House Study Bill 157 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON PUBLIC SAFETY BILL BY CHAIRPERSON KLEIN)

A BILL FOR

An Act relating to unintentionally causing the death of a person by operating a motor vehicle at an excessive speed, providing penalties, and making penalties applicable.

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

H.F. _____

Section 1. Section 707.6A, subsection 2, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* Exceeding a speed limit established or posted pursuant to section 262.68, section 321.236, subsection 5 or 11, section 321.236, subsection 13, paragraph *"a"*, section 321.285, section 321.288, subsection 2, paragraph *"f"*, or section 321.289, 321.290, 321.293, 321.295, or 461A.36, by twenty-five miles per hour or more, if the death of the other person directly or indirectly results from the violation. This paragraph does not apply to a member of a public safety agency, as defined in section 34.1, performing official duties.

EXPLANATION

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

This bill provides that a person commits a class "C" felony when the person unintentionally causes the death of another by exceeding a speed limit established or posted pursuant to Code section 262.68 (speed limits on board of regents grounds), Code section 321.236(5) (power of local authorities to regulate speed in public parks) or (11) (power of local authorities to regulate speed in public alleys), Code section 321.236(13)(a) (power of local authorities to regulate speed in rural residence districts), Code section 321.285 (general speed restrictions), Code section 321.288(2)(f) (reduced speed in road work zones), or Code section 321.289 (speed signs), 321.290 (special restrictions), 321.293 (local authorities may alter limits), 321.295 (limitation on bridge or elevated structures), or 461A.36 (speed limits in state parks and preserves), by 25 miles per hour or more, if the death of the other person directly or indirectly results from the violation. A class "C" felony is punishable by imprisonment for no more than 10 years and a fine of at least $1,000 but not more than $10,000. The bill exempts members of a public safety agency performing official duties from this provision.

By operation of law, a person who commits a violation

under the bill is subject to driver's license suspension for vehicular homicide (Code section 321.210D) and is disqualified from operating a commercial motor vehicle for one year (Code section 321.208). In addition, the person is prohibited from being admitted to bail during the appeal process (Code section 811.1). If the person fails to remain at the scene of the accident in violation of Code section 321.261, the person must also be denied parole or work release until the person has served at least seven-tenths of the maximum term of the person's sentence (Code section 902.12).

Under Code section 707.6A(4), a person who unintentionally causes a serious injury by the means described in the bill is guilty of a class "D" felony. A class "D" felony is punishable by confinement for no more than five years and a fine of at least $750 but not more than $7,500.