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JUDICIAL

SENATE FILE 2167
BY TINSMAN

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for a scheduled fine for the offense of driving
2 a motor vehicle while a license is suspended, denied, revoked,
3 or barred for an operating while intoxicated offense, or in
4 the alternative, for community service by a defendant unable
5 to pay the fine, and making related changes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2167

1 Section 1. Section 321J.21, Code Supplement 1997, is
2 amended to read as follows:

3 321J.21 DRIVING WHILE LICENSE SUSPENDED, DENIED, REVOKED,
4 OR BARRED.

5 1. A person whose motor vehicle license or nonresident
6 operating privilege has been suspended, denied, revoked, or
7 barred due to a violation of this chapter and who drives a
8 motor vehicle while the license or privilege is suspended,
9 denied, revoked, or barred commits a serious misdemeanor,
10 punishable with a mandatory scheduled fine of one-thousand
11 dollars as provided in section 805.8, subsection 2, paragraph
12 "ai". If the court determines that the defendant is guilty of
13 the offense but is unable to pay the fine, the court may order
14 the defendant to perform unpaid community service pursuant to
15 section 909.3A.

16 2. In addition to the fine or the sentence of community
17 service, the department, upon receiving the record of the
18 conviction of a person under this section upon a charge of
19 driving a motor vehicle while the license of the person was
20 suspended, denied, revoked, or barred shall extend the period
21 of suspension, denial, revocation, or bar for an additional
22 like period, and the department shall not issue a new license
23 during the additional period.

24 3. Notwithstanding sections 602.8106 and 805.12, the clerk
25 of court shall remit one-quarter of the fine paid for a
26 violation of this section to the law enforcement agency of the
27 peace officer making the arrest.

28 Sec. 2. Section 805.6, subsection 2, Code 1997, is amended
29 to read as follows:

30 2. In addition to those violations which are required by
31 subsection 1 to be charged upon a uniform citation and
32 complaint, a violation of chapter 321 which is punishable as a
33 simple, serious, or aggravated misdemeanor or a violation of
34 section 321J.21 may be charged upon a uniform citation and
35 complaint, whether or not the alleged offender is arrested by

1 the officer making the charge.

2 Sec. 3. Section 805.8, subsection 2, Code Supplement 1997,
3 is amended by adding the following new subsection:

4 NEW SUBSECTION. ai. For a violation of section 321J.21,
5 regarding driving while a license is suspended, denied,
6 revoked, or barred for a violation of chapter 321J, the
7 scheduled fine is one thousand dollars, chargeable as follows:

8 (1) If the violation is admitted and section 805.9
9 applies, the violation shall be chargeable upon a uniform
10 citation and complaint, indictment, or county attorney's
11 information. A resulting conviction shall be considered to be
12 of an indictable offense, notwithstanding the fact that the
13 violation may have been charged upon a uniform citation and
14 complaint, and the procedures of section 805.9 applied.

15 (2) If the violation is not admitted, the violation shall
16 be chargeable only upon indictment or county attorney's
17 information. A resulting conviction shall be of an indictable
18 offense.

19 EXPLANATION

20 This bill provides for the current fine of \$1,000 for a
21 violation of Code section 321J.21, regarding driving while a
22 license is suspended, denied, revoked, or barred for an
23 operating while intoxicated (OWI) violation of chapter 321J,
24 to be treated as a scheduled fine under Code section 805.8.
25 One-quarter of such a fine shall be allocated by the court to
26 the arresting entity.

27 If a court determines that the defendant cannot afford to
28 pay such a fine, the court may sentence the defendant to
29 perform community service pursuant to Code section 909.3A.

30 Because the fine is greater than \$100, it must be treated
31 as an indictable offense, pursuant to Article 1, section 11 of
32 the Iowa Constitution.

33 Related changes are made to Code sections 805.6 and 805.8.

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