
DIGEST

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HB 6 Original

2019 Regular Session

Jenkins

Abstract: Creates the crime of aggressive driving and provides for the elements of the offense, criminal penalties, and the authority to issue a summons in lieu of arrest to those who commit the offense.

Proposed law creates the crime of aggressive driving and provides that a person commits the offense of aggressive driving when the person, during a single and continuous period of driving upon any public roadway or right of way, commits three or more of the following acts in a manner that endangers other persons or property:

- (1) Exceeding the posted speed limit.
- (2) Violating the maximum speed limit or the general speed law.
- (3) Failing to obey traffic control signals or devices.
- (4) Overtaking and passing another vehicle on the right by driving off the pavement or main traveled portion of the roadway.
- (5) Engaging in unsafe lane changes.
- (6) Following too closely.
- (7) Failing to yield the right-of-way.
- (8) Failing to drive within a marked lane of traffic.
- (9) Failing to yield to approaching traffic when approaching or entering an intersection.
- (10) Failing to signal when turning or stopping.
- (11) Failing to stop at stop signs or yield at yield signs.
- (12) Overtaking and passing a school bus when visual signals are in operation on the school bus.

Proposed law provides for the following penalties:

- (1) For a first offense, the offender shall either be fined not more than \$500, imprisoned for not more than six months, or both. In addition, the court shall require the offender to participate in a court-approved driver improvement program.
- (2) For a second or subsequent offense, the offender shall either be fined not more than \$1,000, imprisoned with or without hard labor for not more than one year, or both. In addition, the court shall require the offender to participate in a court-approved driver improvement program.

For these purposes, a prior conviction shall not include a conviction for this offense if the date of completion of sentence, probation, parole, or suspension of sentence for that offense

is more than three years prior to the commission of the offense for which the offender is charged.

Proposed law provides that the driver's license of any person convicted of proposed law shall be suspended for six months. Authorizes the issuance of a restricted license for the six-month period, or any portion thereof, in certain cases.

Proposed law authorizes a peace officer to issue a summons, in lieu of making an arrest, to any person who commits the offense of aggressive driving if all of the following exist:

- (1) The officer has reasonable grounds to believe that the person will appear upon summons.
- (2) The officer has no reasonable grounds to believe that the person will cause injury to himself or another, will cause damage to property, or will continue in the same or a similar offense unless immediately arrested and booked.
- (3) There is no necessity to book the person to comply with routine identification procedures.

In any case in which a summons has been issued, proposed law provides that a warrant of arrest may later be issued in its place; and further provides that if the offender fails to appear pursuant to the summons, the court shall immediately issue a warrant for the arrest of the offender.

(Adds R.S.14:99.3 and C.Cr.P. Art. 211.3)