

House File 2360 - Introduced

HOUSE FILE 2360
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2086)

A BILL FOR

1 An Act relating to child endangerment.

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

1 Section 1. Section 726.6, Code 2026, is amended to read as
2 follows:

3 **726.6 Child endangerment.**

4 1. As used in this section, unless the context otherwise
5 requires, "child" means any person under eighteen years of age.

6 ~~1.~~ 2. A person who is the parent, guardian, or person
7 having custody or control over a child ~~or a minor under the age~~
8 ~~of eighteen with a mental or physical disability~~, or a person
9 who is a member of the household in which a child ~~or such a~~
10 ~~minor~~ resides, commits child endangerment when the person does
11 any of the following:

12 a. Knowingly acts in a manner that creates a substantial
13 risk to a ~~child or minor's~~ child's physical, mental, or
14 emotional health or safety.

15 b. By an intentional act or series of intentional acts, uses
16 unreasonable force, torture, or cruelty that results in bodily
17 injury, or that is intended to cause serious injury.

18 c. By an intentional act or series of intentional acts,
19 evidences unreasonable force, torture, or cruelty ~~which~~ that
20 causes substantial mental or emotional harm to a child ~~or~~
21 ~~minor~~.

22 d. Willfully deprives a child ~~or minor~~ of necessary food,
23 clothing, shelter, health care, or supervision appropriate to
24 the ~~child or minor's~~ child's age, when the person is reasonably
25 able to make the necessary provisions and which deprivation
26 substantially harms the ~~child or minor's~~ child's physical,
27 mental, or emotional health. For purposes of this paragraph,
28 the failure to provide specific medical treatment shall not
29 for that reason alone be considered willful deprivation of
30 health care if the person can show that such treatment would
31 conflict with the tenets and practice of a recognized religious
32 denomination of which the person is an adherent or member.
33 This exception does not in any manner restrict the right of an
34 interested party to petition the court on behalf of the best
35 interest of the child ~~or minor~~.

1 e. Knowingly permits the continuing physical or sexual abuse
2 of a child ~~or minor~~. However, it is an affirmative defense to
3 this subsection if the person had a reasonable apprehension
4 that any action to stop the continuing abuse would result in
5 substantial bodily harm to the person or the child ~~or minor~~.

6 f. Abandons the child ~~or minor~~ to fend for the ~~child or~~
7 ~~minor's~~ child's self, knowing that the child ~~or minor~~ is unable
8 to do so.

9 g. Knowingly permits a child ~~or minor~~ to be present at
10 a location where amphetamine, its salts, isomers, or salts
11 of isomers, or methamphetamine, its salts, isomers, or salts
12 of isomers, is manufactured in violation of section 124.401,
13 subsection 1, or where a product is possessed in violation of
14 section 124.401, subsection 4.

15 h. 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 or is on the sex offender
18 registry as a sex offender under [chapter 692A](#). However,
19 this paragraph does not apply to a person who is a parent or
20 guardian of a child ~~or a minor~~, who is required to register as a
21 sex offender, or to a person who is married to and living with a
22 person required to register as a sex offender.

23 i. Knowingly provides direct supervision of a person under
24 section 724.22, subsection 4, while intoxicated as provided
25 under the conditions set out in [section 321J.2, subsection 1](#),
26 paragraph "a", "b", or "c".

27 ~~2-~~ 3. A person who is required to register as a sex
28 offender under [chapter 692A](#) for a sex offense against a ~~minor~~
29 child who knowingly has control of a ~~minor~~ child, or who
30 knowingly has unsupervised access to a ~~minor~~ child, commits
31 child endangerment. However, [this subsection](#) does not apply
32 to any of the following:

33 a. A person who is required to register as a sex offender
34 under [chapter 692A](#) for a sex offense against a ~~minor~~ child who
35 knowingly has control of a ~~minor~~ child, or who knowingly has

1 unsupervised access to a ~~minor~~ child, when the person is the
2 legal parent or guardian of the ~~minor~~ child and the control or
3 unsupervised access is not otherwise illegal.

4 *b.* A person who is required to register as a sex offender
5 under [chapter 692A](#) for a sex offense against a ~~minor~~ child
6 who knowingly has control of a ~~minor~~ child, or who knowingly
7 has unsupervised access to a ~~minor~~ child, when the person is
8 married to and living with the legal parent or guardian of
9 the ~~minor~~ child and the control or unsupervised access is not
10 otherwise illegal.

11 ~~3.~~ 4. A parent or person authorized by the parent shall not
12 be prosecuted for a violation of subsection ~~± 2~~, paragraph "f",
13 relating to abandonment, if the parent or person authorized by
14 the parent has voluntarily released custody of a newborn infant
15 in accordance with [section 233.2](#).

16 ~~4.~~ 5. For the purposes of subsection ~~± 2~~, "person having
17 control over a child ~~or a minor~~" means any of the following:

18 *a.* A person who has accepted, undertaken, or assumed
19 supervision of a child ~~or such a minor~~ from the parent or
20 guardian of the child ~~or minor~~.

21 *b.* A person who has undertaken or assumed temporary
22 supervision of a child ~~or such a minor~~ without explicit consent
23 from the parent or guardian of the child ~~or minor~~.

24 *c.* A person who operates a motor vehicle with a child ~~or~~
25 ~~such a minor~~ present in the vehicle.

26 ~~5.~~ 6. A person who commits child endangerment resulting in
27 the death of a child ~~or minor~~ is guilty of a class "B" felony.
28 Notwithstanding section 902.9, subsection 1, paragraph "b", a
29 person convicted of a violation of [this subsection](#) shall be
30 confined for no more than fifty years.

31 ~~6.~~ 7. A person who commits child endangerment resulting
32 in serious injury to a child ~~or minor~~ is guilty of a class "C"
33 felony.

34 ~~7.~~ 8. A person who commits child endangerment resulting
35 in bodily injury to a child ~~or minor~~ or child endangerment in

1 violation of subsection ~~±~~ 2, paragraph "g", that does not result
2 in a serious injury, or a person who commits child endangerment
3 in violation of subsection ~~2~~ 3, is guilty of a class "D"
4 felony.

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

8

EXPLANATION

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

11 This bill relates to child endangerment.

12 Current law provides that a person who is the parent,
13 guardian, or person having custody or control over a child or a
14 minor under the age of 18 with a mental or physical disability,
15 or a person who is a member of the household in which a child
16 or such a minor resides, commits child endangerment when the
17 person does any of the actions described in Code section 726.6.

18 The bill adds a definition of "child" to mean any person
19 under 18 years of age, and removes references to minors.