



[HF 2400](#) – Motor Vehicle Accidents, Penalties (LSB1736HV)
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Fiscal Note Version – New

Description

[House File 2400](#) requires an individual operating a motor vehicle involved in an accident who leaves the scene of the accident to notify the appropriate authorities immediately after the person obtains knowledge that the accident resulted in the injury or death of another person, or if a reasonable person would anticipate that the accident may result in an injury or death. A person found guilty of violating the provisions of this Bill may be found guilty of:

- A serious misdemeanor if the accident resulted in an injury.
- An aggravated misdemeanor if the accident resulted in a serious injury.
- A Class D felony if the accident resulted in a death.

This Bill prohibits a person charged under this Bill from also being charged with a violation under Iowa Code section [321.261](#), [321.263](#), or [321.266](#).

Background

Under current law, a person who leaves the scene of an accident without initially knowing that the accident resulted in an injury or death, and then later finds out that the accident resulted in an injury or death, may not be convicted under Iowa Code section [321.261](#) (requiring the driver involved in an accident resulting in injury or death to stop and remain at the scene of the accident).

The following convictions were reported in FY 2017:

- Iowa Code section [321.261](#) (Death or personal injuries) — 64 convictions.
- Iowa Code section [321.263](#) (Information and aid — leaving scene of personal injury accident) — 235 convictions.
- Iowa Code section [321.266](#) (Reporting accidents) — 47 convictions.

It is not known if any of these violations would have been charged under the provisions of this Bill.

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. Additionally, reliable LOS data for county jails is not available.

Impacts

Correctional Impact

It is unknown if [HF 2400](#) will have a correctional impact since this Bill creates a new crime for which there is no historical data. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system. **Table 1** shows estimates for sentencing under the proposed legislation to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for offenders convicted of serious or aggravated misdemeanors and Class D felonies.

Table 1 — Sentencing Estimates

Conviction Offense Class	Percent Sentenced to State Prison	FY 2017 Avg Length of Stay in Prison (in months)	FY 2017 Prison Marginal Cost per Day	Avg Length of Stay on Parole (in months)	FY 2017 Marginal Cost per Day Parole	Percent Sentenced to Probation	Avg Length of Stay on Probation (in months)	FY 2017 Avg Cost per Day on Probation	Percent sentenced to CBC Residential Facility	FY 2017 Marginal Cost CBC per Day	Percent Sentenced to County Jail	Avg Length of Stay in County Jail (in days)	Marginal Cost per Day
Serious Misdemeanor	2.0%	7.3	\$17.52	N/A	\$4.59	57.0%	13.8	\$4.93	1.0%	\$10.56	72.0%	N/A	\$50.00
Agg. Misdemeanor Persons	47.0%	9.0	\$17.52	4.9	\$4.93	70.0%	19.3	\$4.93	4.0%	\$10.56	51.0%	N/A	\$50.00
Class D Felony Persons	77.0%	15.4	\$17.52	10.9	\$4.93	51.0%	29.7	\$4.93	8.0%	\$10.56	25.0%	N/A	\$50.00

Minority Impact

It is unknown if [HF 2400](#) will have a minority impact since this Bill creates a new crime for which there is no historical data. Refer to the LSA memo addressed to the General Assembly, [Correctional Impact Statements](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact of [HF 2400](#) cannot be determined, as this Bill creates a new crime for which there is no historical data. Therefore, the number of new convictions cannot be estimated. The State's costs for one conviction are as follows:

- Serious misdemeanor — \$250 to \$4,900.
- Aggravated misdemeanor — \$3,300 to \$6,600.
- Class D felony — \$7,900 to \$12,000.

Sources

Department of Human Rights, Division of Criminal and Juvenile Planning
Department of Corrections
Office of the State Court Administrator
Office of the State Public Defender

/s/ Holly M. Lyons

February 20, 2018

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.
