

House Study Bill 27 - Introduced

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

A BILL FOR

1 An Act relating to restrictions on bailable defendants charged
2 with homicide by motor vehicle.

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

1 Section 1. Section 811.2, subsection 1, Code 2019, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *c.* Any bailable defendant who is charged
4 with unintentionally causing the death of another by operating
5 a motor vehicle in violation of section 707.6A, subsection 1
6 or 2, and who is ordered released shall, as a condition of
7 that release, be prohibited from operating a motor vehicle,
8 be placed under supervision, and be required to surrender the
9 defendant's driver's license to the sheriff of the county in
10 which the defendant is charged if the defendant has not already
11 surrendered the license to the department of transportation
12 pursuant to section 321.210D.

13 EXPLANATION

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

16 This bill provides that any bailable defendant who is
17 charged with unintentionally causing the death of another
18 by operating a motor vehicle in violation of Code section
19 707.6A(1) (operating-while-intoxicated) or Code section
20 707.6A(2) (reckless driving or eluding law enforcement)
21 and who is ordered released shall, as a condition of that
22 release, be prohibited from operating a motor vehicle, be
23 placed under supervision, and be required to surrender the
24 defendant's driver's license to the sheriff of the county in
25 which the defendant is charged if the defendant has not already
26 surrendered the license to the department of transportation.

27 Under Code section 811.1, a defendant is not bailable if the
28 defendant is awaiting judgment of conviction and sentencing
29 following either a plea or verdict of guilty for a charge
30 under Code section 707.6A(1) or if the defendant is appealing
31 a conviction for a violation of Code section 707.6A(1)
32 or 707.6A(2). Therefore, the bill does not apply to such
33 defendants.