

**House File 2059 - Introduced**

HOUSE FILE 2059

BY MURPHY

**A BILL FOR**

1 An Act relating to failure to make contact with or verify the  
2 whereabouts and safety of a child and the reporting of the  
3 death of a child to a law enforcement agency, and providing  
4 penalties.

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

1 Section 1. NEW SECTION. 726.9 Failure to make contact with  
2 or verify whereabouts and safety of a child — penalty.

3 1. As used in this section, "caregiver" means the following:

4 a. A parent, guardian, adult household member, or other  
5 person responsible for a child's welfare.

6 b. A person who has accepted, undertaken, or assumed  
7 supervision of a child from the parent or guardian of the  
8 child.

9 c. A person who has undertaken or assumed temporary  
10 supervision of a child without explicit consent from the parent  
11 or guardian of the child.

12 2. The caregiver of a child eight years of age or younger  
13 who knowingly or recklessly fails to make contact with or  
14 verify the whereabouts and safety of the child within a  
15 twenty-four-hour period commits an aggravated misdemeanor.

16 Sec. 2. NEW SECTION. 726.9A Reporting the death of a child.

17 1. As used in this section, "caregiver" means the same as  
18 defined in section 726.9, and "health care provider" means the  
19 same as defined in section 708.3A.

20 2. The caregiver of a child shall report the death of the  
21 child to a law enforcement agency within two hours of learning  
22 of the death of the child.

23 3. The caregiver of a child shall report the location of the  
24 corpse of the child within one hour of learning the location  
25 of the corpse if the death of the child appears to be a death  
26 under circumstances described in section 331.802, subsection  
27 3, except for the circumstances described in section 331.802,  
28 subsection 3, paragraph "f", "g", "h", or "k".

29 4. This section does not apply if a health care provider has  
30 been contacted about the death of the child within two hours of  
31 the caregiver learning of the death or a health care provider  
32 has been contacted within one hour of the caregiver learning  
33 about the location of the corpse of the child.

34 5. A person who violates this section commits an aggravated  
35 misdemeanor.

EXPLANATION

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2 This bill relates to reporting a missing child or the death  
3 of a child to a law enforcement agency.

4 The bill creates a new criminal offense for failing to make  
5 contact with or verify the whereabouts and safety of a child.  
6 Under the bill, a caregiver of a child eight years of age or  
7 younger who knowingly or recklessly fails to make contact with  
8 or verify the whereabouts and safety of the child within a  
9 24-hour period commits an aggravated misdemeanor.

10 The bill defines "caregiver" to mean a parent, guardian,  
11 adult household member, or other person responsible for a  
12 child's welfare, or a person who has accepted, undertaken, or  
13 assumed supervision of a child from the parent or guardian of  
14 the child, or a person who has undertaken or assumed temporary  
15 supervision of a child without explicit consent from the parent  
16 or guardian of the child.

17 The bill also creates the new criminal offense of failure  
18 to report the death of a child. Under the bill, a caregiver  
19 of a child is required to report the death of the child to a  
20 law enforcement agency within two hours of the learning of the  
21 death of the child. The bill also requires the caregiver of a  
22 child to report the location of the corpse of the child within  
23 one hour of learning the location of the corpse if the death of  
24 the child appears to be a death under circumstances described  
25 in Code section 331.802(3), except for the circumstances  
26 described in Code section 331.802(3)(f), (g), (h), or (k).  
27 The bill does not apply if a health care provider has been  
28 contacted about the death of the child within two hours of the  
29 caregiver learning of the death or a health care provider has  
30 been contacted within one hour of the caregiver learning about  
31 the location of the corpse of the child. A caregiver who fails  
32 to report the death of a child or the location of the corpse of  
33 a child commits an aggravated misdemeanor.

34 A person convicted under this bill may be required to  
35 register as a sex offender, if the offense was committed

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1 against a minor and the fact finder makes a determination that  
2 the offense was sexually motivated, in accordance with Code  
3 section 726.10.

4 An aggravated misdemeanor is punishable by confinement for  
5 no more than two years and a fine of at least \$625 but not more  
6 than \$6,250.