

707.6A Homicide or serious injury by vehicle.

1. A person commits a class "B" felony when the person unintentionally causes the death of another by operating a motor vehicle while intoxicated, as prohibited by section 321J.2. Upon a plea or verdict of guilty of a violation of this subsection, the court shall do the following:

a. Order the state department of transportation to revoke the defendant's driver's license or nonresident operating privileges for a period of six years. The defendant shall surrender to the court any Iowa license or permit and the court shall forward the license or permit to the department with a copy of the revocation order. The defendant shall not be eligible for a temporary restricted license for at least two years after the revocation.

b. Order the defendant, at the defendant's expense, to do the following:

(1) Enroll, attend, and satisfactorily complete a course for drinking drivers, as provided in section 321J.22.

(2) Submit to evaluation and treatment or rehabilitation services.

c. A driver's license or nonresident operating privilege shall not be reinstated until proof of completion of the requirements of paragraph "*b*" is presented to the department.

d. Where the program is available and appropriate for the defendant, the court shall also order the defendant to participate in a reality education substance abuse prevention program as provided in section 321J.24.

2. A person commits a class "C" felony when the person unintentionally causes the death of another by any of the following means:

a. Driving a motor vehicle in a reckless manner with willful or wanton disregard for the safety of persons or property, in violation of section 321.277.

b. Eluding or attempting to elude a pursuing law enforcement vehicle, in violation of section 321.279, if the death of the other person directly or indirectly results from the violation.

3. A person commits a class "D" felony when the person unintentionally causes the death of another while drag racing, in violation of section 321.278.

4. A person commits a class "D" felony when the person unintentionally causes a serious injury, as defined in section 321J.1, by any of the means described in subsection 1 or 2.

5. As used in this section, "*motor vehicle*" includes any vehicle defined as a motor vehicle in section 321.1.

6. Except for the purpose of sentencing under section 321J.2, subsection 2, a conviction or deferral of judgment for a violation of this section, where a violation of section 321J.2 is admitted or proved, shall be treated as a conviction or deferral of judgment for a violation of section 321J.2 for the purposes of chapters 321, 321A, and 321J, and section 907.3, subsection 1.

7. Notwithstanding the provisions of sections 901.5 and 907.3, the court shall not defer judgment or sentencing, or suspend execution of any part of the sentence applicable to the defendant for a violation of subsection 1, or for a violation of subsection 4 involving the operation of a motor vehicle while intoxicated.

86 Acts, ch 1220, § 41; 89 Acts, ch 211, § 1; 90 Acts, ch 1251, § 55; 94 Acts, ch 1069, §2; 97 Acts, ch 177, §2628; 98 Acts, ch 1073, §9

Footnotes

But see penalties applicable under § 707.5, 707.8, and 708.2