Treat Reckless Driving Causing Death as a Violent Felony in California

Policy Proposal (Revised and Expanded)

California should modernize its legal framework to recognize that reckless driving causing death is inherently violent in its impact and foreseeable in its risk.

1. Redefine Culpability

Amend the Penal Code to classify deaths caused by *grossly reckless driving* as a **violent felony** when the conduct demonstrates conscious disregard for human life, including:

- Excessive speed far above legal limits
- Driving under the influence of drugs or alcohol
- **Knowingly driving while sleep-deprived or fatigued to the point of impairment**
- **Active use of a handheld device or engagement in distracting digital activity while driving**
- Aggressive, evasive, or road rage–related driving behaviors

Clarification Standard:

- Sleep-deprived driving qualifies when the driver **knew or reasonably should have known** they were too fatigued to operate a vehicle safely (e.g., extended wakefulness, falling asleep at the wheel, prior warnings or incidents).
- Device use qualifies when there is **active interaction** (texting, scrolling, video use, app engagement), supported by phone records, vehicle data, or witness evidence.

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2. Establish Mandatory Sentencing

- Require **mandatory prison terms** for convictions involving reckless conduct resulting in death
- Provide enhanced penalties for:
    - Hit-and-run fatalities
    - Repeat offenders
    - Combined risk factors (e.g., DUI + speeding + device use or fatigue)

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3. Immediate Driving and Vehicle Restrictions

- Automatic license suspension upon arrest for qualifying offenses

- Long-term or permanent revocation upon conviction
- Authority for vehicle impoundment or restricted operation

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4. Evidence and Investigation Requirements (NEW – strengthens enforceability)

To ensure these offenses are consistently and provably charged:

- **Mandatory toxicology testing** (drugs and alcohol) in all fatal crashes involving suspected reckless conduct
- **Mandatory review of mobile device records** when distraction is suspected
- **Assessment of driver fatigue**, including:
    - Hours awake prior to crash
    - Work schedules (if applicable)
    - Witness statements and behavioral indicators
- **Vehicle data retrieval** (speed, braking, event data recorders where available)

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5. Prioritize Deterrence Through Certainty

- Establish clear, predictable legal consequences
- Ensure consistent charging standards across jurisdictions
- Issue statewide prosecutorial guidance to prevent undercharging

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6. Transparency and Accountability

- Mandate public reporting on:
    - Charging decisions
    - Sentencing outcomes
    - Use of device/fatigue evidence in prosecutions
    - Repeat offender rates

Rationale (Expanded)

- **Sleep deprivation is impairment:** Scientific evidence equates severe fatigue with alcohol impairment in terms of reaction time and judgment. Choosing to drive under those conditions is a conscious risk.
- **Device use is active distraction:** Unlike momentary inattention, device interaction requires deliberate engagement that diverts visual, manual, and cognitive focus from the road.

- **Foreseeability:** Both behaviors are widely understood to be dangerous and potentially lethal.
- **Accountability gap:** These factors are currently undercharged despite being major contributors to fatal crashes.