



[HF 567](#) – Excessive Speed, Vehicular Homicide (LSB1355HV)
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Fiscal Note Version – New

Description

[House File 567](#) provides that a person commits a Class C felony when the person unintentionally causes the death of another person by exceeding a posted or established speed limit, by 25 miles per hour or more, if the death of the other person directly or indirectly results from the violation. The Bill exempts members of a public safety agency performing official duties from this provision.

This Bill also provides that a person who unintentionally causes a serious injury by the means described in the Bill is guilty of a Class D felony under Iowa Code section [707.6A](#)(4).

Background

A Class C felony is punishable by confinement for no more than 10 years and to a fine of at least \$1,000 but no more than \$10,000. A Class D felony is punishable by confinement for no more than five years, and to a fine of at least \$750, but not more than \$7,500.

By operation of law, a person who commits a violation under this Bill is subject to driver's license suspension for vehicular homicide and is disqualified from operating a commercial motor vehicle for one year. In addition, the person is prohibited from being admitted to bail during the appeal process. If the person fails to remain at the scene of the accident in violation of Iowa Code section [321.261](#), the person must also be denied parole or work release until the person has served at least seven-tenths of the maximum term of the person's sentence.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

Correctional Impact

The correctional impact of [HF 567](#) is estimated to be minimal. Under the Bill, the penalty for vehicular homicide due to excessive speed is a Class C felony and causing serious injury by the same means is a Class D felony.

Table 1 below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for all convictions of Class C and D felonies. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2019, for information related to the correctional system.

Table 1 — Sentencing Estimates and LOS

Conviction Offense Class	Percent to Prison	FY 18 Avg Length of Stay Prison (months)	FY 18 Marginal Cost/Day	Percent to Probation	FY 18 Avg Length of Stay Probation (months)	FY 18 Avg Cost/Day Probation	Percent to CBC	FY 18 Marginal CBC Cost/Day	FY 18 Avg Length of Stay Parole (months)	FY 18 Marginal Cost/Day Parole	Percent to County Jail	Marginal Cost/Day
Class C Felony Persons	90.0%	39.8	\$19.93	30.0%	32.6	\$5.38	5.0%	\$11.85	19.5	\$5.38	39.0%	\$50.00
Class D Felony Persons	80.0%	17.2	\$19.93	53.0%	29.5	\$5.38	8.0%	\$11.85	10.6	\$5.38	31.0%	\$50.00

Minority Impact

The minority impact of [HF 567](#) is unknown. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 7, 2019, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact of [HF 567](#) is estimated to be minimal due to the low number of convictions for vehicular homicide per year. **Table 2** contains estimates for the average State cost per offense class type. The estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost per Offense Class Type

Offense Class	Total Minimum Cost	Total Maximum Cost
Class C Felony	\$10,200	\$18,400
Class D Felony	\$9,200	\$14,100

Sources

LSA Analysis
Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections

/s/ Holly M. Lyons

March 4, 2019

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
