

House Study Bill 68

Bill Text

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1 1 Section 1. Section [726.6](#), Code 2001, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. OA. For the purposes of this section, "in
1 4 the presence of a child or minor" means an act committed in
1 5 the physical presence of a child or minor, in the child's or
1 6 minor's home while the child or minor is present in the home,
1 7 or under other circumstances in which a reasonably prudent
1 8 person would know that a child or minor may see or hear the
1 9 act.

1 10 Sec. 2. Section [726.6](#), subsection 1, Code 2001, is amended
1 11 by adding the following new paragraphs:

1 12 NEW PARAGRAPH. g. In the presence of a child or minor,
1 13 intentionally and without justification causes bodily injury
1 14 or serious injury to another person, intentionally points a
1 15 firearm at another person, displays a dangerous weapon in a
1 16 threatening manner, or commits a forcible felony.

1 17 NEW PARAGRAPH. h. In the presence of a child or minor,
1 18 intentionally, maliciously, or recklessly causes the death of
1 19 another person or attempts to commit murder of another person.

1 20 EXPLANATION

1 21 This bill creates additional child endangerment offenses
1 22 under Code section 726.6 for certain criminal acts committed
1 23 in the presence of a child or minor. Under the child
1 24 endangerment statute, the perpetrator must be the child's
1 25 parent, guardian, or person having custody or control over a
1 26 child or minor under the age of 18 with a mental or physical
1 27 disability.

1 28 The bill defines the term "in the presence of a child or
1 29 minor" as an act committed in the physical presence of the
1 30 child or minor, in the child's or minor's home while the child
1 31 or minor is present, or under other circumstances that a
1 32 reasonably prudent person would know that a child or minor may
1 33 see or hear the act.

1 34 Under the bill, a child endangerment offense is committed
1 35 if such a person commits any of these acts against another
2 1 person in the presence of a child or minor: intentional and
2 2 unjustified bodily injury or serious injury, intentional
2 3 pointing of a firearm, display of a dangerous weapon in a
2 4 threatening manner, a forcible felony, intentional or
2 5 malicious or reckless causing of death, or attempted murder.

2 6 A child endangerment offense that does not result in a
2 7 serious injury to a child or minor is an aggravated
2 8 misdemeanor and such offense that results in a serious injury
2 9 to a child or minor is a class "C" felony.

2 10 LSB 1125DP 79

2 11 jp/pj/5