
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: AB 2807 **Hearing Date:** July 2, 2024
Author: Villapudua
Version: June 3, 2024
Urgency: No **Fiscal:** No
Consultant: MK

Subject: *Vehicles: sidershows and street takeovers*

HISTORY

Source: Author

Prior Legislation: AB 74 (Muratsuchi) Failed Assm. Trans. 2023
AB 822 (Alanis) not heard ACoPS 2023
AB 2000 (Gabriel) Chapter 436, Stats. 2022
AB 3 (Fong) Chapter 106, Stats. 2021
AB 410 (Nazarian) failed Assem. Public Safety 2019
SB 699 (Galgiani) amended out in Assembly 2017
SB 67 (Perata) Chapter 727, Stats. 2007
AB 1325 (Vargas) Chapter 475, Stats. 2005
SB 1541 (Margett) Chapter 595, Stats. 2004
AB 985 (Vargas) - failed Senate Public Safety 2004
AB 1341 (Para) - 6/9/04 version, failed Sen Public Safety 2004
AB 2440 (Shirley Horton) - held Assembly Appropriations 2004
SB 1489 (Perata) Chapter 411, Stats. 2002
SB 2087 (Soto) - died on inactive file Senate Floor 2002
AB 2288 (Aguiar) Chapter 884, Stats. 1996
SB 833 Chapter 922, Stats. 1995
SB 1738 Chapter 1221, Stats. 1994
AB 5 Chapter 3, Stats. 1959

Support: California Contract Cities Association; League of California Cities

Opposition: None known

Assembly Floor Vote: 66 - 0

PURPOSE

The purpose of this bill is to provide that vehicle sidershows are also known as street takeovers.

Existing law provides that a person shall not engage in an exhibition of speed on a highway or in an offstreet parking facility. (Vehicle Code § 23109)

Existing law defines “exhibition of speed” as accelerating or driving at a rate of speed that is dangerous and unsafe in order to show off or make an impression on someone else. (*People v.*

Grier (1964) 226 Cal.App.2d 360, 364.)

Existing law authorizes a court to order the suspension of a driver's license for 90 days to six months for a person convicted of engaging in an exhibition of speed that was part of a sideshow. (Vehicle Code § 23109)

Existing law defines "sideshow" to mean an event in which two or more persons block or impede traffic on a highway or in an offstreet parking facility, for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving, for spectators. (Vehicle Code § 23109)

Existing law allows a peace officer to immediately arrest and take into custody a person engaged in an exhibition of speed, and to remove and impound the vehicle used in the offense for up to 30 days. (Vehicle Code § 23109.2)

Existing law provides that a person shall not aid or abet in an exhibition of speed on any highway or in an offstreet parking facility, or, for the purpose of facilitating or aiding or as an incident to any exhibition of speed, in any manner, obstruct or place a barricade or obstruction or assist or participate in placing a barricade or obstruction on a highway or in an offstreet parking facility. (Vehicle Code § 23109)

This bill clarifies that a "sideshow" is also known as a "street takeover."

COMMENTS

1. Need for This Bill

According to the author:

The surge in dangerous sideshow related activities seen throughout our state is creating unnecessary risks to public safety and infrastructure. AB 2807 will address this issue and ensure we are holding those engaging in these reckless activities accountable by clearly defining these types of activities within current law.

2. Sideshows

Individuals who participate in a sideshow can be charged with engaging in a motor vehicle exhibition of speed on a highway, which has been interpreted by the courts to include the acts of burning or squealing tires, allowing them to lose traction, performing wheelies, or revving an engine or hitting the gas too quickly after running a light. Last year the Legislature passed AB 3 (Fong), Chapter 611, Statutes of 2021, which provided the ability to suspend a person's driver's license if they were convicted of a motor vehicle exhibition of speed and that charge stemmed from their participation in a motor vehicle sideshow.

Prosecutors are given the discretion to charge a motor vehicle exhibition of speed as a misdemeanor or an infraction as a result of the different types of acts of severity that could be charged as a motor vehicle exhibition of speed. If the crime is a misdemeanor, they can serve up to 90 days in jail, and receive a fine of nearly \$500 after accounting for all of the fees attached to the \$100 base fine. If the crime is charged as an infraction, the fine is closer to \$400. A driver will also receive two violation points on their license, and traffic violator school is not an option.

