

Date of Hearing: April 15, 2024

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

AB 2807 (Villapudua) – As Amended April 3, 2024

SUBJECT: Vehicles: sideshows and street takeovers

SUMMARY: Clarifies that vehicle sideshows are also known as street takeovers.

EXISTING LAW:

- 1) Provides that a person shall not engage in an exhibition of speed on a highway or in an offstreet parking facility. (Vehicle Code Section (VEH) 23109)
- 2) Defines “exhibition of speed” as accelerating or driving at a rate of speed that is dangerous and unsafe in order to show off or make an impression on someone else. (*People v. Grier* (1964) 226 Cal.App.2d 360, 364.)
- 3) Authorizes a court to order the suspension of a driver’s license for 90 days to six months for a person convicted of engaging in an exhibition of speed that was part of a sideshow. (VEH 23109)
- 4) Defines “sideshow” to mean an event in which two or more persons block or impede traffic on a highway or in an offstreet parking facility, for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving, for spectators. (VEH 23109)
- 5) Allows a peace officer to immediately arrest and take into custody a person engaged in an exhibition of speed, and to remove and impound the vehicle used in the offense for up to 30 days. (VEH 23109.2)
- 6) Provides that a person shall not aid or abet in an exhibition of speed on any highway or in an offstreet parking facility, or, for the purpose of facilitating or aiding or as an incident to any exhibition of speed, in any manner, obstruct or place a barricade or obstruction or assist or participate in placing a barricade or obstruction on a highway or in an offstreet parking facility. (VEH 23109)

FISCAL EFFECT: Unknown

COMMENTS:

In the 1980s in Oakland, California, a new tradition took hold in mall parking lots: sideshows. The original sideshows were just meant to show off cars, but they developed into larger events under Oakland’s unique hyphy culture in the 1990s. These events involve customized cars and hyphy music, an Oakland slang term meaning “hyperactive” that was coined by Rapper Keak da Sneak and popularized by E-40’s song, “Hyphy”.

According to an interview by KQED with Sean Kennedy, a multimedia producer and local hip-hop historian in Oakland, sideshows began to change when guys with cheap cars started doing stunts to gain attention. These stunts include doing donuts (360 degree tire burnouts) and ghost riding the whip (exiting a moving vehicle and dancing beside and around it). Kennedy has noted that these sideshows have a nomadic, extra-legal element to them, as people often bring guns and sell drugs at the shows.

As sideshows grew in popularity and moved out of mall parking lots and onto streets, highways and bridges, the city of Oakland began to pass ordinances making spectating at a sideshow a criminal offense. After the death of U'kendra K. Johnson, a 22-year old woman who was killed by a sideshow driver fleeing police in Oakland, the Legislature passed SB 1489 (Perata), Chapter 411, Statutes of 2002, also known as the U'kendra K. Johnson Memorial Act, which granted law enforcement the ability to impound a vehicle for reckless driving.

During the COVID 19 pandemic lockdowns, cities saw an increase in street racing and sideshows, in part because there were fewer vehicles on the road. The California Highway Patrol (CHP) responded to 25,953 calls involving a motor vehicle speed contest or exhibition of speed in 2020, nearly 3,500 more calls than the prior year. In 2020, CHP cited 341 individuals with a violation of motor vehicle exhibition of speed, 141 more than the year before.

Citations and calls reporting speed racing and motor vehicle exhibitions of speed have continued to grow. In 2022, CHP received over 31,000 calls involving a motor vehicle speed contest or motor vehicle exposition of speed. That number dropped to 27,265 in 2023. CHP issued 1487 citations for the two violations in 2022 and 2023.

One of the common charges brought against individuals participating in a sideshow is engaging in a motor vehicle exhibition of speed on a highway. This section has been interpreted by the courts to include the act of burning or squealing tires allowing them to lose traction, or performing a "wheelie" on a motorcycle. A motor vehicle exhibition of speed could be as minor as revving an engine or hitting the gas too quickly after running a light.

