

**House File 2015 - Introduced**

HOUSE FILE 2015

BY WOLFE

**A BILL FOR**

1 An Act relating to the suspension of fines assessed for  
2 operating-while-intoxicated offenses.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321J.2, subsection 3, paragraph c,  
2 unnumbered paragraph 1, Code 2020, is amended to read as  
3 follows:

4 Assessment of a fine of one thousand two hundred fifty  
5 dollars. ~~However, in the discretion of the court, if no~~  
6 ~~personal or property injury has resulted from the defendant's~~  
7 ~~actions, the court may waive up to six hundred twenty-five~~  
8 ~~dollars of the fine when the defendant presents to the court~~  
9 ~~a temporary restricted license issued pursuant to section~~  
10 ~~321J.20.~~

11 Sec. 2. Section 462A.14, subsection 2, paragraph a,  
12 subparagraph (2), Code 2020, is amended to read as follows:

13 (2) Assessment of a fine of one thousand dollars. ~~However,~~  
14 ~~in the discretion of the court, if no personal or property~~  
15 ~~injury has resulted from the defendant's actions, up to five~~  
16 ~~hundred dollars of the fine may be waived.~~ As an alternative  
17 to a portion or all of the fine, the court may order the person  
18 to perform unpaid community service.

19 Sec. 3. Section 907.3, subsection 3, paragraph c,  
20 unnumbered paragraph 1, Code 2020, is amended to read as  
21 follows:

22 A mandatory minimum sentence of incarceration imposed  
23 pursuant to a violation of [section 321J.2, subsection 1](#);  
24 furthermore, the court shall not suspend any part of a sentence  
25 not involving incarceration imposed pursuant to section 321J.2,  
26 subsection 3, 4, or 5, other than an assessed fine, beyond the  
27 mandatory minimum if any of the following apply:

28 Sec. 4. Section 907.3, subsection 3, paragraph f, Code 2020,  
29 is amended to read as follows:

30 *f.* A mandatory minimum sentence ~~or fine imposed~~ for a  
31 violation of [section 462A.14](#), other than an assessed fine.

32 EXPLANATION

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

35 Current law provides that a defendant who is convicted of

1 a first, second, third, or subsequent offense of operating a  
2 motor vehicle, motorboat, or sailboat while intoxicated must be  
3 assessed a fine of varying amounts depending on the offense.  
4 If a defendant commits a first offense of operating a motor  
5 vehicle, motorboat, or sailboat while intoxicated, the court  
6 may waive up to half of the assessed fine if no personal or  
7 property injury resulted from the offense, or may order a  
8 defendant to perform unpaid community service as an alternative  
9 to a portion or all of the fine. Under Code section 901.5(3),  
10 a court may suspend execution of a sentence or any part of the  
11 sentence, including a fine, in accordance with Code chapter  
12 907. Under Code section 907.3, a court is prohibited from  
13 suspending a fine imposed for operating a motor vehicle,  
14 motorboat, or sailboat while intoxicated beyond the mandatory  
15 minimum.

16 This bill strikes the provisions allowing a court to waive up  
17 to half of the fine for a first offense and amends Code section  
18 907.3 to allow a court to suspend any amount of a fine assessed  
19 for a first, second, third, or subsequent offense of operating  
20 a motor vehicle, motorboat, or sailboat while intoxicated.