

## **SB 1254 – Noncriminal Traffic Infractions**

This bill creates s. 316.0275, F.S., relating to noncriminal traffic infractions leading to serious bodily injury or death. If a person commits a noncriminal traffic infraction that causes serious bodily injury or death to a person and within five years after that violation commits the same violation, this will result in a reclassification of the violation as an **unranked, 3<sup>rd</sup> degree felony**.

According to OSCA, all statutes involving death or serious bodily injury are criminal violations. Therefore, it is likely that noncriminal traffic offenses are defined as reckless driving in the event that they result in serious bodily injury or death. In FY 13-14, 30 (adj) offenders were sentenced for a 3<sup>rd</sup> degree felony for reckless driving resulting in serious bodily injury with 6 (adj) receiving a prison sentence (mean sentence length=38.3 m, incarceration rate: 20.0% adj-19.0% unadj). In FY 13-14, 39 (adj) offenders were sentenced for 2nd degree vehicular homicide with 24 (adj) receiving a prison sentence (mean sentence length=157.8 m, incarceration rate: 61.5% adj-63.0% unadj). 14 (adj) offenders were sentenced for 1st degree vehicular homicide with 13 (adj) receiving a prison sentence (mean sentence length=185.3 m, incarceration rate: 92.9% adj – 90% unadj).

It is possible that there are incidents of serious bodily injury or death caused by a noncriminal traffic infraction which would be captured in the new statute. It is stated in s. 316.027(4) that “In addition to any other civil, criminal, or administrative penalty imposed, a person whose commission of a noncriminal traffic infraction or a violation of this chapter or s. 1006.66 causes or results in the death of another person may be required by the court to serve 120 community service hours...” which seems to imply that this scenario can occur without it being criminal, but given the current structure of statutes, this cannot be quantified. Furthermore, the third degree felony in the bill would only go into effect if a second violation involving serious bodily injury or death occurred within five years of the first.

**CONFERENCE ADOPTED ESTIMATE: Positive Insignificant**

**Requested by: House**