

# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: May 9, 2013

TO: Honorable Members of the Rules, Elections &  
Governmental Relations Committee

FROM: Gerry F. Miller *Gerry F. Miller For* C.F. 13-0002-S18  
Chief Legislative Analyst Assignment No.: 13-01-0085

SUBJECT: Resolution (Englander-Buscaino-LaBonge) SUPPORT AB 184 (Gatto).

CLA RECOMMENDATION: Adopt the attached Resolution ((Englander-Buscaino-LaBonge) to include in the City's 2013-2014 State Legislation Program, SUPPORT for AB 184 (Gatto) "Statute of Limitations" that would extend the statute of limitations for hit-and-run offenses.

## SUMMARY

Resolution (Englander-Buscaino-LaBonge), introduced January 29, 2013, advises that existing State law makes it a crime for the driver of a vehicle involved in an accident resulting in injury to a person other than himself or herself, or in the death of a person, to leave the scene of the accident. State law further provides that if a motorist is not identified within three years of a hit-and-run accident, the motorist cannot be prosecuted. Currently pending before the Assembly is AB 184 (Gatto) that provides that a criminal complaint for hit-and-run suspect that causes serious injury or death may be filed within one year after the person is identified by law enforcement as a suspect in that offense, or within the existing statute of limitations (generally one year for a misdemeanor or three years for a felony from the time of the offense), whichever is later.

## BACKGROUND

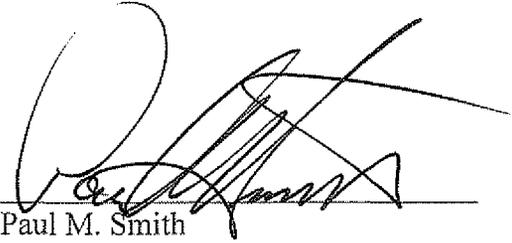
The author's office states that the current statute of limitations may encourage hit-and-run suspects to flee the scene of an accident in an effort to avoid identification and prosecution. Data from State sources show that annually 4,000 hit-and-run incidents in Los Angeles lead to injury and death. The Resolution also states that most of the motorist that are involved in hit-and-run accidents are never prosecuted, in part, because of the current statute of limitations.

The Los Angeles District Attorney has expressed support for AB 184 and changes to the hit-and-run statute of limitations by stating that the current limitations encourages flight and discourages giving aid, and the existing statute of limitations provides an incentive for vehicle manslaughter suspects to flee the scene of serious traffic accidents in order to avoid identification and possible prosecution.

AB 184 addresses the above concerns by modifying State law to provide that if a person flees the scene of an accident that has caused permanent, serious injury or flees the scene of an accident and is charged with specific types of manslaughter, charges may be brought either one or three years after completion of the offense, or one year after the person is initially identified as a suspect in the commission of the offense, whichever is later.

BILL STATUS

|         |                                                                                       |
|---------|---------------------------------------------------------------------------------------|
| 1/28/13 | Introduced.                                                                           |
| 2/07/13 | Referred to Committee on Public Safety.                                               |
| 3/13/13 | Passed from Committee on Public Safety<br>Re-referred to Committee on Appropriations. |
| 4/10/13 | Committee on Appropriations.<br>Referred to Appropriation suspense file.              |



Paul M. Smith  
Analyst

RESOLUTION

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, existing law makes it a crime for the driver of a vehicle involved in an accident resulting in injury to a person other than himself or herself, or in the death of a person, to leave the scene of the accident; and

WHEREAS, existing law states that if a motorist is not identified within three years of a hit-and-run accident, the motorist cannot be prosecuted; and

WHEREAS, currently pending before the Assembly, is a bill, AB 184 (Gatto) that addresses the statute of limitations relative to hit-and-run accidents; and

WHEREAS, AB 184 would provide that, notwithstanding any other limitation of time specified, if a person flees the scene of an accident that has caused permanent, serious injury or flees the scene of an accident and is charged with specified types of vehicular manslaughter, charges may be brought either one or three years after the completion of the offense, as specified, or one year after the person is initially identified as a suspect in the commission of the offense, whichever is later; and

WHEREAS, State data show that 4,000 hit-and-run incidents a year in Los Angeles lead to injury and death; and

WHEREAS, most of the motorists that are involved in hit-and-run accidents are never prosecuted, in part, because of the statute of limitations; and

WHEREAS, the City of Los Angeles should support AB 184 because it would help curb the epidemic of hit-and-run offenses in Southern California;

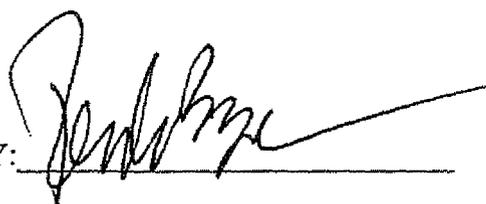
NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-14 State Legislative Program SUPPORT of AB 184 (Gatto) "Statute of Limitations" that would extend the statute of limitations for hit-and-run offenses.

PRESENTED BY:

  
 MITCHELL ENGLANDER  
 Councilmember, 12<sup>th</sup> District

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

SECONDED BY:



13-0002-S18