

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 678

SPONSOR: Transportation Committee and Senator Klein

SUBJECT: Reckless Driving/Penalties

DATE: April 17, 2001                      REVISED: 04/24/01 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vickers</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/1 amendment</u>
3.	_____	_____	<u>APJ</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This CS enhances penalties for reckless driving resulting in serious bodily injury to another, and defines it as a third degree felony, punishable by up to 5 years imprisonment and a \$5,000 fine, or both. The CS also enhances penalties for damaging the property of another or damaging a person as a result of reckless driving and defines the offense as a first degree misdemeanor, punishable by up to one year imprisonment and a \$1,000 fine, or both.

This CS substantially amends section 316.192 of the Florida Statutes.

**II. Present Situation:**

Section 316.192, F.S., provides any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Although reckless driving is considered a misdemeanor offense, it is not defined as either a first or second degree misdemeanor. Section 316.192(2)(a) and (b), F.S., provides the following penalties for persons convicted of reckless driving:

- First conviction - up to 90 days imprisonment and a \$500 fine, or both.
- Second or subsequent conviction - up to 6 months imprisonment and a \$1,000 fine, or both.

In addition, if the person's reckless driving results in the death of another, the person may be required to serve 120 community hours as provided in s. 316.027(4), F.S.

In addition to other penalties, the court may direct a person to complete a substance abuse education course and evaluation, as provided in s. 316.193(5), F.S., if alcohol or chemical substances contributed to the reckless driving violation. A DUI program licensed by the Department of Highway Safety and Motor Vehicles conducts the course and evaluation, and the offender may be referred to a substance abuse treatment program.

### **III. Effect of Proposed Changes:**

This CS amends s. 316.192, F.S., to provide enhanced penalties for certain reckless driving offenses. If enacted, this CS would provide a reckless driving violation that results in damage to property or person would be punishable as a first-degree misdemeanor. A violation involving serious bodily injury to another person would be punishable as a third degree felony.

This CS also defines the term “serious bodily injury” as an injury to another person which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ. The definition provided in this CS conforms to the definition provided by current law under s. 316.1933, F.S., which defines “serious bodily injury” as it relates to the offense of driving under the influence.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Economic Impact and Fiscal Note:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

This CS would increase the penalty for reckless driving violations resulting in damage to property or person to a fine not exceeding \$1,000 and/or imprisonment not exceeding one year. If serious bodily injury to another person resulted, the penalty would consist of a fine not exceeding \$5,000 and/or imprisonment not exceeding five years.

**C. Government Sector Impact:**

The Department of Highway Safety and Motor Vehicles reports this CS will require approximately 40 hours of programming modifications to the Drivers License software system at a cost of \$5,400 for implementation.

The CS enhances penalties for reckless driving resulting in serious bodily injury to another and defines it as a felony of the third degree. According to the Criminal Justice Estimating Conference, this CS will have an insignificant impact upon prison beds.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The Department of Highway Safety and Motor Vehicles reported Florida law enforcement officers arrested 12,364 motorists for reckless driving in 1999. According to the Department, the enhanced penalties provided by this CS would assist law enforcement officers in their efforts to provide safety for motorists.

**VIII. Amendments:**

#1 by Criminal Justice:

Defines aggressive careless driving and requires the DHSMV to submit a report to the Legislature on the number of incidents of aggressive careless driving. (WITH TITLE AMENDMENT)