

AN INITIATIVE FOR AN ACT

Concerning increased criminal penalties for reckless driving that creates a substantial risk of death or serious bodily injury, and, in connection therewith, authorizing mandatory imprisonment for aggravated reckless driving offenses.

Be it enacted by the People of the State of San Andreas:

SECTION 1. Declaration.

The People hereby finds and declares that:

- (a) Reckless driving is among the leading causes of preventable traffic fatalities and serious bodily injuries;
- (b) Excessive speeding, street racing, aggressive driving, and other reckless driving behaviors endanger motorists, pedestrians, bicyclists, and emergency responders;
- (c) Existing penalties are often insufficient to deter repeat offenders and individuals who deliberately operate motor vehicles with willful disregard for the safety of others;
- (d) Enhanced criminal penalties are necessary to promote public safety while preserving judicial discretion for less serious cases.

SECTION 2. In the San Andreas Revised Statutes, Title 42, Article 4, amend section 42-4-1401 to read:

42-4-1401. Reckless Driving.

- (1) A person commits reckless driving if such person drives any motor vehicle in willful or wanton disregard for the safety of persons or property.
- (2) Except as otherwise provided in this section, reckless driving is a Class 2 misdemeanor traffic offense.

Penalties.

- (3) Upon conviction, the court may impose:

- (a) A fine of not less than five hundred dollars nor more than one thousand five hundred dollars;
- (b) Imprisonment in the county jail for not more than ninety days;
- (c) Both such fine and imprisonment;
- (d) Suspension of the person's driving privilege as otherwise provided by law.

SECTION 3. Aggravated Reckless Driving.

42-4-1401.5. Aggravated reckless driving.

- (1) A person commits aggravated reckless driving if, while committing reckless driving, the person:
 - (a) Operates a motor vehicle thirty-five miles per hour or more above the posted speed limit;
 - (b) Participates in an unlawful speed contest or exhibition of speed;
 - (c) Drives in the wrong direction on a divided highway or interstate highway;
 - (d) Flees or attempts to elude a peace officer;
 - (e) Passes a stopped school bus displaying required warning signals;
 - (f) Knowingly drives through an active emergency incident, construction zone, or school zone while creating a substantial risk of serious bodily injury;
 - (g) Commits three or more separate moving violations arising out of the same criminal episode that demonstrate a willful disregard for public safety.

SECTION 4. Penalties for aggravated reckless driving.

- (1) Aggravated reckless driving is a Class 1 misdemeanor traffic offense.
- (2) A person convicted under this section shall be punished by:
 - (a) A fine of not less than one thousand dollars nor more than five thousand dollars;
 - (b) Imprisonment in the county jail for not less than thirty days nor more than three hundred sixty-four days;

(c) Both such fine and imprisonment.

(3) The court may suspend all or part of the minimum jail sentence only upon written findings that extraordinary mitigating circumstances exist.

SECTION 5. Reckless driving causing serious bodily injury.

(1) A person who commits reckless driving and thereby causes serious bodily injury to another person commits a Class 6 felony.

(2) Upon conviction, the court shall sentence the offender in accordance with the felony sentencing provisions of Title 18.

SECTION 6. Reckless driving causing death.

(1) A person who commits reckless driving and thereby causes the death of another person commits a Class 4 felony, unless a greater offense is charged under state law.

(2) Nothing in this section prohibits prosecution for vehicular homicide or any other applicable offense.

SECTION 7. Repeat offenders.

(1) Any person convicted of a second reckless driving offense within five years shall

(a) Serve not less than seven consecutive days in the county jail;

(b) Complete a state-approved defensive driving or driver improvement course;

(c) Perform not less than forty hours of community service.

(2) Any person convicted of a third or subsequent reckless driving offense within five years commits a Class 1 misdemeanor traffic offense and shall serve not less than sixty consecutive days in jail, unless a longer sentence is otherwise authorized.

SECTION 8. Mandatory driver's license suspension.

In addition to any other penalty imposed, the department shall suspend the driver's license of any person convicted of:

- (a) Aggravated reckless driving for one year;
- (b) A second reckless driving conviction within five years for eighteen months;
- (c) A third or subsequent reckless driving conviction within five years for two years.

SECTION 9. Vehicle impoundment.

- (1) Upon conviction of aggravated reckless driving, the sentencing court may order the motor vehicle used in the commission of the offense impounded for not more than thirty days.
- (2) Upon a third conviction within five years, the court may order impoundment for not more than ninety days, unless the vehicle is owned by an innocent third party.

SECTION 10. Sentencing considerations.

In determining the appropriate sentence, the court shall consider:

- (a) The defendant's prior driving history;
- (b) The degree of danger created;
- (c) Whether passengers, pedestrians, or children were placed at risk;
- (d) Weather and roadway conditions;
- (e) Whether the defendant demonstrated remorse or accepted responsibility.

SECTION 11. Applicability.

This act applies to offenses committed on or after the effective date of this act.

SECTION 12. Effective date.

This act shall take effect January 1, 2027 if approved by the voters in the general election.

