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Iowa's Hit and Run Law Hits Home

Historical Precedence

June 30th, 2005: 20 year-old Kyle Zey of Cedar Falls, was struck on his motorcycle by Jeremy Sawyer who was operating a motor vehicle under the influence in the early morning hours. Zey was killed on impact. Sawyer left the scene of the crime to later be arrested at his home.

July 1st, 2006: The Iowa Code was revised to provide that driver, and anybody who leaves the scene of an accident causing serious injury or death, could face felony charges and up to five years in prison. Iowa was one of six states that did not previously consider this type of crime a felony.

July 9th, 2006: Matthew Carter was struck on his walk home in Monticello, IA, after a camping excursion that lasted into the night. Carter was also pronounced dead after the driver failed to remain at the scene of the accident.

Loopholes in Iowa Code 321.263

To prove guilt in a hit and run accident, the law provides that the prosecution must prove knowledge by the defendant that at the scene of the crime the defendant knowingly caused personal injury, and was required to render aid. In the case of each of the victims below, the prosecution was unable to prove this resulting in the inability to prove guilt.

Victims of Hit and Run Accidents

Kyle Zey **Matthew Carter** **Emmalee Jacobs**

Tragedy Hits Iowa State University's Campus

December 14th, 2015: An Iowa State University Student, Emmalee Jacobs, was struck by CyRide around 7 a.m. Driver, unidentified at the time, fled the scene of the crime leaving Emmalee Jacobs to suffer fatal injuries before being transported to Mary Greely Medical Center.

January 20th, 2016: Benjamin Clague was arrested at his home for the death of Emmalee Jacobs after camera footage from the CyRide bus was placed into evidence. Upon arrest, Clague was charged with leaving the scene of a personal injury accident and failure to obey a traffic control device.

February, 2016: Clague pleaded guilty to the simple misdemeanor of failure to report an accident. Clague would face 30 days in jail and incur a small fine of $100.

Emmalee's Law

February, 2017: Jessica Reynolds, Story County Attorney, prepared an amendment to the Iowa Code referred to as New Section 321.266A and House File 428. The new wording would require a person operating a motor vehicle who leaves the scene of an accident, without knowing if the accident resulted in injury to, or death of another person, to give notice of the accident to local law enforcement agencies immediately after the person realized that the accident resulted in injury to, or death of another person. House File 428 failed to make it out of the subcommittee despite all efforts.

February, 2018: Revisions were made to the bill to eliminate implications of self-incrimination because citizens are allowed constitutional protection against self-incrimination. Failed again to make it out of the subcommittee.

1900s: Roots of lobbying relate back to the 16th century. Activities permissible in the action of lobbying have been shaped throughout the history of the United States by: The Foreign Agent Registration Act of 1938, The Regulation of Lobbying Act of 1946 the Legislative Reorganization Act (LRA) of 1946, the Honest Leadership and Open Government Act of 2007, and the Lobbying Disclosure Act (LDA) of 1995. Of these five, the LRA of 1946 defined a lobbyist as a person who by him, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to influence, directly or indirectly, the passage or defeat of any legislation and the LDA of 1995 endorsed lobbying as a basic American right protected under the First Amendment under the direction of President William Clinton.

History of Lobbying in the United States

Inside Lobbying vs. Outside Lobbying

Inside lobbying, most commonly referred to as "gaining access", articulates the influential power over the actual content of supported bills within the government. Activities that constitute inside lobbying relate to the acquisition of financial resources, substantive expertise, and concentration within certain congressional constituencies to create personal relationships with legislation. Lobbyists play an important role in educating current members of legislation at a lower cost and in a timely manner on issues that are important to the citizens they represent.

Outside lobbying is a less indirect strategy of lobbying. These actions refer to the attempt to mobilize supporters outside of those in power to make public policy to take action. In addition, outside lobbying aims to keep current policies from being unchanged rather than changing proposing changes to legislation.

Effective Ways to Lobby Legislature

Research Findings Ranked by Effectiveness:
1. **In-person Meetings with Legislatures**
   Create relationships with members of legislation to gain access to other government officials as well as knowledge of interest related bills coming down the pipeline.
2. **Involvement with Advocacy Groups**
   56% of Interest Groups regularly mobilize members of Legislation, 38% of Interest Groups occasionally mobilize members of Legislation
3. **Impersonal Forms of Communication**
   Defined as: Email Communication, Phone Calls, Letters, Social Media Mediums
4. **Drafting Legislation**
   Emmalee's Law

2019: Emmalee's Law saw hopeful success after a passage out of the transportation committee in February and a date set for debate on the House Floor in March. Unfortunately, the outcome from house debate would be unfavorable for family and friends of Jacobs. The efforts for Emmalee's Law have yet again been halted by members of legislation in Iowa due to lack of backing.

Future Proceedings: Based upon research findings and analysis, my recommendation would be for the supporters of Emmalee's Law to create an advocacy group and encourage members to host meetings with Iowa Legislatures to mobilize supporters in favor of Emmalee's Law.

Recommendation