

FEB 18 1999

JUDICIARY

HOUSE FILE

318

BY OSTERHAUS and KREIMAN

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the provision and consumption of alcohol and
 2 drugs by drivers of motor vehicles who are under the age of
 3 twenty-one by requiring investigations regarding the source of
 4 the alcohol and drugs, and providing a penalty when the driver
 5 is involved in an accident resulting in serious injury or
 6 death.

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

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HF 318

1 Section 1. Section 321J.2A, Code 1999, is amended to read
2 as follows:

3 321J.2A PERSONS UNDER THE AGE OF TWENTY-ONE.

4 1. A person who is under the age of twenty-one shall not
5 operate a motor vehicle while having an alcohol concentration,
6 ~~as defined under section 321J.17~~ of .02 or more.

7 2. The driver's license or nonresident operating privilege
8 of a person who is under the age of twenty-one and who
9 operates a motor vehicle while having an alcohol concentration
10 ~~of .02 or more~~ shall be revoked by the department for the
11 period of time specified under section 321J.12.

12 3. A revocation under ~~this section~~ subsection 2 shall not
13 preclude a prosecution or conviction under any applicable
14 criminal provisions of this chapter. However, if the person
15 is convicted of a criminal offense under section 321J.2, the
16 revocation imposed under this section shall be superseded by
17 any revocation imposed as a result of the conviction.

18 4. a. In any proceeding regarding a revocation under this
19 section, evidence of the results of analysis of a specimen of
20 the defendant's blood, breath, or urine is admissible upon
21 proof of a proper foundation.

22 b. The alcohol concentration established by the results of
23 an analysis of a specimen of the defendant's blood, breath, or
24 urine withdrawn within two hours after the defendant was
25 driving or in physical control of a motor vehicle is presumed
26 to be the alcohol concentration at the time of driving or
27 being in physical control of the motor vehicle.

28 5. a. If an offense under this section results in serious
29 injury or death of any person, or if an offense under section
30 321J.2 by a person under the age of twenty-one results in
31 serious injury or death of any person, the county attorney
32 shall complete an investigation regarding the source from
33 which the driver obtained the alcohol, drugs, or both.

34 b. If an investigation under this subsection does not
35 result in criminal charges, the results of the investigation

1 shall be made available to any victim or the family of any
2 victim.

3 6. Any person who furnishes alcohol, drugs, or both
4 alcohol and drugs to a person under the age of twenty-one who
5 is the driver in an accident that results in serious injury or
6 death of any person shall be guilty of an aggravated
7 misdemeanor.

8 | Sec. 2. Section 331.756, Code 1999, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 58. Complete investigations required
11 under section 321J.2A.

12 | Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
13 3, shall not apply to this Act.

14 | EXPLANATION

15 This bill amends Code section 321J.2A, regarding drivers
16 under the age of twenty-one who drive a motor vehicle with a
17 blood alcohol concentration level of .02 or more. The bill
18 divides the existing section into subsections, and adds a new
19 subsection that requires the county attorney to investigate
20 the source of alcohol, drugs, or both alcohol or drugs when a
21 driver under the age of twenty-one is involved in an accident
22 that results in serious injury or death of any person. A
23 person who supplies the alcohol, drugs, or both alcohol and
24 drugs to such a driver shall be guilty of an aggravated
25 misdemeanor. If no criminal charge result from the
26 investigation, the results of the investigation shall be made
27 available to any victim or any victim's family.

28 The bill also amends Code section 331.756 to require that
29 the county attorney complete investigations and prosecute
30 misdemeanors under Code section 321J.2A.

31 | This bill may include a state mandate as defined in Code
32 section 25B.3. This bill makes inapplicable Code section
33 25B.2, subsection 3, which would relieve a political
34 subdivision from complying with a state mandate if funding for
35 the cost of the state mandate is not provided or specified.

1 Therefore, political subdivisions are required to comply with
2 any state mandate included in this bill.

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