rights  
Department of Corrections  
Office of the Public Defender

(LSB 1835ss, MDF)

FILED FEBRUARY 27, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

..  
02/09/95 ./.  
**SENATE FILE 142  
FISCAL NOTE**

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The estimate for **Senate File 142** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 142 makes the offender guilty of felonious child endangerment ineligible for bail after conviction.

**Assumptions:**

1. It is estimated that there are 11 felonious child endangerment convictions annually.
2. The time between conviction and sentencing averages 47 days.
3. The average cost for maintaining an inmate in jail is \$51.07 per day.

**Fiscal Impact:**

The cost to counties is estimated to be \$26,000 annually.

**Correctional Impact:**

There is no significant impact on the correctional system.

**Sources:**

Criminal and Juvenile Justice Division, Department of Human Rights  
Department of Corrections  
Office of the Public Defender

(LSB 1835ss.2, MDF)

FILED MARCH 1, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

H. 2/28/95 Judiciary  
H - 3/1/95 Do Pass  
H 4/13/95 Unfinished Business  
Calendar

SENATE FILE 142  
BY FINK

(COMPANION TO LSB 1835HH BY  
MORELAND)

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 27, 1995)

\* - Language Stricken by the Senate

Passed Senate, Date \_\_\_\_\_ Passed House, Date 4/18/95 (p. 166)  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 97 Nays 6  
Approved April 26, 1995

A BILL FOR

1 An Act establishing felonious child endangerment as a nonbailable  
2 offense.

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

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S.F. 142

1 Section 1. Section 811.1, subsections 1 and 2, Code 1995,  
2 are amended to read as follows:

3 1. A defendant awaiting judgment of conviction and  
4 sentencing following either a plea or verdict of guilty of a  
5 class "A" felony, murder, felonious assault, felonious child  
6 endangerment, sexual abuse in the second degree, sexual abuse  
7 in the third degree, kidnapping, robbery in the first degree,  
8 arson in the first degree, or burglary in the first degree, or  
9 any felony included in section 124.401, subsection 1,  
10 paragraph "a".

11 2. A defendant appealing a conviction of a class "A"  
12 felony, murder, felonious assault, felonious child  
13 endangerment, sexual abuse in the second degree, sexual abuse  
14 in the third degree, kidnapping, robbery in the first degree,  
15 arson in the first degree, or burglary in the first degree, or  
16 any felony included in section 124.401, subsection 1,  
17 paragraph "a".

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arson in the first degree, or burglary in the first degree, or any felony included in section 124.401, subsection 1, paragraph "a".

SENATE FILE 142

AN ACT

ESTABLISHING FELONIOUS CHILD ENDANGERMENT AS A NONBAILABLE OFFENSE.

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

Section 1. Section 811.1, subsections 1 and 2, Code 1995, are amended to read as follows:

1. A defendant awaiting judgment of conviction and sentencing following either a plea or verdict of guilty of a class "A" felony, murder, felonious assault, felonious child endangerment, sexual abuse in the second degree, sexual abuse in the third degree, kidnapping, robbery in the first degree, arson in the first degree, or burglary in the first degree, or any felony included in section 124.401, subsection 1, paragraph "a".

2. A defendant appealing a conviction of a class "A" felony, murder, felonious assault, felonious child endangerment, sexual abuse in the second degree, sexual abuse in the third degree, kidnapping, robbery in the first degree,

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LEONARD L. BOSWELL  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 142, Seventy-sixth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved April 26, 1995

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TERRY E. BRANSTAD  
Governor