

Senate File 2373 - Introduced

SENATE FILE 2373
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3102)

A BILL FOR

1 An Act relating to the criminal offense of child endangerment
2 by prohibiting a sex offender convicted of a sex offense
3 against a minor access to a child or certain minors and by
4 prohibiting a parent or guardian from allowing such access,
5 and providing penalties.

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

1 Section 1. Section 726.6, subsection 1, paragraph h, Code
2 2018, is amended to read as follows:

3 h. Knowingly allows a person custody or control of, or
4 unsupervised access to a child or a minor after knowing the
5 person is required to register due to a conviction for a sex
6 offense against a minor or is on the sex offender registry as
7 a sex offender due to a conviction for a sex offense against
8 a minor under [chapter 692A](#). However, this paragraph does
9 not apply to a person who is a parent or guardian of a child
10 or a minor, ~~who is~~ and the parent or guardian is required
11 to register as a sex offender due to a conviction for a sex
12 offense against a minor, or to a person who is married to and
13 living with a person required to register as a sex offender due
14 to a conviction for a sex offense against a minor.

15 Sec. 2. Section 726.6, Code 2018, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 1A. A person who knowingly takes custody or
18 control of a child or minor, or who knowingly has unsupervised
19 access to a child or minor while required to register as a sex
20 offender for a sex offense against a minor under chapter 692A,
21 commits child endangerment. However, this subsection does not
22 apply to a person who is a parent or guardian of the child or
23 minor, or to a person who is married to and living with a person
24 who is the parent or guardian of the child or minor.

25 Sec. 3. Section 726.6, subsection 3, unnumbered paragraph
26 1, Code 2018, is amended to read as follows:

27 For the purposes of [subsection 1](#) or [1A](#), “*person having*
28 *control over a child or a minor*” means any of the following:

29

EXPLANATION

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

32 This bill relates to the criminal offense of child
33 endangerment by prohibiting a sex offender convicted of a sex
34 offense against a minor access to a child or certain minors and
35 by prohibiting a parent or guardian from allowing such access.

1 For purposes of the bill, "a person having control over a
2 child or minor" means any of the following: a person who has
3 accepted, undertaken, or assumed supervision of a child or such
4 a minor from the parent or guardian of the child or minor; a
5 person who has undertaken or assumed temporary supervision of a
6 child or such a minor without explicit consent from the parent
7 or guardian of the child or minor; or a person who operates
8 a motor vehicle with a child or such a minor present in the
9 vehicle.

10 Under the bill, a person who is the parent, guardian, or
11 person having custody or control over a child or a minor
12 under the age of 18 with a mental or physical disability, or
13 a person who is a member of the household in which a child
14 or such a minor resides, commits child endangerment when the
15 person knowingly allows a person custody or control of, or
16 unsupervised access to a child or a minor after knowing the
17 person is required to register due to a conviction for a sex
18 offense against a minor or is on the sex offender registry due
19 to a conviction for a sex offense against a minor under chapter
20 692A. However, this prohibition does not apply to a person who
21 is a parent or guardian of a child or a minor and the parent
22 or guardian is required to register as a sex offender due to a
23 conviction for a sex offense against a minor, or to a person
24 who is married to and living with a person required to register
25 as a sex offender due to a conviction for a sex offense against
26 a minor. A person who violates this provision also commits
27 child abuse pursuant to Code section 232.68(2)(a)(9).

28 Under the bill, a person who knowingly takes custody or
29 control of a child or certain minors, or who knowingly has
30 unsupervised access to a child or certain minors while required
31 to register as a sex offender, commits child endangerment.
32 However, the bill does not apply to a person who is a parent or
33 guardian of the child or minor, or to a person who is married to
34 and living with a person who is the parent or guardian of the
35 child or minor.

S.F. 2373

1 The penalties for the commission of child endangerment
2 in violation of Code section 726.6 range from an aggravated
3 misdemeanor to a class "B" felony depending upon the
4 circumstances of the case.