

Date of Hearing: March 23, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION  
Jim Frazier, Chair  
AB 8 (Gatto) – As Introduced December 1, 2014

**SUBJECT:** Emergency services: hit-and-run incidents

**SUMMARY:** Establishes the "Yellow Alert" notification system (similar to "Amber Alert") and authorizes activation of the system for certain hit-and-run incidents. Specifically, **this bill:**

- 1) Defines a "Yellow Alert" as a notification system designed to issue and coordinate alerts that enlist the public in locating hit-and-run suspects when a hit-and-run incident results in death or injury.
- 2) Authorizes a law enforcement agency to request that the California Highway Patrol (CHP) activate a Yellow Alert if certain identifying information about the hit-and-run suspect or the suspect's vehicle is available and if law enforcement believes that public dissemination of the available information will aid in apprehending the suspect or averting further harm.
- 3) Requires CHP, if they concur that Yellow Alert activation requirements are met, to issue a Yellow Alert via local digital signs within the geographic area requested by the investigating law enforcement agency

**EXISTING LAW:**

- 1) Requires a driver who is involved in an accident resulting in injury or death to a person other than himself to immediately stop the vehicle at the scene of the accident and render assistance as well as provide specified information to an officer on the scene or report the information to law enforcement within 24 hours of the incident if no officer is present.
- 2) Provides that drivers who fail to stop at the scene of an accident resulting in injury or death shall be punished by fine or imprisonment, or both.
- 3) Establishes the Emergency Alert System, nicknamed "Amber Alert," which may be activated if a law enforcement agency receives a report of a child abduction and the victim is in imminent danger of serious bodily injury or death, and there is information available that, if disseminated to the general public, could assist in the safe recovery of the victim.
- 4) Establishes the "Blue Alert" notification system, designed to issue and coordinate alerts if a law enforcement officer has been killed or is seriously injured by a suspect who has fled the scene and poses an imminent threat to public safety.
- 5) Establishes a "Silver Alert" notification system, designed to issue and coordinate alerts if a person age 65 or older is missing.
- 6) Includes developmentally disabled or cognitively impaired persons on the list of persons who qualify under the "Silver Alert" notification system.

**FISCAL EFFECT:** Unknown

**COMMENTS:** The National Highway Traffic Safety Administration reports that the number of hit-and-run accidents is increasing nationally. According to the AAA Foundation for Traffic Safety, one in five of all pedestrian fatalities involve hit-and-run accidents and 60% of hit-and-run fatalities have pedestrian victims. Additionally, USA Today writes that in 2013 an estimated 20,000 hit-and-run incidents occur each year in the City of Los Angeles alone and 4,000 of these incidents involved injuries or death.

To address this problem, the author has introduced this bill, which is modeled after legislation in Colorado ("Medina Alert") that has been instrumental in locating hit-and-run suspects. Specifically, this bill would create a "Yellow Alert" notification system, similar to California's successful "Amber Alert" system, that would authorize CHP to activate digital highway signage (as well as other electronic messaging systems) when there is information available to locate hit-and-run suspects. The "Yellow Alert" notification system would provide the public with information about the hit-and-run suspect and/or the suspect's vehicle and request that the public be on the lookout and report information to law enforcement.

There are a number of similar alert systems already in use in California. The first alert system developed in California was "Amber Alert", established by AB 415, (Runner) Chapter 517, Statutes of 2002, that authorized law enforcement agencies to use the digital messaging on overhead roadway signs to assist in recovery efforts for child abduction cases. Following on the success of the "Amber Alert" program, the "Blue Alert" and the "Silver Alert" notification systems were developed. The "Blue Alert" system, established by SB 839 (Runner), Chapter 311, Statutes of 2010, provides for public notification when a law enforcement officer has been attacked and the "Silver Alert" notification system, established by SB 1047 (Alquist), Chapter 651, Statutes of 2012, provides for public notification when a person age 65 years or older is missing. The "Silver Alert" system was recently broadened with the passage of SB 1127 (Torres) Chapter 440, Statutes of 2014, to include missing persons who are developmentally disabled or cognitively impaired.

This bill is identical to AB 47 (Gatto), of 2014, which passed with bi-partisan support but was vetoed by the Governor. In his veto message, Governor Brown noted that since SB 1127 added a new class of individuals to the existing alert system, adding yet another category (hit-and-run suspects) could overload the alert system, thereby diluting its effectiveness. Given that SB 1127 just recently took effect (January 1, 2015), it is unclear what result adding this new category of individuals (developmentally disabled or cognitively impaired) will have. According to CHP, there has been only one "Silver Alert" system activation to date under the new law but it remains to be seen if there will be an increase over time.

Supporters of the bill include local jurisdictions as well as a number bicycle and pedestrian groups. Bicycle and pedestrian groups, note that using California's network of changeable message signs to locate hit-and-run suspects would provide a simple yet effective way to solve, and possibly deter, this type of crime. Also writing in support of the bill, Eric Garcetti, Mayor of the City of Los Angeles, notes that the "Medina Alert" system in Colorado has led to the arrest of 76 percent of hit-and-run fugitives and that this bill would help local law enforcement achieve similar results and give hope to families and victims of hit-and-run accidents.

Commenting on AB 47 (Gatto, 2014) last year, the Department of Finance noted that creating a "Yellow Alert" notification system would be duplicative of current "Be On the Look Out" and APBnet" systems already in use. Specifically, these systems enable officers to quickly create photo bulletins and distribute them to any number of targeted recipients including law enforcement agencies and individuals in specific communities (city, county, state). Systems such as APBnet are widely available to law enforcement and have been in use since 1995. APBnet allows photo bulletins (with photos and information about suspects, stolen property, etc.) to be sent across multiple jurisdictions and to communities to help solve crimes and arrest suspected criminals.

*Previous legislation:* AB 47 (Gatto), of 2014, which was identical to this bill, was vetoed by Governor Brown on the grounds similar legislation adding developmentally disabled persons to the alert system had just been signed. The Governor pointed out in his veto message that expansion of the system should be tested before other categories of individuals are added.

SB 1127 (Torres) Chapter 440, Statutes of 2014, included a missing person who is developmentally disabled or cognitively impaired among persons who may be the subject of a "Silver Alert."

SB 1047 (Alquist), Chapter 651, Statutes of 2012, created the "Silver Alert" notification system designed to issue and coordinate alerts to inform the public when a person who is age 65 years or older is missing.

SB 839 (Runner) Chapter 311, Statutes of 2010, created the "Blue Alert" notification system to notify the public when a law enforcement office has been attacked.

AB 415 (Runner) Chapter 517, Statutes of 2002, established "Amber Alert" system which authorized law enforcement agencies to use the emergency alert system to assist recovery efforts in child abduction cases.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

ABATE of California  
American Federation of State, County and Municipal Employees, AFL-CIO  
American Motorcyclist Association  
Association of Orange County Deputy Sheriffs  
California Bicycle Coalition  
Coalition for Sustainable Transportation  
Honorable Eric Garcetti, Mayor, City of Los Angeles  
Inland Empire Biking Alliance  
Los Angeles Walks  
Marin County Bicycle Coalition  
Nick's Computer Works  
People Power: Sensible Transportation for Santa Cruz County  
Safe Routes to School National Partnership

San Diego County Bicycle Coalition  
Shasta Living Streets  
Silicon Valley Bicycle Coalition  
Walk & Bike Mendocino

**Opposition**

None on file

**Analysis Prepared by:** Victoria Alvarez / TRANS. / (916) 319-2093