

§ 554. Endangering the welfare of a child

1. A person is guilty of endangering the welfare of a child if that person:

A. Knowingly permits a child to enter or remain in a house of prostitution. Violation of this paragraph is a Class D crime; [2015, c. 358, §3 (AMD).]

B. Knowingly sells, furnishes, gives away or offers to sell, furnish or give away to a child under 16 years of age any intoxicating liquor, tobacco product as defined in Title 22, section 1551, subsection 3, air rifles, gunpowder, smokeless powder or ammunition for **firearms**. Violation of this paragraph is a Class D crime; [2019, c. 495, §1 (AMD).]

B-1. [2015, c. 358, §3 (RP).]

B-2. Being a parent, foster parent, guardian or other person responsible for the long-term general care and welfare of a child, recklessly fails to take reasonable measures to protect the child from the risk of further bodily injury after knowing:

(1) That the child had, in fact, sustained serious bodily injury or bodily injury under circumstances posing a substantial risk of serious bodily injury; and

(2) That such bodily injury was, in fact, caused by the unlawful use of physical force by another person.

Violation of this paragraph is a Class C crime; [2015, c. 358, §3 (AMD).]

B-3. Being the parent, foster parent, guardian or other person having the care and custody of a child, knowingly deprives the child of necessary health care, with a result that the child is placed in danger of serious harm. Violation of this paragraph is a Class D crime; [2021, c. 388, §1 (AMD).]

B-4. Acting with criminal negligence stores or leaves on premises that are under the person's control a loaded firearm in a manner that allows a child under 16 years of age to gain access to the loaded firearm without the permission of the child's parent, foster parent or guardian and the child in fact gains access to the loaded firearm and:

(1) Uses the loaded firearm in a reckless or threatening manner;

(2) Uses the loaded firearm during the commission of a crime; or

(3) Discharges the loaded firearm.

Violation of this paragraph is a Class D crime; or [2021, c. 388, §2 (NEW).]

C. Otherwise recklessly endangers the health, safety or welfare of the child by violating a duty of care or protection. Violation of this paragraph is a Class D crime. [2015, c. 358, §3 (AMD).]

[2021, c. 388, §§1, 2 (AMD).]

2. It is an affirmative defense to prosecution under this section that:

A. The defendant was the parent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of the child under 16 years of age who furnished the child any tobacco product as defined in Title 22, section 1551, subsection 3 or a reasonable amount of intoxicating liquor in the actor's home and presence; [2019, c. 495, §2 (AMD).]

B. The defendant was a person acting pursuant to authority expressly or impliedly granted in Title 22; or [1991, c. 672, §2 (AMD).]

C. The defendant was the parent, foster parent, guardian or an adult approved by the parent, foster parent or guardian who furnished the child under 16 years of age an air rifle, gunpowder, smokeless powder or ammunition for a firearm

for use in a supervised manner. [2015, c. 358, §3 (AMD).]

[2019, c. 495, §2 (AMD).]

3.

[2015, c. 358, §3 (RP).]

4. It is an affirmative defense to prosecution under subsection 1, paragraph B-4 that:

A. The loaded firearm is:

(1) Stored in a locked box, locked gun safe or other secure, locked space;

(2) Stored or left in a location that a reasonable person would believe to be secure; or

(3) Secured with a trigger lock or similar device that prevents the firearm from discharging; [2021, c. 388, §3 (NEW).]

B. The loaded firearm is carried on the person or within such close proximity to the person that the person can readily retrieve and use the firearm as if the firearm were carried on the person; [2021, c. 388, §3 (NEW).]

C. A child who in fact gains access to the loaded firearm gains access in order to defend the child or a 3rd person under the circumstances enumerated in section 108, subsection 2, paragraph A or B; [2021, c. 388, §3 (NEW).]

D. The person has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises where the person stores or leaves the loaded firearm; [2021, c. 388, §3 (NEW).]

E. A child in fact gains access to the loaded firearm as the result of a criminal trespass by any person on the premises where the firearm is stored or left; or [2021, c. 388, §3 (NEW).]

F. A child in fact gains access to the loaded firearm as the result of a theft of the firearm by

any person from the premises where the firearm is stored or left. [2021, c. 388, §3 (NEW).]

[2021, c. 388, §3 (NEW).]

History:

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1975, c. 499, § 1 (NEW). 1975, c. 740, § 71 (AMD).
1977, c. 696, § 170 (AMD). 1989, c. 445, § 7 (AMD) . 1991, c. 672, §§1,2 (AMD). 1995, c. 263, §§1,2 (AMD). 1995, c. 694, §§C3,4 (AMD). 1995, c. 694, §E2 (AFF). 1999, c. 11, §§1,2 (AMD). 2001, c. 429, §§1-3 (AMD). 2005, c. 373, §§1,2 (AMD).