

Date of Hearing: March 21, 2022

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 1732 (Patterson) – As Amended March 15, 2022

SUBJECT: Emergency services: hit-and-run incidents: Yellow Alert

SUMMARY: Re-establishes the “Yellow Alert” system, which authorizes a law enforcement agency to issue a “Yellow Alert” if a person has been killed due to a hit-and-run incident and the law enforcement agency has specified information concerning the suspect or the suspect’s vehicle. Specifically, **this bill:**

- 1) Authorizes the Department of the California Highway Patrol (CHP) to activate a “Yellow Alert” within the geographic area upon request if it concurs with a law enforcement agency that specified requirements are met.
- 2) Specifies that all of the following requirements must be met to issue a “Yellow Alert”:
 - a) The suspect has fled the scene utilizing the state highway or is likely to be observed by the public on the state highway system;
 - b) The law enforcement agency has additional information concerning the suspect or the suspect’s vehicle, including, but not limited to, the following:
 - i) The complete license plate number of the suspect’s vehicle;
 - ii) The partial license plate number and additional unique characteristics, such as make, model, and color of the suspect’s vehicle;
 - iii) The identity of the suspect
 - c) Public dissemination of available information could either help avert further harm or accelerate the apprehension of the suspect.
- 3) Defines “Yellow Alert” as a notification system activated by the CHP, at the request of a local law enforcement agency, designed to issue and coordinate alerts with respect to a hit-and-run incident resulting in death or serious bodily injury to a person.
- 4) Requires CHP to track the number of “Yellow Alert” requests it receives.
- 5) Requires CHP to create a report that includes an evaluation of the efficacy, the advantages, and the disadvantages of the Yellow Alert System. Requires CHP to submit the report to the Legislature in no later than January 1, 2026.
- 6) Provides that the provisions of this bill shall sunset on January 1, 2026.

EXISTING LAW:

- 1) Requires the driver of a vehicle involved in an accident resulting in injury to another person to stop at the scene of the accident and to fulfill specified requirements, including providing identifying information and rendering assistance.
- 2) Provides that fleeing the scene of an accident which results in permanent, serious injury or death to another, is punishable by imprisonment in the state prison for two, three, or four years, or in a county jail for not less than 90 days nor more than one year, or by a fine ranging between \$1,000 and \$10,000, or by both a fine and imprisonment.
- 3) States that if an abduction has been reported to a law enforcement agency and the agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and 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, the agency, through a person authorized to activate the Emergency Alert System (EAS), shall request the activation of the EAS within the appropriate local area.
- 4) Requires CHP, in consultation with the Department of Justice, to review the Amber Plan as adopted by other states and Orange County's Child Abduction Regional Emergency Alert Program for guidance in developing appropriate policies and procedures for use of the Emergency Alert System and, where appropriate, other supplemental warning systems to report qualifying abductions.
- 5) Provides that CHP in consultation with the Department of Justice, as well as a representative from the California State Sheriffs' Association, the California Police Chiefs' Association and the California Police Officers' Association shall develop policies and procedures providing instructions specifying how law enforcement agencies, broadcasters participating in the EAS, and where appropriate, other supplemental warning systems, shall proceed after a qualifying abduction has been reported to a law enforcement agency.
- 6) Defines a "Blue Alert" as a quick response system designed to issue and coordinate alerts following an attack upon a law enforcement officer, as specified.
- 7) Provides that in addition to the circumstances described under existing law relating to EAS, upon the request of an authorized person at a law enforcement agency that is investigating an offense, the CHP shall activate the EAS and issue a blue alert if all of the following conditions are met:
 - a) A law enforcement officer has been killed, suffers serious bodily injury, or is assaulted with a deadly weapon, and the suspect has fled the scene of the offense;
 - b) A law enforcement agency investigating the offense has determined that the suspect poses an imminent threat to the public or other law enforcement personnel;
 - c) A detailed description of the suspect's vehicle or license plate is available for broadcast;

- d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect; and,
 - e) The CHP has been designated to use the federally authorized EAS for the issuance of blue alerts.
- 8) Defines a "Silver Alert" as a notification system, that can be activated as specified, and is designed to issue and coordinate alerts with respect to a person 65 years of age or older who is reported missing. If the CHP concurs with a law enforcement agency that specified requirements are met, it shall activate a "Silver Alert" within the geographical area requested by the investigating law enforcement agency.

