

JAN 3 1 2006  
PUBLIC SAFETY

HOUSE FILE 2190  
BY HEDDENS and SWAIM

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to criminal penalties for a driver convicted of  
2 failure to stop and render aid at the scene of a motor vehicle  
3 accident.

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

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HF 2190

1 Section 1. Section 321.261, Code 2005, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 3. Notwithstanding subsection 2, any  
4 person failing to stop or to comply with the requirements in  
5 subsection 1, in the event of an accident resulting in a  
6 serious injury to any person, is guilty upon conviction of an  
7 aggravated misdemeanor. For purposes of this section,  
8 "serious injury" means as defined in section 702.18.

9 Sec. 2. Section 321.261, subsection 3, Code 2005, is  
10 amended to read as follows:

11 ~~3-~~ 4. A person failing to stop or to comply with the  
12 requirements in subsection 1, in the event of an accident  
13 resulting in the death of a person, is guilty upon conviction  
14 of ~~an aggravated misdemeanor~~ a class "D" felony.

15 Sec. 3. Section 902.12, subsection 6, Code 2005, is  
16 amended to read as follows:

17 6. Vehicular homicide in violation of section 707.6A,  
18 subsection 1 or 2, if the person was also convicted under  
19 section 321.261, subsection 3 4, based on the same facts or  
20 event that resulted in the conviction under section 707.6A,  
21 subsection 1 or 2.

22 EXPLANATION

23 This bill addresses the penalties that may apply to a motor  
24 vehicle operator convicted of failing to stop and render aid  
25 at the scene of a motor vehicle accident.

26 Under current law, the driver of a motor vehicle involved  
27 in an accident who fails to stop and render reasonable  
28 assistance, if necessary, commits a serious misdemeanor if the  
29 accident results in an injury to any person. The bill  
30 provides that if the accident results in serious injury to a  
31 person, the driver who fails to stop and render aid commits an  
32 aggravated misdemeanor. By definition, "serious injury"  
33 includes disabling mental illness; bodily injury which creates  
34 a substantial risk of death, serious permanent disfigurement,  
35 or protracted loss or impairment of the function of any bodily

1 member or organ; any injury to a child that requires surgery  
2 under general anesthesia; and certain skeletal injuries to a  
3 child under four years of age. In addition, the bill  
4 increases the penalty from an aggravated misdemeanor to a  
5 class "D" felony if the accident results in the death of a  
6 person.

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