

House File 2401 - Introduced

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BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 641)

A BILL FOR

1 An Act relating to child abuse involving access to a child by a
2 person who is a sex offender.

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

1 Section 1. Section 232.68, subsection 2, paragraph a,
2 subparagraph (9), Code 2018, is amended to read as follows:

3 (9) (a) Knowingly A person who is responsible for the
4 care of a child knowingly allowing a ~~person~~ another person
5 custody ~~or~~ of, control ~~of~~ over, or unsupervised access to a
6 child ~~or minor~~ child under the age of fourteen or a child with
7 a physical or mental disability, after knowing the ~~person~~
8 other person is required to register or is on the sex offender
9 registry under chapter 692A ~~for a violation of section 726.6.~~

10 (b) This subparagraph does not apply in any of the following
11 circumstances:

12 (i) A child living with a parent or guardian who is a sex
13 offender required to register or on the sex offender registry
14 under chapter 692A.

15 (ii) A child living with a parent or guardian who is married
16 to and living with a sex offender required to register or on
17 the sex offender registry under chapter 692A.

18 (iii) A child who is a sex offender required to register or
19 on the sex offender registry under chapter 692A who is living
20 with the child's parent, guardian, or foster parent and is also
21 living with the child to whom access was allowed.

22 (c) For purposes of this subparagraph, "control over" means
23 any of the following:

24 (i) A person who has accepted, undertaken, or assumed
25 supervision of a child from the parent or guardian of the
26 child.

27 (ii) A person who has undertaken or assumed temporary
28 supervision of a child without explicit consent from the parent
29 or guardian of the child.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill amends the definition of "child abuse" in Code
34 chapter 232, relating to juvenile justice.

35 Under current law, "child abuse" is defined to include

1 knowingly allowing a person who is required to register
2 or is on the sex offender registry for a violation of Code
3 section 726.6 (child endangerment) custody or control of, or
4 unsupervised access to, a child. Code chapter 232 defines a
5 "child" as any person under the age of 18.

6 The bill amends current law to provide that child abuse
7 includes a person who is responsible for the care of a child
8 knowingly allowing another person custody of, control over,
9 or unsupervised access to a child under the age of 14 or a
10 child with a physical or mental disability, after knowing the
11 other person is required to register or is on the sex offender
12 registry. The bill provides exceptions for a child living with
13 a parent or guardian who is a sex offender required to register
14 or on the sex offender registry, a child living with a parent
15 or guardian who is married to and living with a sex offender
16 required to register or on the sex offender registry, and a
17 child who is a sex offender required to register or on the
18 sex offender registry who is living with the child's parent,
19 guardian, or foster parent and is also living with the child to
20 whom access was allowed.

21 The bill defines "control over" to mean a person who has
22 accepted, undertaken, or assumed supervision of a child
23 from the parent or guardian of the child or a person who has
24 undertaken or assumed temporary supervision of a child without
25 explicit consent from the parent or guardian of the child.