



HF 753 – Excessive Speed, Vehicular Homicide (LSB1734HV.1)
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 Fiscal Note Version – Final Action

Description

[House File 753](#) provides that a person commits a Class C felony when the person exceeds the lawfully posted speed limit by 25 miles per hour or more and the violation is the proximate cause of death of another person. This section does not apply to a member of a public safety agency performing official duties.

Background

A Class C felony is punishable by confinement for no more than 10 years and a fine of at least \$1,370 but not more than \$13,660. By operation of law, a person who commits a violation under the Bill is subject to a 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, the person must also be denied parole or work release until the person has served at least 70.0% 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 (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

In FY 2019 and FY 2020, there were a total of 21 convictions under Iowa Code section [707.6A\(2\)](#). House File 753 amends Iowa Code section 707.6A to include actions not previously included in this Code section, and the correctional impact cannot be determined because it is unknown using current data how many deaths were caused by excessive speed. **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 of 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 Estimates

Conviction Offense Class	Percent to Prison	Avg Length of Stay in Prison (months)	FY 20 Marginal Cost/Day in 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

Minority Impact

Of the 21 total convictions under Iowa Code section 707.6A in FY 2019 and FY 2020, 85.2% of the convictions involved a Caucasian offender and 13.1% involved an African-American offender. House File 753 amends Iowa Code section 707.6A to include new actions not previously included in this section. As a result, the Criminal and Juvenile Justice Planning Division (CJJP) of the Department of Human Rights cannot use prior existing data to estimate the minority impact of HF 753. 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

House File 753 amends Iowa Code section 707.6A to include new actions, and the fiscal impact cannot be estimated due to lack of existing conviction data. The average State cost per conviction of a Class C felony ranges from \$9,900 to \$19,200. 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.

Sources

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

/s/ Holly M. Lyons

June 11, 2011

Doc ID 1221414

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.

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