

1-13-97 judiciary

SENATE FILE 8
BY JENSEN

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

A BILL FOR

1 An Act relating to the offense of driving a motor vehicle when a
2 license has been revoked or denied for driving while
3 intoxicated, and providing for a penalty.

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

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S.F. 8

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

3 321J.21 DRIVING WHILE LICENSE DENIED OR REVOKED.

4 1. A person whose motor vehicle license or nonresident
5 operating privilege has been denied or revoked as provided in
6 this chapter and who drives a motor vehicle upon the highways
7 of this state while the license or privilege is denied or
8 revoked commits a serious misdemeanor, punishable as a
9 scheduled fine under section 805.8, subsection 2, paragraph
10 "ad", except that, notwithstanding section 805.12, the clerk
11 of the district court shall remit one-quarter of the fine to
12 the law enforcement agency of the peace officer making the
13 arrest. If the court determines that the defendant is guilty
14 of the offense but is unable to pay the fine, the court may
15 alternatively sentence the defendant to perform forty hours of
16 community service.

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21 the person was revoked or denied, shall extend the period of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

25 Sec. 2. Section 805.8, subsection 2, Code 1997, is amended
26 by adding the following new paragraph:

27 NEW PARAGRAPH. ad. For violation of section 321J.21, the
28 scheduled fine is one thousand dollars. If the violation is
29 admitted and section 805.9 applies, the violation shall be
30 chargeable upon uniform citation and complaint, indictment, or
31 county attorney's information. If the violation is not
32 admitted, the violation shall be chargeable only upon
33 indictment or county attorney's information. In either case,
34 if the defendant is convicted, the conviction shall be of an
35 indictable offense.

EXPLANATION

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2 This bill provides for a scheduled fine of \$1,000 for
3 driving a motor vehicle when the defendant's license has been
4 revoked or denied for operating a motor vehicle while
5 intoxicated under chapter 321J. If the court determines the
6 defendant cannot afford to pay such a fine, the court may
7 alternatively sentence the defendant to perform 40 hours of
8 community service. One-quarter of the fine amount shall be
9 allocated by the court to the arresting entity. Pursuant to
10 Article 1, section 11, of the Iowa Constitution, because the
11 fine is greater than \$100, it must be treated as an indictable
12 offense.

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