

Date of Hearing: April 18, 2016

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 2227 (Waldron) – As Amended April 5, 2016

SUBJECT: Vehicles: license suspension and revocation: punishment

SUMMARY: Modifies the penalties for a person who causes bodily injury to another person while driving a motor vehicle with a license suspended or revoked for specified non-driving-under-the-influence (DUI)-related reckless driving offenses. Specifically, **this bill:**

- 1) Makes it unlawful for a person driving a motor vehicle with a license suspended or revoked for specified non-DUI-related reckless driving offenses to do an act forbidden by law or neglect a duty imposed by law in the driving of the vehicle which causes bodily injury to a person other than the driver.
- 2) Specifies that an offense of the above is punishable with the same minimum periods of imprisonment as if the person was convicted of driving on a license suspended or revoked for non-DUI-related reckless driving.
- 3) Makes other conforming changes to existing law.

EXISTING LAW:

- 1) Provides that a person who drives a vehicle upon a highway in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.
- 2) Authorizes a court or the Department of Motor Vehicles to revoke or suspend a person's driving privilege under certain circumstances.
- 3) Prohibits a person from driving a motor vehicle at any time when that person's driving privilege is suspended or revoked for specified non-DUI-related reckless driving offenses, if the person had knowledge of the suspension or revocation. A first offense is punishable by imprisonment in county jail for at least 5 days but less than 6 months and a fine of at least \$300 but not more than \$1,000. A subsequent offense within 5 years of the first offense is punishable by imprisonment in county jail for at least 10 days but less than 1 year and a fine of at least \$500 but less than \$2,000.
- 4) Prohibits a person from driving a motor vehicle at any time when that person's driving privilege is suspended or revoked for specified DUI offenses, if the person had knowledge of the suspension or revocation. A first offense is punishable by imprisonment in county jail for at least 10 days but less than 6 months and a fine of at least \$300 but not more than \$1,000. A subsequent offense within 5 years of the first offense is punishable by imprisonment in county jail by at least 30 days but less than 1 year and a fine of at least \$500 but less than \$2,000; prohibits a person driving a motor vehicle with a license suspended or revoked for the above specified DUI driving offenses from doing an act or neglecting a duty imposed by law in the driving of the vehicle which proximately causes bodily injury to a person other than the driver. Requires a person convicted for this offense to be imprisoned in county jail

and not be released upon work release, community service, or other release program before the minimum period of imprisonment specified in the above DUI-related reckless driving prohibition is served. Further requires that a person convicted of this offense who is granted probation serve at least the minimum time of imprisonment specified as a term or condition of probation.

FISCAL EFFECT: Unknown

COMMENTS: Under existing law, a person can have their driving privilege revoked or suspended for reckless driving or for DUI offenses. If a person drives on a license suspended for a DUI-related conviction, that person is subject to a set of penalties, including a minimum of 10 days in jail for a first offense and 30 days for a subsequent offense. If that person commits an act or neglects a duty that results in someone else sustaining bodily injury, the driver must serve the minimum sentence associated with the initial driving-on-a-suspended-license offense before being released on a release program or on probation (10 days, in this instance).

AB 2227 would similarly require a person with a license suspended for specified reckless driving offenses who commits an act or neglects a duty that results in someone else sustaining bodily injury to serve the minimum sentence associated with their initial driving-on-a-suspended-license offense before being released on a release program or on probation. Currently, the minimum sentence for driving on a license suspended for a non-DUI offense is 5 days for a first offense and 10 days for a subsequent offense.

The author intends to strengthen and broaden existing provisions for penalties for a person driving a vehicle with a suspended or revoked license who causes bodily injury to another person in a collision, based on the Fatality Analysis Reporting System study conducted by the United States Department of Transportation that found one in five fatal crashes involves a driver who is unlicensed or whose license is suspended, canceled, or revoked. An updated study conducted in 2012 collected state-wide data from 2008-12, and found that fatal crashes caused by invalid licensed drivers in California amounted to 716 out of the total 2,857 crashes during that period.

Committee concerns: It is unclear what, if anything, this bill would achieve. Under existing law, a person who is convicted of driving on a license suspended for a DUI offense would serve the same minimum sentence as a person who drives on a license suspended for the same offense but causes another person bodily injury. Although the nature of the latter offense is clearly more serious, the minimum penalties are the same. A person cannot commit the latter offense without also committing the former, by simple nature of the offense(s).

The same principle applies to this bill. A person cannot drive on a license suspended for a non-DUI offense and cause another person bodily injury (already a separate, distinct crime) without also simply driving on a license suspended for a non-DUI offense, injury or no injury (also already a separate, distinct crime). Although it may make sense to ensure a minimum punishment exists for offenders of that first crime, there is no conceivable scenario wherein a person could be charged with committing the first crime (driving on a suspended license and causing injury) but not be able to also be charged with the second crime (driving on a suspended license), which would have the exact same minimum penalty.

This bill would not adjust the maximum penalties for any of the crimes outlined above in any way, but would only set the minimum penalties for some crimes as equal to crimes that a person

would already be able to be charged with. The practical outcome of this adjustment appears to be miniscule.

Double referral: This bill passed out of the Assembly Public Safety Committee on March 29, 2016, with a 7-0 vote.

REGISTERED SUPPORT / OPPOSITION:

Support

California Police Chiefs Association

Opposition

None on file

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