
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: AB 1732 **Hearing Date:** May 31, 2022
Author: Patterson
Version: March 15, 2022
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *Emergency services: hit-and-run incidents: Yellow Alert*

HISTORY

Source: Author

Prior Legislation: AB 8 (Gatto) Chapter 326, Stats. 2015
AB 47 (Gatto) Vetoed 2014
SB 1127 (Torres) Chapter 440, Stats.2014
SB 1047 (Alquist) Chapter 651, Stats. 2012
SB 839 (Runner) Chapter 311, Stats. 2010
SB 38 (Alquist) failed Assembly Appropriations, 2009
SB 415 (Runner) Chapter 517, Stats. 2002
SB 6 (Rainey) Chapter 507, Stats. 1999

Support: California Police Chiefs Association; California State Sheriffs' Association
City of Torrance; Peace Officers Research Association of California (PORAC);

Opposition: None known

Assembly Floor Vote: 68 - 0

PURPOSE

This bill re-establishes the "Yellow Alert" system, to aid in the apprehension of a suspect if a person has been killed in a hit-and-run incident.

Existing law requires the driver of a vehicle involved in an accident resulting in injury to another person to stop at the scene of the accident and to fulfill specified requirements, including providing identifying information and rendering assistance. (Veh. Code, § 20001 (a).)

Existing law provides that, except as specified, fleeing the scene of an accident resulting in injury to another, is punishable by 16 months, two, or three years in state prison or, by imprisonment in a county jail not to exceed one year, or by a fine of not less than \$1,000 nor more than \$10,000, or by both a fine and imprisonment. (Veh. Code, § 20001 (b)(1).)

Existing law provides that fleeing the scene of an accident which results in permanent, serious injury or death to another, is punishable 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 ranging between \$1,000 and \$10,000, or by both a fine and imprisonment. (Veh. Code, § 20001

(b.)

Existing law allows the court, in the interests of justice, to reduce or eliminate the minimum term of imprisonment required for a conviction of fleeing the scene of an accident causing death or permanent, serious injury. (Veh. Code, § 20001 (b).)

Existing law states that a person who flees the scene of an accident after committing gross vehicular manslaughter or gross vehicular manslaughter while intoxicated, upon conviction for that offense, shall be punished by an additional term of five years in the state prison. This additional term runs consecutive to the punishment for the vehicular manslaughter. (Veh. Code, § 20001 (c).)

Existing law states that if an abduction has been reported to a law enforcement agency and the agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death and there is information available that, if disseminated to the general public, could assist in the safe recovery of the victim, the agency, through a person authorized to activate the Emergency Alert System (EAS), shall request the activation of the EAS within the appropriate local area. (Gov. Code, § 8594 (a).)

Existing law provides that California Highway Patrol (CHP) in consultation with the Department of Justice, as well as a representative from the California State Sheriffs' Association, the California Police Chiefs' Association and the California Police Officers' Association shall develop policies and procedures providing instructions specifying how law enforcement agencies, broadcasters participating in the EAS, and where appropriate, other supplemental warning systems, shall proceed after qualifying abduction has been reported to a law enforcement agency. (Gov. Code, § 8594, subd. (b).)

Existing law defines a “Blue Alert” as a quick response system designed to issue and coordinate alerts following an attack upon a law enforcement officer, as specified. (Gov. Code, § 8594.5, (a).)

Existing law provides that in addition to the circumstances described under existing law relating to "Amber Alerts", upon the request of an authorized person at a law enforcement agency that is investigating an offense, the CHP shall activate the EAS and issue a blue alert if all of the following conditions are met:

- a) A law enforcement officer has been killed, suffers serious bodily injury, or is assaulted with a deadly weapon, and the suspect has fled the scene of the offense;
- b) A law enforcement agency investigating the offense has determined that the suspect poses an imminent threat to the public or other law enforcement personnel;
- c) A detailed description of the suspect’s vehicle or license plate is available for broadcast;
- d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect; and,

- e) The CHP has been designated to use the federally authorized EAS for the issuance of blue alerts. (Gov. Code, § 8594.5 (b).)

Existing law provides that the "Blue Alert" system incorporates a variety of notification resources and developing technologies that may be tailored to the circumstances and geography of the underlying attack. The blue alert system shall utilize the state-controlled Emergency Digital Information System, (EDIS) local digital signs, focused text, or other technologies, as appropriate, in addition to the federal EAS, if authorized and under conditions permitted by the federal government. (Gov. Code, § 8594.5 (c).)

Existing law defines a "Silver Alert" as a notification system, that can be activated as specified, and is designed to issue and coordinate alerts with respect to a person 65 years of age or older who is reported missing. (Gov. Code, § 8594.10 . (a).

Existing law provides that if a person is reported missing to a law enforcement agency, and that agency determines that specified requirements are met, The agency may request the CHP to activate a "Silver Alert". If the CHP concurs that the specified requirements are met, it shall activate a "Silver Alert" within the geographical area requested by the investigating law enforcement agency. (Gov. Code § 8594.10. (c).)

