

**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE: April 23, 2014

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

FROM: Gerry F. Miller *Acting for* Council File No: 14-0002-S44  
Chief Legislative Analyst Assignment No: 14-04-0273

SUBJECT: Resolution (Wesson - Buscaino - Englander) to support AB 2673, which would prohibit the use of misdemeanor civil compromise when a driver fled the scene of a collision

CLA RECOMMENDATION: Adopt Resolution (Wesson - Buscaino - Englander) to include in the City's 2013 – 2014 State Legislative Program SUPPORT for AB 2673 (Bradford), which would prohibit the civil compromise of a misdemeanor when a driver fled the scene of a collision.

SUMMARY

On April 11, 2014, a Resolution (Wesson - Buscaino - Englander) was introduced in support of AB 2673, which would prohibit the civil compromise of a misdemeanor when a driver fails to stop their vehicle at or near the scene of a collision. The Resolution states that, under existing law, individuals who commit a misdemeanor hit and run offense are allowed to use the civil compromise if the person injured by the commission of the misdemeanor appears before the court and acknowledges that they have received satisfaction for their injury. The Resolution further states that the misdemeanor civil compromise is not allowed for certain types of crimes.

The Resolution also states that Los Angeles has a significant hit and run problem, and that the use of misdemeanor civil compromise in hit and run collisions enables perpetrators of hit and runs to avoid penalties for their actions. The Resolution, therefore, seeks an official position of the City of Los Angeles to support AB 2673 (Bradford), which would prohibit the civil compromise of a misdemeanor when a driver fails to stop their vehicle at or near the scene of a collision.

BACKGROUND

Under current law, a driver of a vehicle involved in a collision resulting in the injury or death of another person is required to immediately stop their vehicle at the scene of the accident, and requires a driver of a vehicle involved in a collision resulting only in damage to property to immediately stop their vehicle at the nearest location that will not impede traffic or jeopardize the safety of other motorists. If a motorist fails to stop, they are committing a hit and run offense.

Current law also allows for the use of the civil compromise of a misdemeanor offense, as long as the person injured by the commission of the misdemeanor appears before the court and acknowledges that he or she has received satisfaction for their injury. On payment of the costs

incurred, existing law allows the court to order all proceedings stayed and discharge the defendant from prosecution. Existing law prohibits civil compromise in certain cases, including, among others, cases involving domestic violence, elder abuse, and child abuse, but allows its use for hit and run collisions. AB 2673 would change this, and add hit and run offenses to the list of misdemeanors that does not allow for the use of civil compromise.

Hit and run collisions continue to be a serious problem in most metropolitan areas, including the City of Los Angeles. There are approximately 20,000 hit and run collisions reported in Los Angeles annually, and these collisions represent a significant public safety concern for residents. According to a report on hit and run collisions issued by the Police Department (LAPD) (CF 13-0752) there was an average of 22 severe or fatal collisions involving bicyclists and 92 severe or fatal collisions involving pedestrians annually between 2007 and 2011.

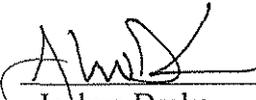
The use of the misdemeanor civil compromise was singled out in the LAPD report as one of the most significant impediments to ensuring that perpetrators of hit and run collisions suffer real consequences for their crimes. According to the City Attorney's Office, approximately 50 percent of misdemeanor hit and run cases they filed were resolved through the use of civil compromise. Civil compromise often results in penalties no worse than if the perpetrator has never fled the scene, and does nothing to serve as a disincentive to those who may commit a hit and run offense. AB 2673 would ensure that hit and run offenders are penalized for their actions and could not use the civil compromise as a way to avoid penalties for committing a hit and run collision.

DEPARTMENTS NOTIFIED

Police Department  
Office of the City Attorney

BILL STATUS

02/21/2014	Bill introduced
03/17/2014	Referred to the Committee on Public Safety

  
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Joshua Drake  
Analyst

GFM:MF:jwd

Attachment: Resolution (Wesson - Buscaino - Englander)

14-0002-549

RESOLUTION

APR 11 2014  
RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

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, under existing law the civil compromise of a misdemeanor offense is allowed if the person injured by the commission of the misdemeanor appears before the court and acknowledges that they have received satisfaction for the injury; and

WHEREAS, civil compromise is prohibited in certain types of crimes, including domestic violence, elder abuse and child abuse, but is allowed for hit and run collisions; and

WHEREAS, California law requires a driver of a vehicle involved in a collision resulting in the injury or death of another individual to stop; and

WHEREAS, the City of Los Angeles has a significant problem with hit and run drivers fleeing the scene of traffic collisions; and

WHEREAS, if later caught, hit and run offenders often use the misdemeanor civil compromise to avoid fines and penalties for their actions; and

WHEREAS, because misdemeanor hit and run offenders are not penalized when they use the civil compromise, but would be if they were tried in court, civil compromise can incentivize its abuse; and

WHEREAS, AB 2673 (Bradford) would prohibit the use of misdemeanor civil compromise in cases where a vehicle fled a collision; and

WHEREAS, AB 2673 would ensure that fines and penalties for hit and run collisions are unavoidable and discourage individuals from fleeing the scene of a collision;

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 AB 2673 (Bradford), which would prohibit the civil compromise of a misdemeanor when a driver fails to stop their vehicle at or near the scene of a collision.

PRESENTED BY Herb J. Wesson, Jr.  
HERB J. WESSON, JR.  
Councilmember, 10<sup>th</sup> District

ORIGINAL

APR 11 2014

SECONDED BY Joe Bueren  
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