

House File 2023 - Introduced

HOUSE FILE 2023

BY SALMON

A BILL FOR

1 An Act relating to operating-while-intoxicated offenses causing
2 death or serious injury, and providing penalties.

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

1 Section 1. Section 707.6A, subsections 1 and 4, Code 2018,
2 are amended to read as follows:

3 1. A person commits a class "B" felony punishable by
4 imprisonment not to exceed fifty years when the person
5 unintentionally causes the death of another by operating a
6 motor vehicle while intoxicated, as prohibited by section
7 321J.2, subsection 1.

8 4. a. A person commits a class "C" felony when the person
9 unintentionally causes a serious injury, as defined in section
10 702.18, by the means described in subsection 1.

11 b. A person commits a class "D" felony when the person
12 unintentionally causes a serious injury, as defined in section
13 702.18, by any of the means described in ~~subsection 1~~ or 2.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill increases criminal penalties for
18 operating-while-intoxicated (OWI) offenses causing death or
19 serious injury.

20 Under current law, unintentionally causing the death of
21 another person by operating a motor vehicle while intoxicated
22 is a class "B" felony. Unless the maximum sentence for
23 a felony is prescribed by statute, a class "B" felony is
24 punishable by imprisonment for no more than 25 years. The
25 bill provides the maximum sentence for unintentionally causing
26 the death of another person by operating a motor vehicle while
27 intoxicated is imprisonment not to exceed 50 years.

28 Under current law, unintentionally causing serious injury
29 by operating a motor vehicle while intoxicated is a class "D"
30 felony. A class "D" felony is punishable by imprisonment for
31 no more than five years and a fine of at least \$750 but not
32 more than \$7,500. The bill provides that unintentionally
33 causing serious injury by operating a motor vehicle while
34 intoxicated is a class "C" felony. A class "C" felony is
35 punishable by imprisonment for no more than 10 years and a fine

1 of at least \$1,000 but not more than \$10,000. By operation of
2 law, Code section 811.1 would prohibit a person convicted of
3 unintentionally causing serious injury by operating a motor
4 vehicle while intoxicated from being admitted to bail during
5 the appeal process.

6 Under current law, a court is prohibited from deferring
7 judgment, deferring the sentence, or suspending the sentence of
8 any person convicted of an offense under Code section 707.6A,
9 subsections 1 and 4, involving an OWI offense (Code section
10 907.3). In addition, a person convicted of unintentionally
11 causing the death of another person by operating a motor
12 vehicle while intoxicated who also fails to remain at the scene
13 of an accident in violation of Code section 321.261 must be
14 denied parole or work release until the person has served at
15 least seven-tenths of the maximum term of the person's sentence
16 (Code section 902.12).