Existing law states that a law enforcement agency may request a "Silver Alert" be activated if that agency determines that all of the following conditions are met in regard to the investigation of the missing person:

- a) The missing person is 65 years of age or older;
- b) The investigating law enforcement agency has utilized all available local resources;
- c) The law enforcement agency determines that that the person has gone missing under unexplained or suspicious circumstances;
- d) The law enforcement agency believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or there are other factors indicating that the person may be in peril; and,
- e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person. (Gov. Code § 8594.10 (c).)

This bill authorizes the Department of the California Highway Patrol (CHP) to activate a Yellow Alert within the geographic area upon request if it concurs with a law enforcement that following requirements are met.

- a) A person has been killed due to a hit-and-run accident;
- b) The suspect has fled the scene utilizing the state highway or is likely to be observed by the public on the state highway system;

- c) The law enforcement agency has additional information concerning the suspect or the suspect's vehicle, including, but not limited to, the following:
 - i. The complete license plate number of the suspect's vehicle;
 - ii. The partial license plate number and additional unique characteristics, such as make, model, and color of the suspect's vehicle;
 - iii. The identity of the suspect; and,
 - iv. The identity of a suspect; and,
- d) Public dissemination of available information could either help avert further harm or accelerate the apprehension of the suspect.

This bill defines "Yellow Alert" as a notification system activated by the CHP, at the request of a local law enforcement agency, designed to issue and coordinate alerts with respect to a hit-and-run incident resulting in death to a person.

This bill requires CHP to track the number of Yellow Alert requests it receives and to create a report that includes an evaluation of the efficacy, the advantages, and disadvantages of the Yellow Alert System and submit it to the Legislature no later than January 1, 2026.

This bill provides that the provisions of this bill shall sunset on January 1, 2026.

COMMENTS

1. Need for This Bill

According to the author:

This bill is trying to address the various challenges that California Highway Patrol and local law enforcement face with regard to finding a vehicle involved in a hit and run incident that results in a death or gross bodily injury. The root cause of this problem is the CHP and local law enforcement solely relying on their own staff to find the vehicle involved in the above-mentioned hit and run without assistance from the general public. With CHP and many local law enforcement agencies facing severe staffing shortages, this task is even more difficult than before.

This problem is of state concern due to the increase in hit and runs nationwide, especially in California.¹ From 2010 to 2019, fatal hit-and-runs in California rose from 2,948 to 3,056. Particularly during the COVID-19 pandemic, California roads were more dangerous than they had been in 15 years.²

¹ <https://www.valuepenguin.com/most-dangerous-roads-hit-and-runs>

² <https://abc7news.com/car-crash-deaths-2021-deadly-crashes-coronavirus-pandemic/11314377/> more hit-and-runs nationwide

This bill would authorize CHP to once again activate the Yellow Alert upon request of a local law enforcement agency in order to obtain the public's help in identifying and recovering a vehicle used in a hit-and-run resulting in death or gross bodily injury. The public's help is often used to identify vehicles associated with Amber Alerts, individuals suspected of injuring a police officer, or elderly or at-risk individuals who are missing.

2. Alert Systems in California:

There are a number of similar alert systems already in use in California. The first alert system developed in California was "Amber Alert", established by AB 415 (Runner), Chapter 517, Statutes of 2002, that authorized law enforcement agencies to use the digital messaging on overhead roadway signs to assist in recovery efforts for child abduction cases. Following on the success of the "Amber Alert" program, the "Blue Alert" and the "Silver Alert" notification systems were developed. The "Blue Alert" system, established by SB 839 (Runner), Chapter 311, Statutes of 2010, provides for public notification when a law enforcement officer has been attacked and the "Silver Alert" notification system, established by SB 1047 (Alquist), Chapter 651, Statutes of 2012, provides for public notification when a person age 65 years or older is missing. The "Silver Alert" system was recently broadened with the passage of SB 1127 (Torres) Chapter 440, Statutes of 2014, to include missing persons who are developmentally disabled or cognitively impaired.

3. “Yellow Alerts”

The original enactment of the “Yellow Alert” system began on January 1, 2016 and was established by AB 8 (Gatto), Chapter 326, Statutes of 2015. The “Yellow Alert” was available to local law enforcement agencies in assisting with hit-and-run accidents. The majority of the provisions of AB 8 (Gatto) have been included in this this bill, with the addition of data collection.

This bill would require CHP to track the number of requests it receives for ‘Yellow Alerts’. Statistical data could help determine if “Yellow Alert systems” are effective in resolving hit-and-run cases.

4. Report and Sunset

This bill requires the CHP to create a report that includes the evaluation of the efficacy, the advantages, and disadvantages of the Yellow Alert System. The report is due to the Legislature no later than January 1, 2026. This bill also sunsets on January 1, 2026. The author may wish to stagger these dates so that the sunset occurs a year after the report is due, so the Legislature has the report to evaluate whether or not the authorization for the Yellow Alert System should be extended.

5. Argument in Support

The California Sheriffs' Association supports this bill stating:

Under current law, the CHP is authorized to release three main alerts, Amber, Silver, and Blue, through its Emergency Notification and Tactical Alert Center (ENTAC).

The creation of a Yellow Alert can provide immediate information to the public of a fleeing suspect who is using the highway system to abscond from the site of an incident. Public dissemination of information about a fleeing suspect can help prevent further damage and disturbance.

-- END --