

# 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: Transportation Committee

BILL: SB 276

INTRODUCER: Senator Baker

SUBJECT: Vehicle Crashes

DATE: January 26, 2006      REVISED: 2/7/06      \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Woods</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/2 amendments</u>
2.	_____	_____	<u>CJ</u>	_____
3.	_____	_____	<u>JA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see last section for Summary of Amendments**

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

**I. Summary:**

The bill creates the “Justin McWilliams ‘Justice for Justin’ Act,” and expands the scope of s. 316.027, F.S., (a driver involved in a crash involving injury or death is required to remain at the scene of crash to provide information and aid) from crashes occurring on streets or highways to crashes occurring on public or private property.

The current penalties for violation of s. 316.027, F.S., are a third degree felony (crash involving injury) and a second degree felony (crash involving death). The bill changes the felony degree for a violation related to a crash involving death to first (1<sup>st</sup>) degree felony.

This bill substantially amends sections 316.027 and 921.0022 of the Florida Statutes.

**II. Present Situation:**

Section 316.027, F.S., requires the driver of a vehicle involved in a crash 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.

Section 316.062, F.S., requires the driver of a vehicle involved in a crash occurring on streets or highways 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. In some instances, traffic laws may be enforced on privately owned roads and property upon written authorization for enforcement. See ss. 316.006, 316.072 and 316.640, F.S.

Section 921.022, F.S., is an offense severity ranking chart. This offense severity ranking chart has 10 offense levels, ranked from least severe, which are level 1 offenses, to most severe, which are level 10 offenses. Each violation is assigned to a level according to the severity of the offense. This section lists Florida statutes, descriptions of the violations, classifications, and felony degree (first, second, or third degree felony) per each listed violation. Violations of s. 316.027(1)(b), F.S., which is described as "accident involving death, failure to stop; leaving the scene" is currently a level 5 second (2<sup>nd</sup>) degree felony. The penalties for violations of level 5 offenses are as follows:

- \$5,000, when the conviction is of a felony of the third degree
- \$10,000, when the conviction is of a felony of the first or second degree.
- For a felony of the first degree, by a term of imprisonment not exceeding 30 years or, when specifically provided by statute, by imprisonment for a term of years not exceeding life imprisonment.
- For a felony of the second degree, by a term of imprisonment not exceeding 15 years.
- For a felony of the third degree, by a term of imprisonment not exceeding 5 years.

On April 7, 2002, Justin McWilliams, age 20, was struck and killed by a driver on private property in Orange County, Florida. The driver, whose family owned the property, was charged with leaving the scene of the crash under s. 316.027, F.S. In addition, the driver, who was under the legal drinking age, returned to the scene of the crash three (3) hours after the incident. His blood alcohol level was .062, just below the legal drinking limit of .08. However, the circuit court dismissed the case because the crash occurred on private property which was fenced and locked. Driving under the influence (DUI) charges were not pursued as the accused was under the legal drinking limit at the time he was tested.

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

**Section 1:** Names this act the "Justin McWilliams 'Justice for Justin' Act".

**Section 2:** 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. The bill amends the felony classification for a violation related to a crash involving death to first degree felony.

**Section 3:** Amends s. 921.022, F.S., by upgrading the felony degree for willful violation of this section from second (2<sup>nd</sup>) degree felony to first (1<sup>st</sup>) degree felony punishable as provided in ss. 775.082, 775.083 and 775.084, F.S.

**Section 4:** Provides an effective date of October 1, 2006.

**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:

There is an indeterminate impact upon the private sector by expanding the scope of s. 316.027, F.S., (a driver involved in a crash involving injury or death is required to remain at the scene of crash to provide information and aid) from crashes occurring on streets or highways to crashes occurring on public or private property.

C. Government Sector Impact:

There is an indeterminate impact upon law enforcement due to expanding the scope of s. 316.027, F.S., (a driver involved in a crash involving injury or death is required to remain at the scene of crash to provide information and aid) from crashes occurring on streets or highways to crashes occurring on public or private property.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



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## VIII. Summary of Amendments:

### **Barcode 912858 by Transportation**

Deletes the word “which” and inserts the word “that” on page one (1), line 28 to read “occurring on public or private property that results”.

### **Barcode 430106 by Transportation**

Provides the board of a homeowner’s association may, by majority vote, enter into agreement to permit state traffic laws to be enforced by local law enforcement agencies on private property controlled by the association (WITH TITLE AMENDMENT).

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

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