



[SF 449](#) – Motor Vehicle Accidents, Leaving the Scene (LSB2048SV)
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Fiscal Note Version – New

Description

[Senate File 449](#) applies the mandatory license revocation provision under Iowa Code section [321.209](#) to a driver who knows or has reason to believe that the driver's vehicle was involved in an accident resulting in injury to or death of a person.

Senate File 449 expands Iowa Code section [321.261](#) and provides that if a driver knows or has reason to believe that the driver's vehicle was involved in an accident resulting in an injury to or death of a person, the driver is required to immediately stop the driver's vehicle at the scene. If the driver leaves the scene and later discovers the driver's vehicle was involved in such an accident, the driver is required to make a good-faith effort to immediately contact emergency services.

Senate File 449 expands the penalties applicable under Iowa Code section 321.261 to include:

- Any person failing to stop or to comply with the requirements to stop under this section, who causes an accident resulting in a serious injury to any person, is guilty of a Class D felony.
- A person failing to stop or to comply with the requirements of this section, who causes an accident resulting in the death of a person, is guilty of a Class C felony.

Background

Currently, the following penalties exist under Iowa Code section 321.261:

- Any person failing to stop or to comply with the requirements in this section, in the event of an accident resulting in an injury to any person, is guilty of a serious misdemeanor.
- Any person failing to stop or to comply with the requirements in this section, in the event of an accident resulting in a serious injury to any person, is guilty of an aggravated misdemeanor.
- A person failing to stop or to comply with the requirements in this section, in the event of an accident resulting in the death of the person, is guilty of a Class D felony.

A violation of Iowa Code section 321.261 is subject to mandatory driver's license revocation under Iowa Code section [321.209](#), is considered an offense for purposes of habitual offender status under Iowa Code section [321.555](#), and may result in exclusion from an automobile insurance policy under Iowa Code section [515D.4](#). The penalties under this Bill range from a serious misdemeanor to a Class C felony. Felonies and misdemeanors are punishable by the terms defined in Iowa Code chapters [902](#) and [903](#), respectively.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends, prisoner length of stay (LOS), 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

Senate File 449 expands the penalties applicable under Iowa Code section 321.261 if the person caused the accident. In FY 2019 and FY 2020 combined, there were nine Class D felony, 19 aggravated misdemeanor, and 91 serious misdemeanor convictions under Iowa Code section 321.261. Under this Bill, some of those aggravated misdemeanor or Class D felony convictions may be increased to Class D and Class C felonies respectively if the person caused the accident. It is unknown how many of these convictions would have qualified under the enhanced penalties in this Bill; therefore, the impact of adding this provision cannot be determined.

Table 1 provides estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions ranging from serious misdemeanors to Class C felonies. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — LOS and Sentencing

Conviction Offense Class	Percent to Prison	Avg Length of Stay Prison (months)	FY 20 Marginal Cost/Day Prison	Percent Ordered to Probation	Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	FY 20 Marginal Cost CBC Per Day	Percent Ordered to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day	Avg LOS on Parole	FY 20 Average Cost Per Day Parole
Class C Felony (Persons)	89.0%	38.6	\$20.33	27.9%	34.1	\$5.38	5.5%	\$14.78	49.1%	N/A	\$50.00	21.5	\$5.38
Class D Felony (Persons)	77.0%	16.0	\$20.33	47.8%	30.5	\$5.38	10.5%	\$14.78	38.6%	N/A	\$50.00	11.5	\$5.38
Aggravated Misdemeanor (Persons)	43.0%	7.1	\$20.33	51.7%	20.2	\$5.38	3.3%	\$14.78	70.7%	N/A	\$50.00	6.0	\$5.38
Serious Misdemeanor	2.0%	5.0	\$20.33	56.0%	13.4	\$5.38	1.0%	\$14.78	69.0%	N/A	\$50.00	2.4	\$5.38

Minority Impact

Of the 119 convictions under Iowa Code section 321.261 in FY 2019 and FY 2020, 75.7% of the convictions involved Caucasian offenders, 16.2% involved African American offenders, and 8.1% involved offenders classified as Other. In FY 2020, Caucasians and African Americans made up 89.9% and 4.1% of the adult population of the State of Iowa, respectively.

It is unknown how many of these convictions were caused by the driver and would have qualified under the enhanced penalties in this Bill; therefore, the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights cannot use existing data to estimate the minority impact. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

Senate File 449 expands the penalties applicable under Iowa Code section 321.261 and the fiscal impact cannot be estimated. Under this Bill, some aggravated misdemeanor or Class D felony convictions may be increased to Class D and Class C felonies respectively if the person caused the accident. **Table 2** provides the potential cost increase for one conviction under Iowa Code section 321.261. The cost estimate includes 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 Cost Difference Per Conviction

<u>Code Section</u>	<u>Offense Class</u>	<u>Cost Per Conviction</u>	
		<u>Minimum</u>	<u>Maximum</u>
321.261(3)	Class D Felony	\$ 7,700	\$ 13,500
	Aggravated Misdemeanor	3,700	7,800
	Total Cost Increase	\$ 4,000	\$ 5,700
321.261(4)	Class C Felony	\$ 9,900	\$ 19,200
	Class D Felony	7,700	13,500
	Total Cost Increase	\$ 2,200	\$ 5,700

Sources

CJJP, Department of Human Rights
 Department of Corrections
 Judicial Branch
 LSA analysis

/s/ Holly M. Lyons

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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.