

FILED JAN 26 2006

NAT. RES. & ENVIRONMENT

SENATE FILE

2085

BY JOHNSON

(COMPANION TO LSB 5885HH

BY MAY)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act providing criminal penalties for the failure of a vessel
2 operator to offer assistance and information at the scene of a
3 collision, accident, or casualty.

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

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NAT. RES. & ENVIRONMENT

SF 2085

TL5B 5885SS 81

av/je/5

1 Section 1. Section 462A.7, subsection 5, Code 2005, is
2 amended to read as follows:

3 5. Failure of the operator of any vessel involved in a
4 collision, ~~reportable~~ accident, or other casualty, to offer
5 assistance and aid to other persons affected by such
6 collision, accident, or casualty, as set forth in this
7 chapter, ~~shall constitute a serious misdemeanor or to~~
8 otherwise comply with the requirements of subsection 1, is
9 punishable as follows:

10 a. In the event of a collision, accident, or other
11 casualty resulting only in property damage, the operator is
12 guilty upon conviction of a serious misdemeanor.

13 b. In the event of a collision, accident, or other
14 casualty resulting in an injury to a person, the operator is
15 guilty upon conviction of an aggravated misdemeanor.

16 c. In the event of a collision, accident, or other
17 casualty resulting in the death of a person, the operator is
18 guilty upon conviction of a class "D" felony.

19 EXPLANATION

20 This bill provides criminal penalties for the failure of a
21 vessel operator to offer assistance and information at the
22 scene of a collision, accident, or casualty involving the
23 vessel.

24 Under Code section 462A.7, an operator of a vessel that is
25 involved in a collision, accident, or other casualty is
26 required to, so far as is possible without serious danger to
27 the operator's own vessel, crew, or passengers, render such
28 assistance to other persons affected by the incident as is
29 practicable and necessary, and to give the operator's name,
30 address, and identification of the operator's vessel to any
31 person injured and to the owner of any property damaged in the
32 incident.

33 The bill provides for increasingly severe penalties based
34 upon what damage or injury results from the collision,
35 accident, or casualty.

1 If the vessel operator fails to offer assistance and
2 information when the incident results only in property damage,
3 the operator is guilty upon conviction of a serious
4 misdemeanor. A serious misdemeanor is punishable by
5 confinement for no more than one year and a fine of at least
6 \$250 but not more than \$1,500.

7 If the vessel operator fails to offer assistance and
8 information when the incident results in an injury to a
9 person, the operator is guilty upon conviction of an
10 aggravated misdemeanor. An aggravated misdemeanor is
11 punishable by confinement for no more than two years and a
12 fine of at least \$500 but not more than \$5,000.

13 If the vessel operator fails to offer assistance and
14 information when the incident results in the death of a
15 person, the operator is guilty upon conviction of a class "D"
16 felony. A class "D" felony is punishable by confinement for
17 no more than five years and a fine of at least \$750 but not
18 more than \$7,500.

19 Currently, the operator of any vessel involved in a
20 collision, reportable accident (property damage exceeding
21 \$500), or other casualty, who fails to offer assistance and
22 aid to other persons affected by such collision, accident, or
23 casualty, is guilty upon conviction of a serious misdemeanor.

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SENATE FILE 2085

S-5040

1 Amend Senate File 2085 as follows:

2 1. Page 1, line 12, by striking the word
3 "serious" and inserting the following: "simple".

4 2. Page 1, line 15, by striking the word
5 "aggravated" and inserting the following: "serious".

6 3. Page 1, by inserting after line 15, the
7 following:

8 " . In the event of a collision, accident, or
9 other casualty resulting in a serious injury to a
10 person, the operator is guilty upon conviction of an
11 aggravated misdemeanor."

12 4. By relettering as necessary.

By DAVID JOHNSON

S-5040 FILED MARCH 9, 2006

Fiscal Services Division
Legislative Services Agency
Fiscal Note

SF 2085 - Collisions, Accidents & Casualties (LSB 5885 SS)
Analyst: Debra Kozel (Phone: (515) 281-6767) (deb.kozel@legis.state.ia.us)
Fiscal Note Version - New

Description

Senate File 2085 changes the penalties for boat operators leaving the scene of a boating accident from a simple misdemeanor to the following:

1. If there is property damage, the boat operator will be convicted of a serious misdemeanor.
2. If there is injury to a person, the boat operator will be convicted of an aggravated misdemeanor.
3. If the accident results in the death of a person, the boat operator will be convicted of a Class D felony.

Assumptions

1. During FY 2005, there were two convictions for boat operators leaving the scene of a boating accident.
2. The average State costs for one serious misdemeanor conviction ranges from \$105 (court costs) to \$4,000 (court costs, jury trial, indigent defense, and prison).
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).
4. 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).

Correctional Impact

The correctional impact of SF 2085 is expected to be minimal.

Fiscal Impact

The fiscal impact of SF 2085 is expected to be minimal.

Sources

Department of Human Rights – Criminal and Juvenile Justice Planning Division
Department of Natural Resources
Indigent Defense
Judicial Branch

/s/ Holly M. Lyons

March 6, 2006