

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote personal responsibility— The bill extends the duty of a driver of a vehicle involved in a crash to stop and remain at the scene of the crash, from crashes occurring on public roads or other locations open to public travel, to include crashes occurring on private property. It also changes the offense from a second degree felony to a first degree felony when the crash results in a death.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Under s. 316.027, F.S., the driver of a vehicle involved in a crash resulting in an injury of a person must immediately stop the vehicle at the scene of the crash, or as close as possible, and remain at the scene of the crash. The driver is required by s. 316.062, F.S., to give their name, address, vehicle registration number, and, upon request, show their driver's license to any person injured in the crash, to the driver or occupant of a vehicle involved in the crash or person attending any vehicle, or police officer at the scene. The driver is also required to render reasonable assistance to the injured person, including carrying or making arrangements for carrying the injured person to a doctor or hospital for treatment.

Generally, the provisions of chapter 316, the Florida Uniform Traffic Control Law, apply to vehicles, bicycles and pedestrians on all public highways, roads and streets, and wherever vehicles have the right to travel. 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 elsewhere wherever the public has the right to travel by motor vehicle. See ss. 316.072 and 316.640, F.S.

Under current law, violations of s. 316.027, F.S., resulting in injury are punishable as a third degree felony and those resulting in death are punishable as a second degree felony. A third degree felony is punishable by up to five years in prison and a maximum \$5,000 fine and a second degree felony is punishable by up to 15 years in prison and a maximum \$10,000 fine.¹

Proposed Changes:

The bill creates the "Justin McWilliams 'Justice for Justin' Act,"² extending the duty of a driver of a vehicle involved in a crash to stop and remain at the scene of the crash, from crashes occurring on public roads or other locations open to public travel, to include crashes occurring on private property.

The bill also changes the offense from a second degree felony to a first degree felony when the crash results in a death. As a result, the sanction would be up to 30 years in prison and a maximum fine of \$10,000, rather than up to 15 years in prison and a maximum \$10,000 fine. The bill would also amend s. 921.0022, F.S., the "Offense Severity Ranking Chart," to provide that failure to stop or leaving the scene of an accident involving death, would result in a first degree felony.

C. SECTION DIRECTORY:

Section 1. Gives the act the name "Justin McWilliams 'Justice For Justin' Act."

¹ See ss. 775.082 and 775.083, Fla. Stat. (2004)

² According to newspaper reports, Justin McWilliams, age 20, was struck and killed by a driver on private property on April 7, 2002. The driver was charged with leaving the scene of an accident involving injuries. The case was dismissed by the circuit judge because the incident occurred on private property which was fenced and locked. Orlando Sentinel, March 13, 2004.

Section 2. Amends s. 316.027, F.S., to revise provisions for a driver of a vehicle involved in a crash to stop and remain at the scene of the crash, increasing penalties.

Section 3. Section 3. Amends s. 921.0022, F.S., to revise felony classification in the Criminal Punishment Code offense severity ranking chart for leaving the scene of accidents involving death.

Section 4. Provides that the act will take effect October 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

The Criminal Justice Impact Conference has not met to consider the prison bed impact of this bill on the Department of Corrections. On April 15, 2005, the Criminal Justice Impact Conference determined that HB 761, a similar bill from the 2005 session, would have an insignificant prison bed impact on the Department of Corrections. That bill did not increase the offense from a second to a first degree felony. This change would have the affect of increasing the maximum penalty for the offense from fifteen years in prison to thirty years in prison. However, because the bill does not modify the ranking of the offense in the offense severity ranking chart (from its current level 7 ranking), the lowest permissible sentence for the offense will not change. As a result, it is not expected that this provision will have a significant impact on the department.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a significant direct economic impact on the private sector.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES