

IN THE SENATE

SENATE BILL NO. 1326

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; AMENDING CHAPTER 80, TITLE 18, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 18-8006A, IDAHO CODE, TO PROVIDE FOR THE
3 CRIME OF AGGRAVATED DRIVING WHILE RECKLESS, TO PROVIDE PENALTIES, AND
4 TO PROVIDE THAT EVIDENCE OF CONVICTION SHALL BE ADMISSIBLE IN A CIVIL
5 ACTION FOR DAMAGES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFEC-
6 TIVE DATE.
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8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 80, Title 18, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 18-8006A, Idaho Code, and to read as follows:

12 18-8006A. AGGRAVATED DRIVING WHILE RECKLESS. (1) A person shall be
13 guilty of aggravated driving while reckless if he causes great bodily harm,
14 permanent disability, or permanent disfigurement to any person other than
15 himself in committing a violation of the provisions of section 49-1401(1),
16 Idaho Code.

17 (2) Any person who commits aggravated driving while reckless upon con-
18 viction:

19 (a) Shall be sentenced to the state board of correction for a term not to
20 exceed fifteen (15) years. Notwithstanding the provisions of section
21 19-2601, Idaho Code, should the court impose any sentence other than in-
22 carceration in the state penitentiary, the defendant shall be sentenced
23 to the county jail for a mandatory minimum period of at least thirty (30)
24 days, the first forty-eight (48) hours of which must be consecutive.
25 Notwithstanding the provisions of section 18-111, Idaho Code, a convic-
26 tion under this section shall be deemed a felony;

27 (b) May be fined an amount not to exceed five thousand dollars (\$5,000);

28 (c) Shall surrender his driver's license or permit to the court;

29 (d) Shall have his driving privileges suspended by the court for a
30 mandatory minimum period of one (1) year after release from imprison-
31 ment and may have his driving privileges suspended by the court for a
32 period not to exceed five (5) years after release from imprisonment,
33 during which time he shall have absolutely no driving privileges of any
34 kind; and

35 (e) Shall be ordered by the court to pay restitution in accordance with
36 chapter 53, title 19, Idaho Code.

37 (3) Notwithstanding any other provision of law, any evidence of convic-
38 tion under this section shall be admissible in any civil action for damages
39 resulting from the occurrence. A conviction for the purposes of this section
40 means that the person has pled guilty or has been found guilty, notwithstand-
41 ing the form of the judgment or withheld judgment.

1 SECTION 2. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2024.