

FEB 15 2006
Place On Calendar

HOUSE FILE 2398
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 2190)

Passed House, Date 3-7-06 Passed Senate, Date 4-5-06
Vote: Ayes 94 Nays 2 Vote: Ayes 50 Nays 0
Approved April 21, 2006

A BILL FOR

1 An Act relating to criminal penalties for a driver convicted of
2 failure to stop and render aid at the scene of a motor vehicle
3 accident.

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

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HF 2398

1 Section 1. Section 321.261, Code 2005, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 3. Notwithstanding subsection 2, any
4 person failing to stop or to comply with the requirements in
5 subsection 1, in the event of an accident resulting in a
6 serious injury to any person, is guilty upon conviction of an
7 aggravated misdemeanor. For purposes of this section,
8 "serious injury" means as defined in section 702.18.

9 Sec. 2. Section 321.261, subsection 3, Code 2005, is
10 amended to read as follows:

11 3- 4. A person failing to stop or to comply with the
12 requirements in subsection 1, in the event of an accident
13 resulting in the death of a person, is guilty upon conviction
14 of ~~an aggravated misdemeanor~~ a class "D" felony.

15 Sec. 3. Section 902.12, subsection 6, Code 2005, is
16 amended to read as follows:

17 6. Vehicular homicide in violation of section 707.6A,
18 subsection 1 or 2, if the person was also convicted under
19 section 321.261, subsection 3 4, based on the same facts or
20 event that resulted in the conviction under section 707.6A,
21 subsection 1 or 2.

22 EXPLANATION

23 This bill addresses the penalties that may apply to a motor
24 vehicle operator convicted of failing to stop and render aid
25 at the scene of a motor vehicle accident.

26 Under current law, the driver of a motor vehicle involved
27 in an accident who fails to stop and render reasonable
28 assistance, if necessary, commits a serious misdemeanor if the
29 accident results in an injury to any person. The bill
30 provides that if the accident results in serious injury to a
31 person, the driver who fails to stop and render aid commits an
32 aggravated misdemeanor. By definition, "serious injury"
33 includes disabling mental illness; bodily injury which creates
34 a substantial risk of death, serious permanent disfigurement,
35 or protracted loss or impairment of the function of any bodily

1 member or organ; any injury to a child that requires surgery
2 under general anesthesia; and certain skeletal injuries to a
3 child under four years of age. In addition, the bill
4 increases the penalty from an aggravated misdemeanor to a
5 class "D" felony if the accident results in the death of a
6 person.

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Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 2398 - Hit & Run Penalties (LSB 6033 HV)

Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.state.ia.us)

Fiscal Note Version - New

Description

House File 2398 relates to criminal penalties for a driver convicted of failure to stop and render aid at the scene of a motor vehicle accident. The Bill provides that if the accident results in serious injury, the driver who fails to stop commits an aggravated misdemeanor. If the accident results in the death of a person, the penalty is a Class D felony.

Assumptions

1. In FY 2005, there were 83 convictions for failure to stop and render aid at the scene of a motor vehicle accident that were classified as serious misdemeanors and six that were aggravated misdemeanors. Under HF 2398, the six aggravated misdemeanors would be classified as Class D felonies. The percentage of serious misdemeanors which now would become aggravated misdemeanors cannot be determined at this time.
2. The average State costs for one Class D felony conviction ranges from \$3,100 (court costs, probation, and indigent defense) to \$12,100 (court costs, jury trial, indigent defense, prison and parole). The maximum cost will be incurred across multiple years while the offender is supervised in the correctional system, either in prison or in the community. The increased costs from an aggravated misdemeanor to a Class D felony would range from \$1,500 in additional costs on the low end to \$6,000 in additional costs on the high end.
3. The average State costs for one aggravated misdemeanor conviction ranges from \$1,600 (court costs and probation) to \$6,100 (court costs, jury trial, indigent defense, prison and parole). The maximum costs will be incurred across multiple years while the offender is supervised in the correctional system, either in prison or in the community. The increased costs from a serious to an aggravated misdemeanor would range from \$1,500 in additional costs on the low end to \$2,100 in additional costs on the high end.

Correctional Impact

Based on the Class D felony, no significant correctional impact is anticipated as the population increase at five years would be less than ten people.

Fiscal Impact

The fiscal impact is anticipated to be under \$100,000.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division (CJJPD)
Judicial Branch
Indigent Defense

/s/ Holly M. Lyons

February 20, 2006

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

section 321.261, subsection 3 4, based on the same facts or event that resulted in the conviction under section 707.6A, subsection 1 or 2.

HOUSE FILE 2398

AN ACT
RELATING TO CRIMINAL PENALTIES FOR A DRIVER CONVICTED
OF FAILURE TO STOP AND RENDER AID AT THE SCENE OF A
MOTOR VEHICLE ACCIDENT.

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

Section 1. Section 321.261, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding subsection 2, any person failing to stop or to comply with the requirements in subsection 1, in the event of an accident resulting in a serious injury to any person, is guilty upon conviction of an aggravated misdemeanor. For purposes of this section, "serious injury" means as defined in section 702.18.

Sec. 2. Section 321.261, subsection 3, Code 2005, is amended to read as follows:

3- 4. A person failing to stop or to comply with the requirements in subsection 1, in the event of an accident resulting in the death of a person, is guilty upon conviction of an aggravated-misdemeanor a class "D" felony.

Sec. 3. Section 902.12, subsection 6, Code 2005, is amended to read as follows:

6. Vehicular homicide in violation of section 707.6A, subsection 1 or 2, if the person was also convicted under

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2398, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK
Governor