

Thomson - Ch.
Larson
Hobbeck

HSB 90

JUDICIARY
Succe.
SF/HF 395

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON LARSON)

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

A BILL FOR

1 An Act providing that defendants convicted of vehicular
2 manslaughter are not bailable on appeal.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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Successor
SF/HF
74/72

1 Section 1. Section 811.1, subsection 2, Code 1999, is
2 amended to read as follows:

3 2. A defendant appealing a conviction of a class "A"
4 felony; murder; any class "B" or "C" felony included in
5 section 707.6A; a class "D" felony under section 707.6A,
6 subsection 3; felonious assault; felonious child
7 endangerment; sexual abuse in the second degree; sexual
8 abuse in the third degree; kidnapping; robbery in the first
9 degree; arson in the first degree; burglary in the first
10 degree; any felony included in section 124.401, subsection 1,
11 paragraph "a" or a violation of section 124.401, subsection
12 1, paragraph "b".

13 EXPLANATION

14 This bill amends Code section 811.1 to provide that certain
15 defendants convicted of vehicular manslaughter are not
16 bailable on appeal of their convictions. These defendants
17 include a person convicted of a class "C" felony for
18 unintentionally causing the death of another by driving a
19 motor vehicle recklessly or by eluding or attempting to elude
20 a pursuing law enforcement vehicle if the death directly or
21 indirectly results from the violation; and a person convicted
22 of a class "D" felony for unintentionally causing the death of
23 another while drag racing. The bill does not prohibit such
24 defendants from being admitted to bail pending sentencing.

25 Code section 811.1 currently provides that defendants
26 convicted of vehicular manslaughter for unintentionally
27 causing the death of another by operating a motor vehicle
28 while intoxicated, a class "B" felony, are not bailable on
29 appeal of their convictions.

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5-3/30/99 Do Pass

FEB 24 1999

Place On Calendar

HOUSE FILE **395**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 90)

Passed House, ^(p.542) Date 3-3-99 Passed Senate, Date ^(p.1142) 4/15/99
Vote: Ayes 86 Nays 7 Vote: Ayes 39 Nays 3
Approved May 14, 1999

A BILL FOR

1 An Act providing that defendants convicted of class "C" vehicular
2 manslaughter are not bailable on appeal.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 395

H-1042

- 1 Amend House File 395 as follows:
- 2 1. Page 1, by striking lines 1 through 11 and
- 3 inserting the following:
- 4 "Sec. ____ . Section 811.1, Code 1999, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 4. Notwithstanding subsections 1
- 7 and 2, a defendant appealing a conviction of a class
- 8 "C" felony under section 707.6A is presumed to be
- 9 ineligible to be admitted to bail unless the court
- 10 determines that such release reasonably will not
- 11 result in the person failing to appear as required and
- 12 will not jeopardize the personal safety of another
- 13 person or persons."
- 14 2. Title page, line 2, by striking the word "not"
- 15 and inserting the following: "presumed not to be".
- 16 3. By renumbering as necessary.

By HOLVECK of Polk

H-1042 FILED MARCH 1, 1999

Withdrawn 3.3.99 (p.541)

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1 Section 1. Section 811.1, subsection 2, Code 1999, is
2 amended to read as follows:

3 2. A defendant appealing a conviction of a class "A"
4 felony~~;~~ murder~~;~~ any class "B" or "C" felony included in
5 section 707.6A~~;~~ felonious assault~~;~~ felonious child
6 endangerment~~;~~ sexual abuse in the second degree~~;~~ sexual
7 abuse in the third degree~~;~~ kidnapping~~;~~ robbery in the first
8 degree~~;~~ arson in the first degree~~;~~ ~~or~~ burglary in the first
9 degree~~;~~ any felony included in section 124.401, subsection 1,
10 paragraph "a"~~;~~ or a violation of section 124.401, subsection
11 1, paragraph "b".

12 EXPLANATION

13 This bill amends Code section 811.1 to provide that certain
14 defendants convicted of vehicular manslaughter are not
15 bailable on appeal of their convictions. These defendants are
16 persons convicted of a class "C" felony for unintentionally
17 causing the death of another by driving a motor vehicle
18 recklessly or by eluding or attempting to elude a pursuing law
19 enforcement vehicle if the death directly or indirectly
20 results from the violation. The bill does not prohibit such
21 defendants from being admitted to bail pending sentencing.

22 Code section 811.1 currently provides that defendants
23 convicted of vehicular manslaughter for unintentionally
24 causing the death of another by operating a motor vehicle
25 while intoxicated, a class "B" felony, are not bailable on
26 appeal of their convictions.

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**HOUSE FILE 395
FISCAL NOTE**

The estimate for House File 395 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 395 provides that a person convicted of a Class C felony for unintentionally causing the death of another by driving a motor vehicle recklessly or eluding law enforcement if the death directly or indirectly results from the violation are not bailable upon appeal.

ASSUMPTION

During FY 1997, there were 26 convictions for Class C violations of Section 707.6A.

CORRECTIONAL IMPACT

The Correctional impact of House File 395 would result in 26 admissions to the jail system for an undetermined length of stay.

FISCAL IMPACT

The Fiscal impact of House File 395 cannot be estimated but is not expected to be significant.

(LSB 1906hv, CRS)

FILED MARCH 2, 1999

BY DENNIS PROUTY, FISCAL DIRECTOR

AN ACT
PROVIDING THAT DEFENDANTS CONVICTED OF CLASS "C" VEHICULAR
MANSLAUGHTER ARE NOT BAILABLE ON APPEAL.

paragraph "a" or a violation of section 124.401, subsection
1, paragraph "b".

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

Section 1. Section 811.1, subsection 2, Code 1999, is
amended to read as follows:

2. A defendant appealing a conviction of a class "A"
felony; murder; any class "B" or "C" felony included in
section 707.6A; felonious assault; felonious child
endangerment; sexual abuse in the second degree; sexual
abuse in the third degree; kidnapping; robbery in the first
degree; arson in the first degree; burglary in the first
degree; any felony included in section 124.401, subsection 1,

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 395, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 14, 1999

THOMAS J. VILSACK
Governor