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[HF 2430](#) – Motor Vehicles, Excessive Speeding (LSB5891HV)  
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Fiscal Note Version – New

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**Description**

[House File 2430](#) relates to unintentionally causing the death of a person by operating a motor vehicle at an excessive speed, and provides penalties.

**Background**

Iowa Code section [707.6A\(2\)\(a\)](#) states that a person commits a Class C felony when they unintentionally cause the death of another person by driving a motor vehicle in a reckless manner with willful or wanton disregard for the safety of persons or property, or when they elude or attempt to elude a pursuing law enforcement vehicle. [House File 2430](#) would add language that a person commits a Class C felony when they unintentionally cause the death of another person by exceeding a speed limit by 25 miles per hour or more.

A Class C felony is punishable by imprisonment for no more than 10 years and a fine between \$1,000 and \$10,000. Violations of Iowa Code section [707.6A\(2\)\(a\)](#) are subject to a 70.0% mandatory minimum sentence. Additionally, under Iowa Code section [321.210D](#), a person in violation of Iowa Code section [707.6A](#), subsection 1 or 2, is subject to having their driver's license suspended for vehicular homicide for one year.

In calendar years 2016 and 2017, there were 50 accidents resulting in 59 fatalities in which speed was ruled as the causing factor. Of these 50 accidents, there were nine in which the speeding driver was not killed and could face charges. Of those nine accidents, the following occurred:

- Six drivers were charged with vehicular homicide (a Class C felony with a 70.0% mandatory minimum sentence).
- One driver was cited for failure to stop in an assured clear distance (a speeding violation), and received a one-year driver's license suspension.
- One driver was cited for driving between one and five miles over the speed limit, and received a one-year driver's license suspension.
- Charges are pending in the third case.

Persons convicted of Class C felony vehicular homicide are sentenced to prison and serve an average length of stay of 102 months. These individuals would not be placed on probation or sentenced to a Community-Based Correctional facility.

**Assumptions**

[House File 2430](#) would not add any additional convictions for Class C felony vehicular homicide, as an accident resulting in a fatality when the driver was operating a motor vehicle 25 miles per hour or greater over the speed limit would already be cited under Iowa Code section [707.6A](#), subsection 1 or 2.

## **Impacts**

### **Minority Impact**

There would be no minority impact from this Bill, as it is estimated that there would be no new convictions under Iowa Code section [707.6A](#). Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

### **Correctional Impact**

There would be no correctional impact from this Bill, as it is estimated that there would be no new convictions under Iowa Code section [707.6A](#). Refer to the 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.

### **Fiscal Impact**

There would be no fiscal impact from this Bill, as there would be no additional charges or convictions.

## **Sources**

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

/s/ Holly M. Lyons

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February 22, 2018

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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.

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