An individual is considered a negligent operator if they receive 4 or more points in 12 months, 6 in 24 months, or 8 in 36 months. DMV is given the authority to suspend someone's license if they are determined to be a negligent operator.

3. Street takeover

In the 1980s in Oakland, California, a new tradition took hold in mall parking lots: sideshows. The original sideshows were just meant to show off cars, but they developed into larger events under Oakland's unique hyphy culture in the 1990s. These events involve customized cars and hyphy music, an Oakland slang term meaning "hyperactive" that was coined by Rapper Keak da Sneak and popularized by E-40's song, "Hyphy".

According to an interview by KQED with Sean Kennedy, a multimedia producer and local hip-hop historian in Oakland, sideshows began to change when guys with cheap cars started doing stunts to gain attention. These stunts include doing donuts (360 degree tire burnouts) and ghost riding the whip (exiting a moving vehicle and dancing beside and around it). Kennedy has noted that these sideshows have a nomadic, extra-legal element to them, as people often bring guns and sell drugs at the shows.

As sideshows grew in popularity and moved out of mall parking lots and onto streets, highways and bridges, the city of Oakland began to pass ordinances making spectating at a sideshow a criminal offense. After the death of U'kendra K. Johnson, a 22-year old woman who was killed by a sideshow driver fleeing police in Oakland, the Legislature passed SB 1489 (Perata), Chapter 411, Statutes of 2002, also known as the U'kendra K. Johnson Memorial Act, which granted law enforcement the ability to impound a vehicle for reckless driving.

During the COVID 19 pandemic lockdowns, cities saw an increase in street racing and sideshows, in part because there were fewer vehicles on the road. The California Highway Patrol (CHP) responded to 25,953 calls involving a motor vehicle speed contest or exhibition of speed in 2020, nearly 3,500 more calls than the prior year. In 2020, CHP cited 341 individuals with a violation of motor vehicle exhibition of speed, 141 more than the year before.

Citations and calls reporting speed racing and motor vehicle exhibitions of speed have continued to grow. In 2022, CHP received over 31,000 calls involving a motor vehicle speed contest or motor vehicle exposition of speed. That number dropped to 27,265 in 2023. CHP issued 1487 citations for the two violations in 2022 and 2023.

One of the common charges brought against individuals participating in a sideshow is engaging in a motor vehicle exhibition of speed on a highway. This section has been interpreted by the courts to include the act of burning or squealing tires allowing them to lose traction, or performing a "wheelie" on a motorcycle. A motor vehicle exhibition of speed could be as minor as revving an engine or hitting the gas too quickly after running a light.

In 2021 the Legislature passed AB 3 (Fong), Chapter 611 which provided the ability to suspend a person's driver's license if they were convicted of a motor vehicle exhibition of speed and that charge stemmed from their participation in a motor vehicle sideshow. The bill defined in statute a sideshow as an event in which two or more persons block or impede traffic on a highway, for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving, for spectators.

While sideshow is the more popular term, law enforcement from southern California refers to the events as “street takeovers.” AB 74 (Muratsuchi) of 2023, sponsored by the Los Angeles Police Department, would have created a new crime of “street takeover” that had the same elements of the crime as a sideshow established under AB 3. That bill failed in Assembly Transportation Committee.

This bill recognizes the southern California slang for sideshow in code by recognizing that sideshows are also referred to as street takeovers.

4. Argument in Support

The Contract Cities Association supports this bill stating:

Over the last few years our organization has consistently advocated for practical and punitive measures to address the uptick in sideshows, reckless driving, and street racing in our communities. The dangerous, life-threatening activity is a serious public safety concern for many of our member cities. According to new Los Angeles Police Department data, reports of illegal street races and takeovers/sideshows increased in Los Angeles during the first months of 2024. Over 176 street races were reported between January and March, a 50% increase from 2023. We applaud Assemblymember Villapudua for introducing legislation that recognizes the differences in regional dialects across California and aligns terminology, which will ultimately help the State hold individuals that engage in sideshows/street takeovers accountable.

-- END --