

Senate Study Bill 1011 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to unintentionally causing the death of a
2 person by operating a motor vehicle at an excessive speed,
3 providing penalties, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

3 NEW PARAGRAPH. c. Exceeding a speed limit established or
4 posted pursuant to section 262.68, section 321.236, subsection
5 5 or 11, section 321.236, subsection 13, paragraph "a", section
6 321.285, section 321.288, subsection 2, paragraph "f", or
7 section 321.289, 321.290, 321.293, 321.295, or 461A.36, by
8 twenty-five miles per hour or more, if the death of the other
9 person directly or indirectly results from the violation. This
10 paragraph does not apply to a member of a public safety agency,
11 as defined in section 34.1, performing official duties.

12 EXPLANATION

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

15 This bill provides that a person commits a class "C" felony
16 when the person unintentionally causes the death of another
17 by exceeding a speed limit established or posted pursuant
18 to Code section 262.68 (speed limits on board of regents
19 grounds), Code section 321.236(5) (power of local authorities
20 to regulate speed in public parks) or (11) (power of local
21 authorities to regulate speed in public alleys), Code section
22 321.236(13)(a) (power of local authorities to regulate speed
23 in rural residence districts), Code section 321.285 (general
24 speed restrictions), Code section 321.288(2)(f) (reduced speed
25 in road work zones), or Code section 321.289 (speed signs),
26 321.290 (special restrictions), 321.293 (local authorities
27 may alter limits), 321.295 (limitation on bridge or elevated
28 structures), or 461A.36 (speed limits in state parks and
29 preserves), by 25 miles per hour or more, if the death of the
30 other person directly or indirectly results from the violation.
31 A class "C" felony is punishable by imprisonment for no more
32 than 10 years and a fine of at least \$1,000 but not more than
33 \$10,000. The bill exempts members of a public safety agency
34 performing official duties from this provision.

35 By operation of law, a person who commits a violation

1 under the bill is subject to driver's license suspension for
2 vehicular homicide (Code section 321.210D) and is disqualified
3 from operating a commercial motor vehicle for one year (Code
4 section 321.208). In addition, the person is prohibited from
5 being admitted to bail during the appeal process (Code section
6 811.1). If the person fails to remain at the scene of the
7 accident in violation of Code section 321.261, the person
8 must also be denied parole or work release until the person
9 has served at least seven-tenths of the maximum term of the
10 person's sentence (Code section 902.12).

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