

**House File 2708 - Introduced**

HOUSE FILE 2708  
BY GJERDE, KURTH, KRESSIG,  
LEVIN, GOSA, BROWN-POWERS,  
and WESSEL-KROESCHELL

**A BILL FOR**

1 An Act relating to operating a motor vehicle while intoxicated  
2 and causing injury, and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 707.6A, Code 2026, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 4A. A person commits an aggravated  
4 misdemeanor when the person unintentionally injures another  
5 person by operating a motor vehicle while intoxicated, as  
6 prohibited by section 321J.2. A person committing a second  
7 or subsequent violation of this subsection commits a class "D"  
8 felony.

9 EXPLANATION

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

12 Under current law, a person who unintentionally causes the  
13 death of another by operating a motor vehicle while intoxicated  
14 (OWI) commits a class "B" felony. A person who unintentionally  
15 causes a serious injury by OWI commits a class "D" felony.  
16 "Serious injury" is defined to include disabling mental illness;  
17 bodily injury which creates a substantial risk of death, causes  
18 serious permanent disfigurement, or causes protracted loss or  
19 impairment of the function of any bodily member or organ; any  
20 injury to a child that requires surgical repair and necessitates  
21 the administration of general anesthesia; and skull fractures,  
22 rib fractures, and metaphyseal fractures of the long bones of  
23 children under the age of four years.

24 This bill provides that a person who unintentionally injures  
25 another person, but does not cause serious injury, by OWI  
26 commits an aggravated misdemeanor. An aggravated misdemeanor is  
27 punishable by confinement for no more than two years and a fine  
28 of at least \$855 but not more than \$8,540. A person committing  
29 a second or subsequent violation of the bill commits a class "D"  
30 felony. A class "D" felony is punishable by confinement for no  
31 more than five years and a fine of at least \$1,025 but not more  
32 than \$10,245.