

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.)

Prepared By: Criminal Justice Committee

BILL: CS/SB 1466

SPONSOR: Transportation Committee and Senators Baker and Fasano

SUBJECT: Vehicle Crashes

DATE: April 21, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
3.	_____	_____	<u>JA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This CS creates the “Justin McWilliams ‘Justice for Justin’ Act.” Currently, drivers involved in a crash involving death or injury are required to remain at the scene of the crash to provide information and render aid. The CS clarifies this requirement applies to drivers involved in crashes occurring on private property as well as on public property. The penalty is increased from a second degree felony to a first degree felony for illegally leaving the scene when a crash results in death.

This CS substantially amends section 316.027 of the Florida Statutes.

II. Present Situation:

Section 316.027(1)(a), F.S., requires the driver of a vehicle involved in a crash resulting in bodily injury to immediately stop and remain at the scene until he or she has fulfilled the requirements of s. 316.062, F.S. Whoever violates this provision is guilty of a third degree felony. Similarly, s. 316.027(1)(b), F.S., requires the driver of a vehicle involved in a crash resulting in death to a person to immediately stop and remain at the scene until he or she has fulfilled the requirements of s. 316.062, F.S. However, where death results and the driver violates the provision of s. 316.027(1)(b), F.S., the penalty is higher, a second degree felony.

Section 316.062, F.S., requires the driver of a vehicle involved in a crash resulting in injury, death, or damage to property to provide his or her name, address, vehicle registration, and driver’s license information to other persons involved in the crash or law enforcement personnel. A driver is also required to render reasonable aid to persons injured in the crash including transportation to receive medical attention if necessary or requested. The responsibility to

provide information does not extend to information which would violate provisions relating to self-incrimination.

State law enforcement agencies, county sheriff's offices, and city police departments are authorized to enforce the state's traffic laws, (Chapter 316, F.S.), on all public roads, and other areas where the public has the right to travel by motor vehicle, *e.g.*, parking lots on privately owned property. See ss. 316.072 and 316.640, F.S.

On April 7, 2002, Justin McWilliams, age 20, was struck and killed by a driver on private property in Orange County. The driver, whose family owned the property, was charged with leaving the scene of the crash under s. 316.027, F.S. However, the circuit court dismissed the case because it occurred on private property which was fenced and locked.

III. Effect of Proposed Changes:

The CS creates the "Justin McWilliams 'Justice for Justin' Act" and amends s. 316.027, F.S., to require the driver of a vehicle involved in a crash occurring on public or private property resulting in injury or death to immediately stop and remain at the scene until he or she has fulfilled the requirements of s. 316.062, F.S. For crashes involving injury, a willful violation is a third degree felony punishable by up to 5 years in prison and up to a \$5,000 fine. For crashes resulting in death the penalty is increased from a second degree felony to a first degree felony punishable by a term of up to 30 years in prison and up to a \$10,000 fine.

The CS provides that the act takes effect upon becoming law.

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 may have an indeterminate impact on persons operating a vehicle on private property and the owners of private property where vehicles can be operated.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

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