



ARKANSAS SENTENCING COMMISSION

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Impact Assessment for SB247 Sponsored by Senator B. Johnson

Subtitle TO AMEND THE LAW CONCERNING THE PENALTIES FOR A VIOLATION OF THE OFFENSE OF RACING A VEHICLE ON A PUBLIC HIGHWAY.

Impact Summary¹ Minimal, affecting fewer than ten offenders per year. While the offense increases the penalty for a misdemeanor for which data is not uniformly reported, the low number of reported convictions for the offense as currently written makes it unlikely that the proposed bill will have a meaningful impact on the correctional resources of the state.

Change from Current Law² Amends Arkansas Code Annotated § 27-50-309, Racing or observing a drag race as a spectator on a public highway, by increasing the penalties for subsequent convictions of Racing on a public highway. A person commits the offense of Racing on a public highway if he or she (1) operates a vehicle in a race or drag race on a public highway, (2) participates in, promotes, solicits, or collects moneys at any location for any race or drag race on a public highway; or (3) rides as a passenger in or on a motor vehicle in any race or drag race on a public highway. Under current law, Racing on a public highway is a Class A misdemeanor, regardless of the number of prior convictions. Under the proposed bill, a first offense of the crime of Racing on a public highway is a Class A misdemeanor and a second or subsequent offense is a Class D felony.

Impact Information The proposed bill increases the penalty for second or subsequent convictions of the offense of Racing on a public highway.

The Administrative Office of the Courts (AOC) reports that for the three (3) year period beginning January 1, 2017 and ending December 31, 2019, there were two (2) convictions for a violation of A.C.A. § 27-50-309, Racing on a Public Highway, a Class A misdemeanor. There was also one (1) conviction for a violation of A.C.A. § 27-50-302 (a)(1), Racing on a public highway. [See attached for a complete reprint of both code sections.]

It is important to note that misdemeanors are often disposed of in District Court, and that not all District courts report data to the AOC. For this reason, the number of convictions for Racing on a public highway may be higher than reported.

¹ This impact assessment was prepared 2/2/2021 4:22 PM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds

² Standard punishment ranges:

Class Y 10-40 years or life
Class A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors

Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500

A.C.A. § 27-50-302. Classification of traffic violations.

- (a) The following traffic law violations shall be known as offenses and classified as indicated:
- (1) Racing on a public highway — Class A misdemeanor;
 - (2) Reckless driving — Class B misdemeanor;
 - (3) Driving with lights off to avoid detection, identification, or apprehension — Class B misdemeanor;
 - (4) Hazardous driving — Class C misdemeanor;
 - (5) Leaving the scene of an accident involving property damage only — Class C misdemeanor;
 - (6) Driving the wrong way on a one-way street — Class C misdemeanor;
 - (7) Speeding in excess of fifteen miles per hour (15 m.p.h.) over the posted speed limit — Class C misdemeanor;
 - (8) Using nitrous oxide in a motor vehicle or motorcycle on a street or highway as prohibited under § 27-37-803 — Class C misdemeanor; and
 - (9) Observing a drag race as a spectator on a public highway — Class B misdemeanor.
- (b) More than three (3) violations in a twelve-month period — Class C misdemeanor.

History

Acts 1977, No. 417, § 3; 1981, No. 918, § 2; 1983, No. 549, § 18; 1985, No. 1078, § 2; A.S.A. 1947, § 75-1055; Acts 2005, No. 1568, § 2; 2009, No. 826, § 1.

A.C.A. § 27-50-309. Racing or observing a drag race as a spectator on a public highway.

(a) As used in this section:

(1) “Drag race” means:

(A) The operation of two (2) or more motor vehicles from a point side-by-side at accelerating speeds in a competitive attempt to outdistance each other; and

(B) The operation of one (1) or more motor vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of the motor vehicle or motor vehicles within a certain distance or time limit;

(2) “Public highway” means a public road, county road, city street, or any paved or unpaved roadway that is owned or maintained by a public entity or municipality; and

(3) “Race” means the operation or use of one (1) or more motor vehicles traveling with excessive or at dangerous speeds in an attempt to:

(A) Outgain or outdistance another motor vehicle or motor vehicles;

(B) Arrive at a given destination ahead of another motor vehicle or motor vehicles; or

(C) Test the physical stamina or endurance of drivers over long-distance driving routes.

(b)

(1) A person commits the crime of racing on a public highway if he or she knowingly:

(A) Commits a violation of § 27-50-302(a)(1)-(9) and operates a motor vehicle in a race or drag race on a public highway;

(B) Participates in, promotes, solicits, or collects moneys at any location for any race or drag race on a public highway; or

(C) Rides as a passenger in or on a motor vehicle in any race or drag race on a public highway.

(2) Racing on a public highway is a Class A misdemeanor.

(c)

(1) A person commits the crime of observing a drag race as a spectator on a public highway if he or she with the purpose to observe a drag race on a public highway:

(A) Is knowingly present at and purposely observes the drag race or the preparation for the drag race; and

(B) Purposely demonstrates through active encouragement, assistance, facilitation, urging, or a request that the drag race commence.

(2) Observing a drag race is a Class B misdemeanor.

History

Acts 1911, No. 134, § 11, p. 94; C. & M. Dig., § 7427; Pope's Dig., § 6639; Acts 1965, No. 100, § 1; A.S.A. 1947, § 75-603; Acts 2005, No. 1568, § 3; 2009, No. 826, § 2.