

FILED MAR 11 '03

SENATE FILE 346
BY PUTNEY

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

A BILL FOR

1 An Act relating to repeat operating a motor vehicle while
2 intoxicated violations and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SF 346
JUDICIARY

1 Section 1. Section 321.560, Code 2003, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 5. This section shall not apply to any
4 person whose license or nonresident operating privilege has
5 been permanently revoked pursuant to section 321J.4,
6 subsection 4A.

7 Sec. 2. Section 321J.2, subsection 2, paragraph c,
8 unnumbered paragraph 1, Code 2003, is amended to read as
9 follows:

10 A class "D" felony for a third or fourth offense ~~and each~~
11 ~~subsequent offense~~, and shall be committed to the custody of
12 the director of the department of corrections for an
13 indeterminate term not to exceed five years, shall be confined
14 for a mandatory minimum term of thirty days, and shall be
15 assessed a fine of not less than two thousand five hundred
16 dollars nor more than seven thousand five hundred dollars.

17 Sec. 3. Section 321J.2, subsection 2, Code 2003, is
18 amended by adding the following new paragraph:

19 NEW PARAGRAPH. d. A class "C" felony for a fifth offense
20 and each subsequent offense, and shall be committed to the
21 custody of the director of the department of corrections for
22 an indeterminate term not to exceed ten years, shall be
23 confined for a mandatory minimum term of sixty days, and shall
24 be assessed a fine of not less than three thousand five
25 hundred dollars but not more than ten thousand dollars.

26 Sec. 4. Section 321J.4, subsection 4, Code 2003, is
27 amended to read as follows:

28 4. Upon a plea or verdict of guilty of a third ~~or~~
29 ~~subsequent~~ violation of section 321J.2, the court shall order
30 the department to revoke the defendant's driver's license or
31 nonresident operating privilege for a period of six years.
32 The defendant shall not be eligible for a temporary restricted
33 license for at least one year after the effective date of the
34 revocation. The court shall require the defendant to
35 surrender to it all Iowa licenses or permits held by the

1 defendant, which the court shall forward to the department
2 with a copy of the order for revocation. The defendant shall
3 be ordered to install an ignition interlock device of a type
4 approved by the commissioner of public safety on all vehicles
5 owned by the defendant if the defendant seeks a temporary
6 restricted license at the end of the minimum period of
7 ineligibility. A temporary restricted license shall not be
8 granted by the department until the defendant installs the
9 ignition interlock device.

10 Sec. 5. Section 321J.4, Code 2003, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 4A. Upon a plea or verdict of guilty of a
13 fourth violation of section 321J.2, the court shall order the
14 department to permanently revoke the defendant's driver's
15 license or nonresident operating privilege. The defendant
16 shall not be eligible for a temporary restricted license. The
17 court shall require the defendant to surrender to it all Iowa
18 licenses or permits held by the defendant, which the court
19 shall forward to the department with a copy of the order for
20 permanent revocation.

21 Sec. 6. Section 321J.4, subsection 9, Code 2003, is
22 amended by adding the following new paragraph:

23 NEW PARAGRAPH. i. This subsection shall not apply to any
24 person whose license or nonresident operating privilege has
25 been permanently revoked pursuant to subsection 4A.

26 Sec. 7. IMPLEMENTATION OF ACT. Section 25B.2, subsection
27 3, shall not apply to this Act.

28 EXPLANATION

29 This bill relates to repeat operating a motor vehicle while
30 intoxicated (OWI) violations.

31 The bill creates a new criminal penalty for a person who
32 violates Iowa's OWI law a fifth time. The bill provides that
33 a person in violation of this bill commits a class "C" felony
34 and shall be committed to the custody of the director of the
35 department of corrections for an indeterminate term not to

1 exceed 10 years, shall be confined for a mandatory minimum
2 term of 60 days, and shall be assessed a fine of not less than
3 \$3,500 but not more than \$10,000.

4 The bill further provides that a person who commits a
5 fourth offense OWI shall be subject to permanent license
6 revocation, with no eligibility for a temporary restricted
7 license. The bill exempts this fourth offense permanent
8 license revocation from Code provisions related to the
9 issuance of temporary restrictive licenses.

10 The bill may include a state mandate as defined in Code
11 section 25B.3. The bill makes inapplicable Code section
12 25B.2, subsection 3, which would relieve a political
13 subdivision from complying with a state mandate if funding for
14 the cost of the state mandate is not provided or specified.
15 Therefore, political subdivisions are required to comply with
16 any state mandate included in the bill.

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35