

---

# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

---

**Bill No:** AB 2984                      **Hearing Date:** June 25, 2024  
**Author:** Gipson  
**Version:** May 16, 2024  
**Urgency:** No                              **Fiscal:** Yes  
**Consultant:** MK

**Subject:** *Fleeing the scene of an accident*

## HISTORY

Source: Author

Prior Legislation: AB 835 (Gipson), Chapter 338, Statutes of 2015  
AB 184 (Gatto), Chapter 765, Statutes of 2013  
SB 387 (LaMalfa) held SCoPS ROCA 2012  
AB 2484 (Davis) held SCoPS ROCA 2012

Support: California Association of Highway Patrolmen; California State Sheriffs' Association; Peace Officers Research Association of California (PORAC)

Opposition: None known

Assembly Floor Vote: 72 - 0

## PURPOSE

***The purpose of this bill to provide that if a person who fled the scene of the accident and left the state for the purpose of evading prosecution after committing the crime, the statute of limitations will be tolled for up to 3 years during the time the person is out of the state.***

*Existing law* provides that, notwithstanding any other limitation of time, if a person flees the scene of an accident that caused death or permanent, serious injury, as defined in the Vehicle Code, a criminal complaint may be filed within the applicable time period described in existing law setting the statute of limitations for offenses punishable in state prison or one year after the person is initially identified by law enforcement as a suspect in the commission of the offense, whichever is later, but in no case later than six years after the commission of the offense. (Penal Code § 803 (j).)

*Existing law* states that vehicular manslaughter is the unlawful killing of a human being without malice while driving a vehicle in the commission of an unlawful act, not amounting to a felony, and with gross negligence or driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence. (Pen. Code, § 192, subd. (c)(1).)

*Existing law* states that violation of vehicular manslaughter is punishable by either imprisonment in the county jail for not more than one year or by imprisonment in the state prison for two, four or six years. (Penal Code § 193 (c)(1).)

*Existing law* states that vehicular manslaughter also is the unlawful killing of a human being without malice while (i) driving a vehicle in the commission of an unlawful act, not amounting to a felony, but without gross negligence or (ii) driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence. (Penal Code § 192 (c) (2).)

*Existing law* states that violation of this offense is punishable by imprisonment in the county jail for not more than one year. (Penal Code § 193 (c) 2.)

*Existing law* requires that prosecution for an offense punishable by imprisonment in the state prison or county jail pursuant to realignment be commenced within three years after commission of the offense, except as specified. (Penal Code § 801.)

*Existing law* requires that prosecution for a misdemeanor offense be commenced within one year after commission of the offense, except as specified. (Penal Code § 802 (a).)

*Existing law* allows a criminal complaint to be filed within the standard period, or one year after the person is initially identified by law enforcement as a suspect in the commission of the offense, whichever is later, but in no case later than six years after the commission of the offense, if a person flees the scene of an accident that caused death or permanent, serious injury. (Penal Code § 803 (j).)

*Existing law* states that 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 shall immediately stop the vehicle at the scene of the accident and provide assistance and information. (Vehicle Code, § 20001 (a).)

*Existing law* specifies that if the accident results in death or permanent, serious injury, the person shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not less than 90 days nor more than one year, or by a fine of not less than \$1,000 nor more than \$10,000, or by both that imprisonment and fine. However, the court, in the interests of justice and for reasons stated in the record, may reduce or eliminate the minimum imprisonment. (Vehicle Code § 20001 (b)(2).)

*Existing law* states that a person who flees the scene of the crime after committing a violation of vehicular manslaughter while intoxicated, or gross vehicular manslaughter upon conviction of any of those sections, in addition and consecutive to the punishment prescribed, shall be punished by an additional term of imprisonment of five years in the state prison. This additional term shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact. The court shall not strike a finding that brings a person within the provisions of this subdivision or an allegation made pursuant to this subdivision. (Vehicle Code § 20001 (c).)

*This bill* provides that if a person is out of state for the purpose of evading prosecution after fleeing the scene of an accident, the statute of limitations will be tolled for up to 3 years during any time the person is out of the state.

## COMMENTS

### 1. Need for This Bill

According to the author:

AB 2984 will expand the statute of limitations for hit and runs resulting in vehicular manslaughter or serious injury, will disincentivize the perpetrator from fleeing the scene but also allow adequate time for families of victims and victims to seek justice. No family should be denied the opportunity to find justice for their loved ones.

