

Date of Hearing: April 22, 2024

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

AB 2742 (Sanchez) – As Introduced February 15, 2024

SUBJECT: Emergency vehicles: penalties

SUMMARY: Makes it an infraction for a person driving a vehicle upon a highway or a pedestrian to willfully obstruct a highway, including in the course of a protest, in any manner that interferes with the ability of an authorized emergency vehicle to pass. Specifically, **this bill:**

- 1) Provides that a person convicted of the above described infraction shall be punished as follows:
 - a) For a first conviction, by a fine of not less than \$200 nor more than \$500 (\$891 to \$2121 with penalty assessments);
 - b) For a second conviction within one year, by a fine of not less than \$300 nor more than \$1000 (\$1301 to \$4171 with penalty assessments); and,
 - c) For a third or any subsequent conviction within three years, by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000) (\$2121 to \$4171 with penalty assessments).

EXISTING LAW:

- 1) Requires the driver of a vehicle to yield the right of way and immediately drive to the right hand edge of the curb and remained stopped for an approaching authorized emergency vehicle which is sounding a siren and which has at least one lighted lamp exhibiting red light. (Vehicle Code Section (VEH) 21806)
- 2) Requires a pedestrian to proceed to the nearest curb or place of safety and remain there until the authorized emergency vehicle for an approaching authorized emergency vehicle which is sounding a siren and which has at least one lighted lamp exhibiting red light. (VEH 21806)
- 3) Makes a violation for the two above described violations an infraction as follows:
 - a) For a first conviction, by a fine of not less than \$100 nor more than \$250. (\$481 to \$1096 with penalty assessments)
 - b) For a second conviction within one year, by a fine of not less than \$150 nor more than \$500. (\$686 to \$2121 with penalty assessments)
 - c) For a third or any subsequent conviction within three years, by a fine of not less than \$250 nor more than \$500. (\$1096 to \$2121 with penalty assessments).

- d) Makes it an unlawful assembly whenever two or more persons assemble together to do an unlawful act, or to do a lawful act in a violent, boisterous, or tumultuous manner. (Penal Code Section (PEN) 407)
- e) Provides that every person remaining present at the place of any riot, route, or unlawful assembly after they have been lawfully warned to disperse is guilty of a misdemeanor. (PEN 409)
- f) Makes it a misdemeanor for a person to willfully and maliciously obstruct the free movement of any person on any street, sidewalk or other public place. (PEN 647c)

FISCAL EFFECT: Unknown

COMMENTS: There is a long history in the United States of protesters on both the left and the right of the political spectrum blocking traffic on a public road as an act of civil disobedience.

According to the author, “Like every other hardworking Californian, I’m sick and tired of seeing illegal protests shut down highways. When these protestors block traffic, they are victimizing innocent individuals just to further a political agenda. We need to ensure that the consequences for this behavior increase so that future instances are less likely to occur. When they block traffic they’re preventing fire trucks from responding to emergencies, people getting to work, and parents picking up their kids at school. That’s why I’m proud to introduce AB 2742 to make sure that the base penalty for these crimes is enhanced.”

On March 25, 1965 Martin Luther King Jr. led thousands of nonviolent demonstrators to the steps of the capitol in Montgomery, Alabama after a five day, 54 mile March from Selma, Alabama to fight for racial justice. That march included the infamous “Bloody Sunday.” Future Congressman John Lewis led a march across the Edmund Pettus Bridge. John Lewis and the protesters were met with incredible violence by the white onlookers and troopers that attacked the crowd with clubs and tear gas. Mounted police officers chased retreating marchers and continued to beat them.

On May 1, 2004 truckers protesting the high price of fuel parked their big rigs on the Santa Ana Freeway in Commerce during the morning rush hour, causing gridlock that backed up traffic for at least seven miles. The truckers ran out of their cabs and into a waiting getaway car after blocking all travel lanes.

On August 11 at the Unite the Right rally, right wing white nationalist protesters chanting anti-Semitic slurs like “Jews will not Replace Us” blocked traffic as they marched down the streets of Charlottesville, North Carolina. That event ultimately led to the death of Heather Heyer, a counter protestor to the white nationalists, who was struck by one of the right wing protestors driving his car. That same year Republican lawmakers in North Dakota, North Carolina, Florida, Tennessee and Texas proposed bills to make it legal for drivers to hit protesters if the driver did not do so willfully. The vast majority of those bills ultimately did not become law.

More recently, protests have broken out on freeways in protest to the Israel-Hamas war. On November 16, 2023 demonstrators blocked the Bay Bridge, snarling traffic for hours. The California Highway Patrol (CHP) ultimately charged 80 of those individuals with a variety of

misdemeanor crimes, including false imprisonment, refusing to comply with a peace officer, unlawful public assembly, refusing to disperse and aggressive panhandling.

According to the California Highway Patrolmen Association, writing in support of this bill, “Blocking traffic of any kind can have disastrous consequences. For example, emergency vehicles can be held up— law enforcement could be blocked from reaching a victim in need of help, firetrucks could be unable to respond to a fire in a timely fashion, and ambulances could be prevented from reaching a patient in time. Not to mention, these types of demonstrations not only put protestors’ lives at risk, but also the motoring public as well.”

Opposition to protests on streets and roads and freeways has a tendency to change depending on who is doing the protest. For example, many conservative commentators on Fox News have repeatedly attacked protestors on freeways supporting left wing causes like protests for racial justice after the killing of George Floyd. Those same commentators celebrated, however, the Freedom Convoy in Canada in 2022, where truckers blocked traffic in Canada’s capitol protesting against COVID-19 Vaccine mandates.

Oakland Privacy, writing in opposition to this bill, argues “Writing duplicative language into the Vehicle Code and changing the offense from a misdemeanor to a traffic infraction, under certain circumstances, makes little sense, actually weakens the penal code, and from the point of view of statutory structure, constitutes poor legislative writing.”

Committee concerns: This bill is unnecessary. There are already various criminal statutes with stiffer penalties than proposed in this bill to address protestors blocking traffic. Specifically, Penal Code 647c, which makes it a misdemeanor for a person to willfully and maliciously obstruct the free movement of any person on any street, sidewalk or other public place.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Highway Patrolmen
Peace Officers Research Association of California

Oppose

Oakland Privacy

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