

**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](#).

1A. Upon a plea or verdict of guilty of a violation of [subsection 1](#), 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 order of conviction. Upon receipt of the order of conviction, the department shall revoke the defendant’s driver’s license or nonresident operating privilege for a period of six years. The defendant shall not be eligible for a temporary restricted license for at least two years after the revocation.

1B. Upon a plea or verdict of guilty of a violation of [subsection 1](#), the court shall order the defendant, at the defendant’s expense, to do the following:

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

b. Submit to evaluation and treatment or rehabilitation services.

1C. A driver’s license or nonresident operating privilege shall not be reinstated until proof of completion of the requirements of [subsection 1B](#) is presented to the department.

1D. 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](#).

(1) For the purposes of this paragraph “a”, a person’s use of a hand-held electronic communication device to write, send, or view an electronic message while driving a motor vehicle shall be considered prima facie evidence that the person was driving the motor vehicle in a reckless manner with willful or wanton disregard for the safety of persons or property, in violation of [section 321.277](#).

(2) Subparagraph (1) shall not apply to any of the following:

(a) A member of a public safety agency, as defined in [section 34.1](#), performing official duties.

(b) A health care professional in the course of an emergency situation.

(c) A person receiving safety-related information including emergency, traffic, or weather alerts.

(3) For the purposes of this paragraph “a”, the following definitions apply:

(a) “*Electronic message*” includes images visible on the screen of a hand-held electronic communication device including a text-based message, an instant message, a portion of electronic mail, an internet site, a social media application, or a game.

(b) “*Hand-held electronic communication device*” means a mobile telephone or other portable electronic communication device capable of being used to write, send, or view an electronic message. “*Hand-held electronic communication device*” does not include a voice-operated or hands-free device which allows the user to write, send, or view an electronic message without the use of either hand except to activate or deactivate a feature or function. “*Hand-held electronic communication device*” does not include a wireless communication device used to transmit or receive data as part of a digital dispatch system. “*Hand-held electronic communication device*” includes a device which is temporarily mounted inside the motor vehicle, unless the device is a voice-operated or hands-free device.

(c) The terms “*write*”, “*send*”, and “*view*”, with respect to an electronic message, mean the manual entry, transmission, or retrieval of an electronic message, and include playing, browsing, or accessing an electronic message.

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.

c. Exceeding a speed limit established or lawfully posted pursuant to [section 262.68](#), [section 321.236](#), [subsection 5 or 11](#), [section 321.236](#), [subsection 13](#), paragraph “a”, [section](#)

321.285, section 321.288, subsection 2, paragraph “f”, or section 321.289, 321.290, 321.293, 321.295, or 461A.36, by twenty-five miles per hour or more, if the violation is the proximate cause of the death of the other person. This paragraph does not apply to a member of a public safety agency, as defined in section 34.1, performing official duties.

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 702.18, 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, subsections 3, 4, and 5, 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, §26 – 28; 98 Acts, ch 1073, §9; 2010 Acts, ch 1097, §12; 2010 Acts, ch 1124, §3, 9; 2011 Acts, ch 34, §145; 2017 Acts, ch 76, §1; 2021 Acts, ch 131, §1

Referred to in §321.208, 321.210D, 321.555, 321J.10, 331.802, 707.8, 811.1, 902.12, 907.3, 910.3A, 915.80

See also penalties applicable under §707.5, 707.8, and 708.2

Subsection 2, NEW paragraph c