

STORAGE NAME: h2011a.tr

DATE: April 10, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: HB 2011

RELATING TO: Violations of Traffic Law

SPONSOR(S): Representative Putnam

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION YEAS 9 NAYS 0
 - (2) CRIME & PUNISHMENT
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill provides for increased penalties for fleeing or attempting to elude a law enforcement officer.

Currently, the court may revoke a person's driver's license for a period of not less than one year for a conviction of fleeing or attempting to elude a law enforcement officer. This bill provides for increasingly longer periods of license revocation as the severity of the conviction increases. For example:

- A person who flees or attempts to elude an officer in a patrol vehicle with the siren and lights activated and, while fleeing, drives at a high speed or recklessly can have his or her license revoked for up to five years; and
- A person who unlawfully leaves the scene of a crash and is ordered to stop by a law enforcement officer, but refuses or fails to stop and as a result of fleeing or eluding the officer causes injury to another person or to any property, thereby committing aggravated fleeing or eluding, can have his or her license revoked for up to 25 years.

This bill has an effective date of October 1, 2000.

This bill does not appear to have a significant fiscal impact.

Note: See Part VI. Amendment or Committee Substitute Changes for the effect of an amendment adopted by the Committee on Transportation which is traveling with the bill.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

Section 316.1935, F.S., provides penalties for fleeing or attempting to elude a law enforcement officer.

Any person who has been ordered to stop his or her vehicle by a law enforcement officer, but refuses or fails to stop and flees to elude the officer commits a misdemeanor of the first degree.

Any person who flees or attempts to elude a law enforcement officer in a patrol vehicle with sirens and lights activated commits a felony of the third degree.

Any person who flees or attempts to elude a law enforcement officer in a patrol vehicle with siren and lights activated and, while fleeing, drives at a high speed or recklessly commits a felony of the second degree.

Any person who unlawfully leaves the scene of a crash and is ordered to stop by a law enforcement officer, but refuses or fails to stop and as a result of fleeing or eluding the officer causes injury to another person or to any property commits aggravated fleeing or eluding and a felony of the second degree. The felony of aggravated fleeing or eluding is charged as a separate offense from unlawfully leaving the scene of a crash.

Upon conviction for any violation of this section, the court may revoke the driver's license for a period not to exceed 1 year.

C. EFFECT OF PROPOSED CHANGES:

This bill amends s. 316.1935, F.S., to provide increased penalties for fleeing or attempting to elude a law enforcement officer.

A person who flees or attempts to elude a law enforcement officer in a patrol vehicle with sirens and lights activated or a person who flees or attempts to elude a law enforcement officer in a patrol vehicle with siren and lights activated and, while fleeing, drives at a high speed or recklessly may have his or her license revoked for a period not less than one year and not more than five years.

A person who commits aggravated fleeing or eluding may have his or her license revoked for a period of not less than five years and not more than 25 years.

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

The department would require contracted programming modifications at a cost of \$13,500.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Transportation considered this bill on April 10, 2000 and adopted one amendment which does the following:

- Provides for a person who is convicted of aggravated fleeing or eluding a law enforcement officer and a felony charge of leaving the scene of a crash to have his or her driver's license revoked for not less than 5 years and not more than 25 years upon release from imprisonment; and
- Provides that a person who has his or her driver's license revoked under this section to be eligible to petition the department for a reinstatement of his or her driving privilege on a restricted basis as provided in s. 322.271, F.S.

This bill was reported favorably.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

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