



Deadly Crashes Could Bring Stiffer Penalties

Gina Jordan (2010-04-19)

TALLAHASSEE, FL (wfsu) - The punishment for drivers who cause a death or serious injuries would be much tougher under a measure considered by the Senate Transportation Committee Monday. Fines would be greatly increased, and in certain cases, jail time would be required.

If an intoxicated driver causes a deadly crash, there are stiff penalties because of the statute against driving drunk. But someone who just isn't paying attention and hits and kills a pedestrian could drive away with a simple traffic ticket. That's what happened to a friend of Doc Reichenbach.

"She had all of her safety gear on, everything. A gentleman ran a stop sign, killed her, seriously injured her husband, and got an \$82 fine. This is commonplace, and the judges tell us when we talk to them, It's not in the statutes. If it's not in the statutes, then we're not going to do anything about it."

Reichenbach, wearing his salt and pepper hair in a ponytail and adorned in a Harley-Davidson jacket, went before the lawmakers as he's done many times. He is president of ABATE of Florida, a non-profit motorcycle rights organization. He told them about a member of ABATE who was killed by a man who was driving on a suspended license. Even though the driver had a history of citations and crashes, his attorney complained the bail was excessive.

"The judge said, and this is a quote from the judge, Vehicular homicide? Oh well, reduce the bond from 50-thousand to \$100.' Now I ask all of you, how much is a human life worth? This is the type of person judges are not putting in jail."

The bill under consideration would make it a criminal act to cause a collision that kills or seriously injures someone. Currently, such an act is a non-criminal offense resulting in a traffic citation. The bill makes a deadly accident a first degree misdemeanor, requiring the person at fault to pay a fine, go to jail, and take a driver improvement course. The driver's license would be temporarily revoked. Seriously injuring someone would be a second degree misdemeanor, with lesser penalties.

Mike Lasche, representing the Florida Bicycle Association, cited a recent article in USA Today.

"Florida has been number one or in the top three in both bicycle and pedestrian fatalities from 2001 to 2008. And out of fifty-two large U-S metropolitan areas, Florida has only four. Those four, Orlando, Tampa/St. Pete, Miami/Ft. Lauderdale, and Jacksonville rank one, two, three, four in pedestrian danger."

Carol Mobley, a motorcyclist and member of ABATE, told the committee about a quick trip to the video store that ended with a fatal wreck. A woman ran a stop sign, seriously injuring Mobley and killing her husband.

"There are so many details to this where there is such injustice. The investigating officer had our bike towed and impounded. My husband and I were blood tested for drugs and alcohol. He was a minister. There was no

drugs or alcohol found in our blood system. The young woman was not tested at all. We were told that it was up to the investigating officer's discretion, the way the laws are written, that if he doesn't feel like there is a need to test, then there is no need."

The driver, who had a number of previous citations, was only charged with failure to yield the right of way. When the case went to court, Mobley said the judge had no idea anyone had been killed or seriously hurt until he took public comments. The driver's punishment included driving school, a \$62 fine, and court costs.

"The judge gave her opportunity to speak after we had spoken, and she said, Why would I want to speak. What do I need to say?' He said, Would you like to apologize?' She rolled her eyes and said, I have nothing to say.' Those words ring in my ears forever. She went back to her life. I on the other hand have tried to rebuild a life."

In this particular case, the officer had the blood of the victims tested, but not the blood of the driver who hit them. Hearing that, Committee Chair Andy Gardiner suggested to the bill sponsor that an amendment may be needed later.

"It was my understanding that if there is a death that is part of the investigating process...If it's not the case, I think whatever we're going to do we need to make that very clear that, even in seriously bodily injury, there should be blood drawn."

The bill passed the transportation committee unanimously, but it's supposed to have a couple more committee stops, with only two weeks left in the legislative session. The same goes for a similar measure in the House.

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