

**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE: October 16, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations  
Committee

FROM: Gerry F. Miller *Gerry F. Miller*  
Chief Legislative Analyst

Council File No: 13-0002-S129  
Assignment No: 13-09-0848

SUBJECT: Resolution (Buscaino - Englander) to support or sponsor legislation to strengthen penalties for hit-and run offenses

CLA RECOMMENDATION: Adopt Resolution (Buscaino - Englander) to include in the City's 2013 – 2014 State Legislative Program SUPPORT for or SPONSORSHIP of legislation which would limit the use of civil compromise, extend the statute of limitations in incidents where a hit-and-run causes a fatal or severe injury, and increase the penalties for individuals who commit a hit-and-run, including the possible hold or forfeiture of vehicles involved in hit-and-runs and automatic license penalties.

SUMMARY

On September 10, 2013, a Resolution (Buscaino - Englander) was introduced to support or sponsor legislation which would limit the use of civil compromise, extend the statute of limitations in incidents where a hit-and-run causes a fatal or severe injury, and increase the penalties for individuals who commit a hit-and-run, including the possible hold or forfeiture of vehicles involved in hit-and-runs and automatic license penalties.

The Resolution states that hit-and-run collisions are a significant issue in the City of Los Angeles, and have caused numerous serious injuries and deaths over recent years. The Resolution further states that, under current law, penalties for hit-and-run incidents are not significant enough to act as an effective deterrent against fleeing the scene after a collision, and that hit-and-run investigations are impeded by the current statute of limitations, as well as the overuse of the civil compromise. The Resolution, therefore, seeks an official position of the City of Los Angeles to support or sponsor legislation which would limit the use of civil compromise, extend the statute of limitations in incidents where a hit-and-run causes a fatal or severe injury, and increase the penalties for individuals who commit a hit-and-run, including the possible hold or forfeiture of vehicles involved in hit-and-runs and automatic license penalties.

BACKGROUND

Hit-and-run collisions have become a significant issue in the City of Los Angeles over the last few years. While a majority of hit-and-run collisions involve only vehicles and do not result in injuries or deaths, a significant number of hit-and-runs involve pedestrians and bicyclists, who are often injured as a result. Between 2007 and 2011, there was an average of 22 severe or fatal hit-and-run collisions involving bicycles and 92 involving pedestrians each year. While a hit-

and-run is a serious offense, the current penalties for this crime often do not work as an effective deterrent or punishment.

Legislation addressing this issue would help public safety officers and local district attorney's offices charged with investigating and trying hit-and-run cases to more effectively deal with those who commit hit-and-runs.

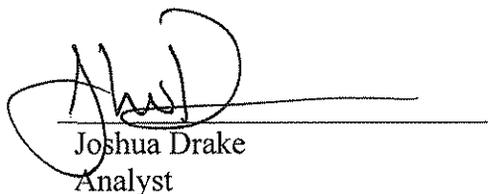
Specifically, legislation addressing penalties for hit-and-run offenses should include:

- Higher consequences for hit-and-run offenses. Under current law, the punishment for a hit-and-run is often lighter than for a DUI collision. Higher consequences could include automatic license penalties, the hold or forfeiture of the vehicle involved in the collision, or other penalties deemed appropriate.
- Limitations on the use of the Civil Compromise. According to the City Attorney's Office, approximately half of the misdemeanor hit-and-run cases that they filed were resolved through the use of the civil compromise. Often the consequences agreed to under civil compromise were no different than if a driver had not left the scene after a collision.
- Extension of the statute of limitations for hit-and-run offenses. The existing statute limits prosecution of a hit-and-run offense to three years from the date of occurrence. Most law enforcement agencies believe that lengthening the statute of limitations would benefit investigators. This issue has also been taken up by the legislature through AB 184 (Gatto), which would allow for charges against a hit-and-run offender for up to one year after an individual has been identified as a suspect. AB 184 was passed in the 2013 – 2014 State legislative session and signed into law by Governor Brown on October 12, 2013.

The Police Department has indicated that it supports legislative efforts to increase penalties for hit-and-run offenders, increase accountability for those who commit hit-and-run offenses, and eliminate the ability to use the civil compromise.

DEPARTMENTS NOTIFIED

Police Department



Joshua Drake  
Analyst

GFM:MF:jwd

Attachment: Resolution (Buscaino - Englander)

SEP 10 2013

13-0002-S129

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

RESOLUTION

TO CITY CLERK  
FROM  
DATE  
BY  
TITLE  
OFFICE  
REPOSTED

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, hit-and-run collisions are a significant issue in the City of Los Angeles, resulting in the serious injury or death of scores of pedestrians and cyclists each year; and

WHEREAS, under current law, penalties for hit-and-run incidents are not significant enough to act as an effective deterrent against fleeing the scene after a collision; and

WHEREAS, hit-and-run investigations are impeded by the current statute of limitations, which limits prosecution to three years from the date of the incident; and

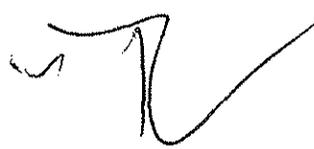
WHEREAS, the overuse of the civil compromise has proven problematic in efforts to convict individuals for hit-and-runs, as almost half of hit-and-run collisions are settled through the use of civil compromise against the wishes of prosecutors; and

WHEREAS, to address these issues, the City of Los Angeles should support or sponsor legislation that would limit the use of civil compromise, extend the statute of limitations, and increase penalties for individuals who commit a hit-and-run; and

WHEREAS, legislation addressing hit-and-run collisions should also include severe penalties for those who flee the scene of a traffic collision, including the possible hold or forfeiture of their vehicle and automatic license consequences; and

WHEREAS, increased penalties for those that commit hit-and-runs is the best way to combat this problem, and would increase public safety;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013 - 2014 State Legislative Program SUPPORT for or SPONSORSHIP of legislation which would limit the use of civil compromise, extend the statute of limitations in incidents where a hit-and-run causes a fatal or severe injury, and increase the penalties for individuals who commit a hit-and-run, including the possible hold or forfeiture of vehicles involved in hit-and-runs and automatic license penalties.



PRESENTED BY

  
JOE BUSCAINO  
Councilmember, 15<sup>th</sup> District



SECONDED BY



jwd

SEP 10 2013