

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 286

INTRODUCER: Senator Fasano

SUBJECT: Vehicle Crashes Resulting in Personal Injury

DATE: October 25, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	Buford	TR	Favorable
2.	_____	_____	CJ	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill increases the severity of the crime of leaving the scene of a traffic crash which resulted in an injury to a person from a third-degree felony to a second-degree felony.

The bill substantially amends sections 316.027 and 921.0022, Florida Statutes.

II. Present Situation:

Duty to Remain at the Scene of an Accident

Section 316.027(1)(a), F.S., provides that the driver of any vehicle involved in a crash occurring on public or private property that results in the injury of any person must immediately stop the vehicle at the scene of the crash (or as close as possible) and remain at the scene until he or she has fulfilled the requirements of s. 316.062, F.S.¹ Any person who willfully violates this provision commits a third-degree felony.²

¹ Section 316.062, F.S., provides that a driver of a vehicle involved in a crash resulting in death or injury or damage to any vehicle or other property driven or attended by any person must provide his or her name, address, and vehicle registration number, and also a driver's license, to a police officer or other person involved in the crash. The driver of any vehicle involved in a crash must report the incident to the nearest police department. Also, if treatment is necessary, the driver must provide reasonable assistance in carrying or arranging the carrying of the injured person to a physician or the hospital.

² A third-degree felony is punishable by a term of imprisonment not exceeding 5 years and a maximum \$5,000 fine under ss. 775.082(3)(d) and 775.083(1)(c). The court may impose a more severe punishment for a habitual, violent, three-time violent, or career violent felony offender as described in s. 775.084, F.S.

III. Effect of Proposed Changes:

The bill increases the penalty for a driver of a vehicle involved in a crash that involves injury to a person who willfully leaves the scene of the accident. The bill heightens the penalty from a third-degree felony to a second-degree felony.³

The Offense Severity Ranking Chart of the Criminal Punishment Code in s. 921.0022(3)(e), F.S., is amended to reflect the increase from a third-degree felony to a second-degree felony for a violation of s. 316.027(1)(a), F.S. The offense remains a Level 5 offense.

The bill provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons convicted of violating s. 316.027(1)(a), Florida Statutes, are subject to the greater penalties associated with second-degree felonies instead of third-degree felonies. For example, the maximum punishment for a second-degree felony is 15 years of imprisonment and a \$10,000 fine while the maximum punishment for a third-degree felony is 5 years of imprisonment and a \$5,000 fine. According to the Department of Highway Safety and Motor Vehicles, an increased awareness of the law could deter people from leaving the scene of a traffic accident that resulted in an injury.⁴

³ A second-degree felony is punishable by a term of imprisonment not exceeding 15 years and a maximum \$10,000 fine under ss. 775.082(3)(c) and 775.083(1)(b). The court may impose a more severe punishment for a habitual, violent, three-time violent, or career violent felony offender as described in s. 775.084, F.S.

⁴ Florida Department of Highway Safety and Motor Vehicles, *Senate Bill 286 Bill Analysis* (October 25, 2011) (on file with the Senate Transportation Committee).

C. Government Sector Impact:

The Florida Department of Corrections believes that this bill may result in an increase of inmates sentenced to prison instead of supervision. Thus, the bill may impose costs to the state associated with hosting additional inmates and could have an impact on prison beds. The Criminal Justice Impact Conference has not yet met to consider the prison impact of SB 286.⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁵ Florida Department of Corrections, *SB 286—Vehicle Crashes Resulting in Injury* (October 10, 2011) (on file with the Senate Transportation Committee).