

## **CS/HB 449 – Motor Vehicle Racing Penalties**

This bill amends s. 316.191, F.S., increasing the current 1<sup>st</sup> degree misdemeanor for a second violation of acts related to racing on highways, street takeovers, and stunt driving to an **unranked, 3<sup>rd</sup> degree felony (Level 1 by default)** and decreasing the amount of time where the second violation would happen from 5 years to 1 year. It also increases the current 1<sup>st</sup> degree misdemeanor for a third or subsequent violation to an **unranked, 3<sup>rd</sup> degree felony (Level 1 by default)**. Furthermore, this bill adds an **unranked, 3<sup>rd</sup> degree felony (Level 1 by default)** for any person committing these violations who, “in the course of committing the offense, knowingly impedes, obstructs, or interferes with an authorized emergency vehicle...that is on call and responding to an emergency other than a violation of this section” and an **unranked, 2<sup>nd</sup> degree felony (Level 4 by default)** for a second or subsequent violation.

Per FDLE, there were 467 arrests for a first offense related to racing, 11 arrests for a second offense, and 5 arrests for a third or subsequent offense. Of those arrested, only the first offense showed guilty/convicted and adjudication withheld numbers, with 39 guilty/convicted and 23 with adjudications withheld. It is not known how many of these offenders knowingly impeded, obstructed, or interfered with an authorized emergency vehicle.

In FY 22-23, the incarceration rate for a Level 1, 3<sup>rd</sup> degree felony was 9.5%. The incarceration rate for a Level 4, 2<sup>nd</sup> degree felony was 27.6%

**CONFERENCE ADOPTED ESTIMATE: Positive Insignificant**

**Requested by: House**