

# Judiciary Committee JOINT FAVORABLE REPORT

**Bill No.:** HB-5413

AN ACT CONCERNING THE ILLEGAL USE OF CERTAIN VEHICLES AND

**Title:** STREET TAKEOVERS.

**Vote Date:** 3/26/2024

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/20/2024

**File No.:**

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## **SPONSORS OF BILL:**

Judiciary Committee

## **CO-SPONSORS:**

Rep. Craig C. Fishbein, 90<sup>th</sup> Dist.

Rep. Dave W. Yaccarino, 87<sup>th</sup> Dist.

## **REASONS FOR BILL:**

The state of Connecticut has seen an increase in street takeovers over the years which can cause traffic and potential accidents. This bill aims to curb that increase by allowing municipalities to confiscate illegally used vehicles, adopt ordinances, establish penalties for individuals partaking with a suspended/revoked license, and establish a grant program to fund municipalities to enforce the laws related to street takeovers.

## **SUBSTITUTE LANGUAGE:**

The substitute language removes section 5, which is related to mandatory minimums.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

**Deborah Sullivan, Legal Counsel & Director, Office of Chief Public Defender:** Opposes sections 4 and 5 because, as the bill is drafted, it treats persons harsher for their limited role at this event when compared to persons convicted of misdemeanor offenses. She stated that it subjects anyone involved or merely present at an event, including innocent bystanders, to a mandatory minimum sentence and a fine in addition to getting their license revoked.

## **NATURE AND SOURCES OF SUPPORT:**

**Senator Martin Looney, President Pro Tempore, Senate Democrats:** Supports this bill as it would revise provisions regarding forfeiture of illegally used vehicles, authorize municipalities to adopt an ordinance related to street takeovers, establish penalties for driving while a person's license is suspended or revoked due to a violation related to a street takeover, and establish a grant program for municipalities to enforce laws related to street takeovers.

**CT House Republican Caucus:** Support this bill but want to amend it to increase the penalty for organizing or actively promoting a street takeover to a class D felony for the first offense and a class C felony for subsequent offenses. They provided multiple examples of street takeovers that have happened across the state and pointed out that street takeovers that close roads or highways prevent ambulances or other emergency services from getting through in an emergency, creating a serious public safety issue.

**State Representative Tammy Nuccio, CGA:** Supports this bill due to the rising amount of street takeovers and the inability for police to charge the participants with anything more than a misdemeanor. She believes street takeovers are part of a larger trend of lawlessness on the roads and more tools are needed to stop them. She stated that this bill will give law enforcement the authority to seize or destroy any vehicle involved in a street takeover and imposes high fines and felony penalties for those who are actively involved.

**State Representative Joe Hoxha, CGA:** Supports this bill because, for the safety of the perpetrators as well as the public, there needs to be tailor-made legislation which would give law enforcement the authority to seize or destroy any vehicle involved in a street takeover and impose fines and penalties for those who are actively involved and promoting them.

**First Selectman Carl Fortuna, Town of Old Saybrook:** Supports this bill stating that sections 1 and 2 would alleviate the financial and logistical burden municipalities have of storing impounded dirt bikes and ATVs by allowing them to be destroyed. In addition, this law would allow lienholders 30 days' notice to collect the vehicle, or it would be forfeited to the municipality. Section 3 imposes fines of \$1,000, \$1,500, and \$2,000 for first, second, and all subsequent violations for all those organizing, participating, or spectating in street takeover activities. Sections 4 and 5 would improve license suspension consequences for those involved in takeovers invoking a \$500 fine and up to 30 days in jail. Section 6 would allow the Central Infractions Bureau to administer fines up to \$2,000 when previously it was only allowed up to \$500 fines. Section 7 Would create a state grant of at least \$500,000 to help municipalities enforce street takeovers.

**Betsy Gara, Executive Director, Connecticut Council of Small Towns (COST):** Supports this bill because street takeovers are creating public safety concerns in many municipalities throughout Connecticut. The bill provides additional tools and increased penalties to better enforce laws about ATVs and dirt bikes on the roadways.

**Laurie Julian:** Supports this bill because of the terrorizing nature of street takeovers. She also proposes amendments to increase fines for vehicle modifications that cause excessive, unusual, or unnecessary noise. She also attached a link to an article to her testimony about a

New York City program that set up roadside sound meters and cameras that are activated by loud mufflers and automatically send notices.

**Mayor Jeffrey Caggiano, City of Bristol:** Supports this bill because it will place accountability for the public nuisance and putting the public at risk onto the perpetrators. This bill allows municipalities to destroy ATV/dirt bikes that have been impounded for violations of an ordinance, seize the ATV/dirt bikes even if there is a lien on the vehicle, enable municipalities to establish a fine for organizing, spectating, or participating in a street takeover, and improve license suspension consequences for street takeovers to include additional fines and possible jail time.

**First Selectman Michael Freda, Town of North Haven:** Supports this bill especially because he was caught in a takeover in North Haven last summer and he saw firsthand the panic it caused. He also supports the amendment to provide cities with the ability to destroy the vehicles and enhance the penalties to deter individuals from this activity.

**Patricia King, Corporation Counsel, City of New Haven:** Supports this bill to enhance consequences for those who violate local ordinances and state laws, particularly related to the use of dirt bikes and ATVs and street takeovers. Deterrence is particularly important in these instances due to the dangerous nature of apprehending the offenders by means of police pursuits. She also likes the increased penalty for driving under suspension for a conviction of the street takeover statute, the ability for police to impound vehicles involved until all fines and fees are paid, and the city's ability to destroy the vehicles. She adds that educating the public about the dangers and increased penalties might be a helpful deterrent. She supports the amendment that would allow ordinance violations to be processed by the Centralized Infractions Bureau and hopes the fine payments for ordinance violations can be given to the municipalities in which the situation occurred.

**Mike Muszynski, The Connecticut Conference of Municipalities (CCM):** Supports this bill and its variety of proposals to address street takeovers. He supports Sections 1 and 2 which would allow impounded dirt bikes and ATVs to be destroyed as well as the proposal that would allow law enforcement to seize even vehicles with liens, giving the lienholder 30 days' notice to collect the vehicle. He likes Section 3 which allows municipalities to establish a fine of \$1,000 through \$2,000 depending on the number of violations. He also likes the improved license suspension consequences in Sections 4 and 5 as well as Sections 6 which would authorize the Central Infractions Bureau to accept fines of up to \$2,000. He also appreciates the state grant of at least \$500,000 for municipalities to support enforcement of street takeovers.

#### **NATURE AND SOURCES OF OPPOSITION:**

**Molly Arabolos, President, Connecticut Criminal Defense Lawyers Association:** Opposes sections 4 and 5 and joins with the Office of the Chief Public Defender in asking that they be stricken from the bill.

**Jess Zaccagino, Policy Counsel, ACLU CT:** Opposes this bill, stating that the most frequent way police encounter community members is through traffic enforcement, which disproportionately impacts Black and brown people; this makes them more likely to be stopped and searched, despite being less likely to have contraband discovered. She stated

that the legislature should be careful when making new traffic infractions due to the unreasonably high danger that traffic stops pose to drivers of color. The ACLU-CT opposes investments and expansion in policing, especially at a time when many in Connecticut are struggling but social services and the root causes of crime remain unaddressed.

**Reported by:** Hillary Desideraggio

**Date:** 3-28-24