### 2. The Statute of Limitations Generally; Law Revision Commission Report

The statute of limitations requires commencement of a prosecution within a certain period of time after the commission of a crime. A prosecution is initiated by filing an indictment or information, filing a complaint, certifying a case to superior court, or issuing an arrest or bench warrant. (Penal Code § 804.) The failure of a prosecution to be commenced within the applicable period of limitation is a complete defense to the charge. The statute of limitations is jurisdictional and may be raised as a defense at any time, before or after judgment. *People v. Morris* (1988) 46 Cal.3d 1, 13. The defense may only be waived under limited circumstances. (See *Cowan v. Superior Court* (1996) 14 Cal.4th 367.)

The Legislature enacted the current statutory scheme regarding statutes of limitations for crimes in 1984 in response to a report of the California Law Revision Commission:

The Commission identified various factors to be considered in drafting a limitations statute. These factors include: (a) The staleness factor. A person accused of crime should be protected from having to face charges based on possibly unreliable evidence and from losing access to the evidentiary means to defend. (b) The repose factor. This reflects society's lack of a desire to prosecute for crimes committed in the distant past. (c) The motivation factor. This aspect of the statute imposes a priority among crimes for investigation and prosecution. (d) The seriousness factor. The statute of limitations is a grant of amnesty to a defendant; the more serious the crime, the less willing society is to grant that amnesty. (e) The concealment factor. Detection of certain concealed crimes may be quite difficult and may require long investigations to identify and prosecute the perpetrators.

The Commission concluded that a felony limitations statute generally should be based on the seriousness of the crime. Seriousness is easily determined based on classification of a crime as felony or misdemeanor and the punishment specified, and a scheme based on seriousness generally will accommodate the other factors as well. Also, the simplicity of a limitations period based on seriousness provides predictability and promotes uniformity of treatment.<sup>1</sup>

### 3. Vehicle Code section 20001

Vehicle Code section 20001 is commonly known as “hit and run.” To prove a violation of hit and run resulting in permanent, serious injury, or death the prosecution must establish that: (1) the

---

<sup>1</sup> 1 Witkin Cal. Crim. Law Defenses, Section 214 (3rd Ed. 2004), citing 17 Cal. Law Rev. Com. Reports, pp.308-314.

defendant was involved in a vehicle accident while driving; (2) the accident caused permanent, serious injury or death to another; (3) the defendant knew that he or she was involved in an accident that injured another person, or knew from the nature of the accident that it was probable that another person had been injured; and, (4) the defendant willfully failed to perform one or more duties, including immediately stopping at the scene, providing reasonable assistance to any injured person, to provide specified identifying information, and showing driver's license upon request. (See CALCRIM No. 2140.)

“The purpose of [the statute] is to prevent the driver of an automobile from leaving the scene of an accident in which he participates or is involved without proper identification and to compel necessary assistance to those who may be injured. The requirements of the statute are operative and binding on all drivers involved in an accident regardless of any question of their negligence respectively. In other words, it is not necessary to drive impaired, recklessly or negligently. These duties apply regardless of the fault of the accident. .” (*People v. Scofield* (1928) 203 Cal. 703, 708.)

Vehicle Code section 20001, subdivision (b)(2) is an alternate misdemeanor-felony meaning it may be punished by up to one year in the county jail or three years in state prison. Any state prison felony may be prosecuted for up to three years. (Penal Code § 801.) Hit and run really criminalizes leaving the scene of accident. Vehicular manslaughter is often used when a driver engaged in reckless or intoxicated driving.

Hit and run may involve a person who hits someone completely accidentally and for whatever reason, flees the scene. It is a serious crime subject to up to four years in prison, but not the type of crime that is ordinarily prosecuted years after the incident. (Vehicle Code § 20001(b)(2).)

The current statute of limitation for this offense is six years or one year after the date after the person was initially identified by law enforcement. (See Penal Code § 803 (j)).)

This bill tolls the statute of limitations for 3 years, if after committing the hit and run the person flees the state for the purpose of evading prosecution.

#### **4. Argument in Support**

California State Sheriffs' Association supports this bill stating:

Under existing law, when a driver of a vehicle is involved in an accident resulting in injury to another person, the driver must stop at the scene of the accident and provide identifying information and render assistance. Current statute further provides that fleeing the scene of an accident which results in permanent, serious injury or death to another, is an alternate felony or misdemeanor. Existing law also prohibits a criminal complaint from being filed after 6 years after an offender flees the scene of an accident that caused death or permanent, serious injury. Hit-and-runs can have life-altering consequences. This bill helps continue the effort of removing the incentive to flee to avoid prosecution.