FISCAL EFFECT: Unknown.

COMMENTS: From 2010 to 2019, fatal hit-and-runs in California rose from 2,948 to 3,056. Law enforcement experts say the perpetrators in hit-and-run cases, are often never identified; it is not uncommon for as many as half of hit-and-run fatalities to go unsolved. For example, Los Angeles Police Department (LAPD) solved only 8% of cases involving reported hit-and-runs in the city in 2017. According to data provided by the Los Angeles County District Attorney and LAPD, less than 1% of drivers who fled a crash scene where someone was injured were eventually convicted of a felony, which carries a maximum sentence of four years.

An accident is not a criminal act until someone flees the scene. In San Jose, 17% of the 52 roadway fatalities in 2018 were cases where drivers left the scene. Fatal hit-and-run cases typically lack eyewitness accounts, either because no one was around when the collision occurred or because the witnesses do not come forward. Fleeing the scene puts victims at increased risks for not receiving the immediate medical attention. That medical attention could cause a victim with otherwise treatable injuries to suffer severe complications, catastrophic impairment, or death. Improving response time of first responders significantly increases a victim's survival rate.

There are a number of alert systems already in use in California, and nationally, in order to improve response times to various incidents. The AMBER Alert System began in 1996 when Dallas-Fort Worth broadcasters teamed with local police to develop an early warning system to help find abducted children. AMBER stands for America's Missing: Broadcast Emergency Response and was created as a legacy to 9-year-old Amber Hagerman, who was kidnapped while riding her bicycle in Arlington, TX, and then brutally murdered. Other states and communities soon set up their own AMBER plans as the idea was adopted across the nation.

The first alert system developed in California was "Amber Alert", established by AB 415 (Runner), Chapter 517, Statutes of 2002, which authorized law enforcement agencies to use the digital messaging on overhead roadway signs to assist in recovery efforts for child abduction cases. The California AMBER Alert Plan is a voluntary partnership between law enforcement, transportation, and media to rapidly disseminate information about a suspect and victim to law enforcement agencies and the public when a child has been abducted. California's AMBER Alert Plan has been part of the state's comprehensive child recovery strategy since it was launched in August, 2002.

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.

The original enactment of the "Yellow Alert" system began on January 1, 2016, established by AB 8 (Gatto), Chapter 326, Statutes of 2015. The majority of the provisions of AB 8 have been included in this bill, with the addition of data collection, a report to the legislature, and narrowing to fatal hit-and-run incidents.

This bill authorizes CHP to once again activate the "Yellow Alert," upon request of a local law enforcement agency, to solicit the public's help in identifying and recovering a vehicle used in a fatal hit-and-run accidents. This bill is modeled after the success of the "Amber Alert" program, where the public is often able to identify vehicles associated with child abduction, individuals suspected of injuring a police officer, or elderly or at-risk individuals who are missing.

This bill requires CHP to track the number of requests it receives for "Yellow Alerts." Statistical data could help determine if "Yellow Alert systems" are effective in resolving fatal hit-and-run cases.

According to the author, "In the interest of justice and public safety, AB 1732 would authorize California Highway Patrol to once again activate a Yellow Alert upon the request of a local law enforcement agency in order to obtain the public's help in identifying and recovering a vehicle used in a hit-and-run resulting in death or gross bodily injury. As our roads are getting more and more dangerous, this Alert is needed now more than ever."

In support, the California State Sheriffs Association writes, "The creation of a Yellow Alert can provide immediate information to the public of a fleeing suspect who is using the highway system to abscond from the site of an incident. Public dissemination of information about a fleeing suspect can help prevent further damage and disturbance."

Prior legislation: AB 8 (Gatto), Chapter 326, Statutes, of 2015 established the "Yellow Alert" notification system (similar to "Amber Alert") and authorizes activation of the system for certain hit-and-run incidents. The provisions of AB 8 sunset on January 1, 2019.

AB 45 (Gatto), of the 2013-2014 Legislative Session would have established the "Yellow Alert" system, similar to the provisions in the aforementioned AB 8. AB 45 was vetoed by Governor Jerry Brown.

REGISTERED SUPPORT / OPPOSITION:

Support

California State Sheriffs' Association
Peace Officers Research Association of California (PORAC)

Opposition

None on file.

Analysis Prepared by: Julia Kingsley / TRANS. / (916) 319-2093