

House File 710 - Introduced

HOUSE FILE 710
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 112)

A BILL FOR

1 An Act relating to child endangerment committed by a sex
2 offender, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 726.6, Code 2021, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. A person having control over a child
4 or a minor who has been convicted of a sex offense against
5 a minor, or who knowingly has unsupervised access to a child
6 or a minor after the person is required to register as a sex
7 offender for a sex offense against a minor under chapter 692A,
8 commits child endangerment. However, this subsection does not
9 apply to any of the following:

10 a. A person who is required to register as a sex offender
11 under chapter 692A for a sex offense against a minor who
12 knowingly has control of or unsupervised access to a child or
13 a minor when the person is the legal parent or guardian of the
14 child or minor and the control or unsupervised access is not
15 otherwise illegal.

16 b. A person who is required to register as a sex offender
17 under chapter 692A for a sex offense against a minor who
18 knowingly has control of or unsupervised access to a child or a
19 minor when the person is married to and living with the legal
20 parent or guardian of the child or minor and the control or
21 unsupervised access is not otherwise illegal.

22 Sec. 2. Section 726.6, subsection 3, unnumbered paragraph
23 1, Code 2021, is amended to read as follows:

24 For the purposes of ~~subsection~~ subsections 1 and 1A,
25 "*person having control over a child or a minor*" means any of the
26 following:

27 Sec. 3. Section 726.6, subsection 6, Code 2021, is amended
28 to read as follows:

29 6. A person who commits child endangerment resulting in
30 bodily injury to a child or minor or child endangerment in
31 violation of subsection 1, paragraph "g", that does not result
32 in a serious injury, or a person who commits child endangerment
33 in violation of subsection 1A, is guilty of a class "D" felony.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to child endangerment committed by a sex
3 offender.

4 The bill provides that a person having control over a child
5 or a minor who has been convicted of a sex offense against
6 a minor, or who knowingly has unsupervised access to a child
7 or a minor after the person is required to register as a sex
8 offender for a sex offense against a minor under Code chapter
9 692A, commits child endangerment. However, the bill does not
10 apply to a person who is required to register as a sex offender
11 for a sex offense against a minor who knowingly has control
12 of or unsupervised access to a child or minor when the person
13 is the legal parent or guardian of the child or minor and the
14 control or unsupervised access is not otherwise illegal. The
15 bill also does not apply to a person required to register as a
16 sex offender for a sex offense against a minor who knowingly
17 has control of or unsupervised access to a child or minor when
18 the person is married to and living with the legal parent or
19 guardian of the child or minor and the control or unsupervised
20 access is not otherwise illegal. "Person having control over a
21 child or a minor" means any of the following: a person who has
22 accepted, undertaken, or assumed supervision of a child or such
23 a minor from the parent or guardian of the child or minor; a
24 person who has undertaken or assumed temporary supervision of a
25 child or such a minor without explicit consent from the parent
26 or guardian of the child or minor; or a person who operates
27 a motor vehicle with a child or such a minor present in the
28 vehicle.

29 The bill provides that a person who commits child
30 endangerment in violation of the bill is guilty of a class "D"
31 felony. A class "D" felony is punishable by confinement for no
32 more than five years and a fine of at least \$1,025 but not more
33 than \$10,245.