

FEB 18 1999

JUDICIARY

HOUSE FILE

321

BY KREIMAN

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act requiring persons convicted of operating a motor vehicle
2 | while intoxicated to perform community service.

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

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HF 321

1 Section 1. Section 321J.2, Code 1999, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. a. In addition to any penalties
4 imposed under subsection 2, the court shall order a defendant
5 to perform community service as follows:

6 (1) A person convicted of a first offense under subsection
7 2 shall be ordered to perform one hundred sixty hours of
8 community service. This community service requirement shall
9 be ordered in addition to any community service ordered
10 pursuant to subsection 2, paragraph "a", subparagraph (2), or
11 section 909.3A.

12 (2) A person convicted of a second or subsequent offense
13 shall be ordered to perform three hundred twenty hours of
14 community service. This community service requirement shall
15 be ordered in addition to any community service ordered
16 pursuant to section 909.3A.

17 Notwithstanding section 901.5 and section 907.3, community
18 service ordered under this section shall not be deferred or
19 suspended.

20 Sec. 2. Section 907.3, subsection 1, paragraph g, Code
21 1999, is amended by adding the following new subparagraph:

22 NEW SUBPARAGRAPH. (6) The sentence is a mandatory
23 community service requirement ordered pursuant to section
24 321J.2, subsection 2A.

25 Sec. 3. Section 907.3, subsection 2, paragraph c, Code
26 1999, is amended by adding the following new subparagraph:

27 NEW SUBPARAGRAPH. (6) The sentence is a mandatory
28 community service requirement ordered pursuant to section
29 321J.2, subsection 2A.

30 Sec. 4. Section 907.3, subsection 3, paragraph c, Code
31 1999, is amended to read as follows:

32 c. A mandatory minimum sentence of incarceration imposed
33 pursuant to a violation of section 321J.2, subsection 1 or a
34 mandatory community service requirement imposed pursuant to
35 section 321J.2, subsection 2A; furthermore, the court shall

1 not suspend any part of a sentence not involving incarceration
2 imposed pursuant to section 321J.2, subsection 2, beyond the
3 mandatory minimum if any of the following apply:

4 EXPLANATION

5 This bill amends Code section 321J.2 to provide that all
6 persons convicted of operating a motor vehicle while
7 intoxicated shall be ordered to perform community service.

8 Related amendments are also made to Code section 907.3.

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