In 2021 the Legislature passed AB 3 (Fong), Chapter 611 which provided the ability to suspend a person's driver's license if they were convicted of a motor vehicle exhibition of speed and that charge stemmed from their participation in a motor vehicle sideshow. The bill defined in statute a sideshow as an event in which two or more persons block or impede traffic on a highway, for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving, for spectators.

While sideshow is the more popular term, law enforcement from southern California refers to the events as "street takeovers." AB 74 (Muratsuchi) of 2023, sponsored by the Los Angeles Police Department, would have created a new crime of "street takeover" that had the same elements of the crime as a sideshow established under AB 3. That bill died in this committee.

This bill recognizes the southern California slang for sideshow in code by recognizing that sideshows are also referred to as street takeovers.

Related legislation: AB 1978 (V. Fong) of 2024 would authorize a peace officer to impound a vehicle without taking the driver into custody for aiding and abetting speed contests and exhibitions of speed. That bill passed out of Assembly Public Safety Committee and is pending before this committee.

AB 2186 (V. Fong) of 2024 would allow a peace officer to arrest a person and impound a vehicle if the person was engaged in an exhibition of speed that occurs in an offstreet parking facility. AB 2186 is pending hearing in this committee.

AB 3085 (Gipson) of 2024 authorizes a magistrate judge to allow for a pre-conviction impoundment of a vehicle engaged in a motor vehicle speed contest or motor vehicle exhibition of speed for up to 30 days. That bill is pending before this committee.

AB 74 (Muratsuchi), of the 2023 would have provided that a vehicle used in a sideshow or street takeover is a public nuisance which may be subject to forfeiture. AB 74 failed passage in Assembly Transportation Committee.

AB 822 (Alanis), of 2023 would include engaging in a motor vehicle speed contest or an exhibition of speed as offenses for which a peace officer may impound a vehicle pursuant to a court warrant. The hearing was cancelled at the request of the author in Assembly Public Safety Committee.

AB 2000 (Gabriel), Chapter 436, Statutes of 2022, made it a crime for a person to engage in a motor vehicle speed contest in an offstreet parking facility or an exhibition of speed in an offstreet parking facility, or to aid or abet therein.

AB 3 (V. Fong), Chapter 611, Statutes of 2021, allows a court to suspend a person's driver's license if they were convicted of a motor vehicle exhibition of speed and that charge stemmed from their participation in a motor vehicle sideshow.

AB 1407 (Friedman), of 2019 would have required a vehicle that is determined to have been involved in a speed contest to be impounded for 30 days, as specified. AB 1407 was vetoed.

AB 410 (Nazarian), of 2019 would have allowed a vehicle to be impound based on a declaration submitted by a police officer that a vehicle was involved in a motor vehicle sideshow. AB 410 failed passage in Assembly Public Safety Committee.

AB 2876 (Jones-Sawyer), Chapter 592, Statutes of 2018, clarifies that the protections against unreasonable seizures provided by the Fourth Amendment of the U.S. Constitution apply even when a vehicle is removed pursuant to an authorizing statute.

AB 2175 (Aguilar-Curry), Chapter 314, Statutes of 2018, among other things, allows impoundment of a vessel when an officer has probable cause to believe it was used in the commission of a crime.

AB 353 (Cedillo), Chapter 653, Statutes of 2011, requires law enforcement officers conducting a sobriety checkpoint to make reasonable attempts to identify the registered owner of a vehicle being driven by a person under the influence, and to release the vehicle to the owner or to obtain the owner's consent to release the vehicle to a licensed driver by the end of the checkpoint.

SB 67 (Perata), Chapter 727, Statutes of 2007, reenacted provisions that were allowed to sunset that provide for vehicle impoundments when a person is arrested for reckless driving, exhibition of speed, or a speed contest.

REGISTERED SUPPORT / OPPOSITION:

Support

Riverside County Sheriff's Office

Opposition

None on file

Analysis Prepared by: David Sforza / TRANS. / (916) 319-2093