

## HB 297 – Aggressive Careless Driving

This bill amends s. 316.1923, F.S., expanding the definition of what constitutes aggressive careless driving, adding additional acts, such as texting while driving, using a wireless communications device in specific areas (school crossing, school zone, work zone), and failing to wear corrective lenses. Furthermore, this bill adds a **2<sup>nd</sup> degree misdemeanor** for damage to the property or person of another, a **1<sup>st</sup> degree misdemeanor** for serious bodily injury to another, and an **unranked, 3<sup>rd</sup> degree felony (Level 1 by default)** for death of another when committing “two or more of the following acts simultaneously or in succession.”

Per FLHSMV, there have been 18 citations for a violation of s. 316.1923, F.S. since July of 2019. Additionally, the state had an average of 3,217 traffic related fatalities each year between 2018 and 2020. It is not known how many offenders could be charged under this new language.

In FY 18-19, the incarceration rate for a Level 1, 3<sup>rd</sup> degree felony was 9.5%, and in FY 19-20 the incarceration rate was 8.2%. In FY 20-21, the incarceration rate for a Level 1, 3<sup>rd</sup> degree felony was 8.1%.

**CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate**

**Requested by: House**