

House File 748 - Introduced

HOUSE FILE 748
BY BAGNIEWSKI

A BILL FOR

- 1 An Act relating to child endangerment, and providing penalties.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 726.6, subsection 1, unnumbered paragraph
2 1, Code 2025, is amended to read as follows:

3 A person who is the parent, guardian, or person having custody
4 or control over a child or a minor under the age of eighteen with
5 a mental or physical disability, except as provided in paragraph
6 "d", or a person who is a member of the household in which a
7 child or such a minor resides, commits child endangerment when
8 the person does any of the following:

9 Sec. 2. Section 726.6, subsection 1, paragraph d, Code 2025,
10 is amended to read as follows:

11 d. Willfully deprives a any child or minor under the age of
12 eighteen, whether the child or minor has a mental or physical
13 disability or not, of necessary food, clothing, shelter, health
14 care or supervision appropriate to the child or minor's age, when
15 the person is reasonably able to make the necessary provisions
16 and which deprivation substantially harms the child or minor's
17 physical, mental, or emotional health. For purposes of this
18 paragraph, the failure to provide specific medical treatment
19 shall not for that reason alone be considered willful deprivation
20 of health care if the person can show that such treatment would
21 conflict with the tenets and practice of a recognized religious
22 denomination of which the person is an adherent or member.
23 This exception does not in any manner restrict the right of an
24 interested party to petition the court on behalf of the best
25 interest of the child or minor.

26 Sec. 3. Section 726.6, subsections 7 and 8, Code 2025, are
27 amended to read as follows:

28 7. A person who commits child endangerment ~~resulting in~~
29 ~~bodily injury to a child or minor or child endangerment in~~
30 violation of subsection 1, paragraph "g" "d", ~~that does not~~
31 ~~result in a serious injury, or a person who commits child~~
32 ~~endangerment in violation of subsection 2,~~ is guilty of a class
33 "D" "C" felony.

34 8. A person who commits child endangerment ~~that is not~~
35 ~~subject to penalty under subsection 5, 6, or 7 is guilty of~~

1 ~~an aggravated misdemeanor~~ resulting in bodily injury to a child
2 or minor, or child endangerment in violation of subsection 1,
3 paragraph "g", that does not result in serious injury, or a
4 person who commits child endangerment in violation of subsection
5 2, is guilty of a class "D" felony.

6 Sec. 4. Section 726.6, Code 2025, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 9. A person who commits child endangerment
9 that is not subject to penalty under subsection 5, 6, 7, or 8 is
10 guilty of an aggravated misdemeanor.

11 EXPLANATION

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

14 This bill relates to child endangerment.

15 The bill provides that a person who commits child endangerment
16 by willfully depriving any child or minor under the age of 18,
17 whether the child or minor has a mental or physical disability
18 or not, of necessary food, clothing, shelter, health care, or
19 supervision appropriate to the child's or minor's age when the
20 person is reasonably able to make the necessary provisions and
21 which deprivation substantially harms the child's or minor's
22 physical, mental, or emotional health is guilty of a class "C"
23 felony.

24 The bill provides that a person who commits child endangerment
25 resulting in bodily injury to a child or minor; or who
26 knowingly permits a child or minor to be present at a location
27 where amphetamine, its salts, isomers, or salts of isomers, or
28 methamphetamine, its salts, isomers, or salts of isomers, is
29 manufactured, that does not result in serious injury; or who is
30 required to register as a sex offender for a sex offense against
31 a minor who knowingly has control of a minor, or who knowingly
32 has unsupervised access to a minor, is guilty of a class "D"
33 felony.

34 The bill provides that a person who commits child endangerment
35 not subject to penalty under subsection 5, 6, 7, or 8 of Code

1 section 726.6 is guilty of an aggravated misdemeanor.

2 An aggravated misdemeanor is punishable by confinement for no
3 more than two years and a fine of at least \$855 but not more than
4 \$8,540. A class "D" felony is punishable by confinement for no
5 more than five years and a fine of at least \$1,025 but not more
6 than \$10,245. A class "C" felony is punishable by confinement
7 for no more than 10 years and a fine of at least \$1,370 but not
8 more than \$13,660.

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