

House Study Bill 541 - Introduced

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

A BILL FOR

1 An Act relating to certain multiple driving-related convictions
2 for one continuous act of driving.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321.561A Multiple offenses
2 involving one continuous act of driving.

3 1. A person shall not be convicted of more than one offense
4 of operating a motor vehicle while the person's license is
5 suspended under section 321.218, subsection 1, operating a
6 motor vehicle while the person's license is revoked under
7 section 321.218, subsection 1, or operating a motor vehicle
8 while found to be a habitual offender under section 321.561,
9 or any combination of the aforementioned offenses, for one
10 continuous act of driving.

11 2. If a person is convicted of more than one offense
12 listed in subsection 1 that arose out of one continuous act
13 of driving, the court shall only enter a conviction for the
14 offense with the greatest criminal penalty. If the criminal
15 penalty for the offenses are equal, the court shall enter a
16 conviction for only one of the offenses.

17 EXPLANATION

18 This bill relates to certain multiple driving-related
19 convictions for one continuous act of driving.

20 Under the bill, a person shall not be convicted of more
21 than one offense of operating a motor vehicle while a license
22 is suspended under Code section 321.218, operating a motor
23 vehicle while a license is revoked under Code section 321.218,
24 or operating a motor vehicle while found to be a habitual
25 offender under Code section 321.561, or any combination of the
26 aforementioned offenses, for one continuous act of driving.

27 If a person is convicted of multiple offenses listed in new
28 Code section 321.561A created in the bill, the court shall only
29 enter a conviction for the offense with the greatest criminal
30 penalty if the offenses arose from one continuous act of
31 driving. If the criminal penalties for the offenses are equal,
32 the court shall enter a conviction for only one of the criminal
33 offenses.

34 A person who operates a motor vehicle while suspended
35 or revoked under Code section 321.218 commits a simple

1 misdemeanor. A person who operates a motor vehicle while
2 a habitual offender under Code section 321.561 commits an
3 aggravated misdemeanor.

4 The length of a driver's license suspension or revocation is
5 established in Code section 321.212.

6 The length of a revocation of a driver's license for a person
7 classified as an habitual offender is established in Code
8 section 321.560.

9 A simple misdemeanor is punishable by confinement for no
10 more than 30 days or a fine of at least \$65 but not more than
11 \$625 or by both. An aggravated misdemeanor is punishable by
12 confinement for no more than two years and a fine of at least
13 \$625 but not more than \$6,250.