

Legislative Proposal

Fatal Reckless Driving Investigation Integrity Act (California)

Purpose

To ensure thorough, unbiased, and standardized investigations in all fatal traffic collisions caused by reckless or unlawful driving by requiring **immediate testing, evidence preservation, and vehicle examination of the responsible driver and vehicle.**

Fatal crashes often involve drivers who are **released from the scene without comprehensive testing**, while victims undergo detailed toxicology examinations. This imbalance can compromise evidence and hinder accurate determination of impairment or criminal liability.

This legislation establishes **mandatory investigative procedures** to preserve critical evidence and support fair prosecution under California vehicular homicide statutes.

SECTION 1. Mandatory Testing in Fatal Traffic Collisions

Proposed Law

When a driver is involved in a traffic collision that results in **death**, and there is reasonable cause to believe the driver committed reckless driving, unlawful driving, or negligence contributing to the fatality, law enforcement shall require:

1. **Immediate chemical testing for alcohol**
2. **Comprehensive toxicology screening for drugs**
3. **Collection of blood samples within two hours when feasible**

Testing shall occur **regardless of whether the driver is immediately arrested.**

Rationale

California currently relies on **implied consent testing only after arrest for DUI offenses** under:

- California Vehicle Code §23612 (Implied Consent Law)

Because the statute requires **lawful arrest before mandatory testing**, drivers responsible for fatal crashes may avoid immediate testing if officers do not initially arrest them.

This creates a **critical evidentiary gap** in fatal crash investigations.

SECTION 2. Mandatory Vehicle Impound and Forensic Inspection

Proposed Law

When a driver is involved in a fatal collision:

1. The vehicle involved **shall be impounded for forensic inspection.**
2. Investigators shall examine:
 - mechanical condition
 - braking systems
 - crash data recorder (black box)
 - vehicle speed and braking data
 - driver-assistance systems
 - modifications affecting safety

Rationale

Vehicle inspections may reveal:

- excessive speed
- braking failure or lack of braking
- mechanical negligence
- electronic crash data confirming driver behavior.

These findings are often critical in prosecutions under:

- California Penal Code §192(c) – Vehicular Manslaughter
- California Penal Code §191.5 – Vehicular Manslaughter While Intoxicated

Without mandatory impound, vehicles may be released and repaired before evidence is preserved.

SECTION 3. Mandatory Preservation of Electronic Evidence

Proposed Law

In fatal crash investigations involving suspected reckless or negligent driving, law enforcement shall obtain and preserve:

1. **Cell phone records**
2. **Device usage logs (texting, calls, apps)**
3. **Navigation or rideshare data**
4. **Vehicle telematics data**

A warrant shall be sought when required under existing privacy laws.

Rationale

Distracted driving is a major contributor to fatal crashes. Phone data can establish:

- texting while driving
- social media use
- video recording
- navigation distraction.

Such evidence can establish negligence under:

- California Vehicle Code §23123.5 (Use of handheld device while driving)
 - Vehicular manslaughter statutes under Penal Code §192(c).
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SECTION 4. Equal Toxicology Protocol

Proposed Law

In fatal collision investigations:

- Toxicology testing protocols **shall apply equally to all involved drivers**, not solely the deceased victim.

Rationale

Current investigative practices sometimes involve **extensive toxicology testing of victims** while drivers are not tested unless impairment is immediately suspected.

Equal testing ensures:

- unbiased investigation
 - full evidentiary record
 - public confidence in crash investigations.
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SECTION 5. Mandatory Fatal Collision Investigation Protocol

The California Highway Patrol, in coordination with local law enforcement agencies, shall establish **statewide minimum investigative standards** including:

1. Mandatory toxicology testing of involved drivers
 2. Vehicle impound and forensic inspection
 3. Preservation of electronic evidence
 4. Collision reconstruction protocols
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Expected Impact

This legislation will:

- Prevent evidence loss in fatal crash cases
- Improve prosecution of reckless and impaired drivers
- Ensure fairness and consistency in investigations
- Strengthen enforcement of existing laws including:
 - California Penal Code §192(c) – Vehicular Manslaughter
 - California Penal Code §191.5 – Vehicular Manslaughter While Intoxicated
 - California Vehicle Code §23152 – Driving Under the Influence
 - California Vehicle Code §23612 – Implied Consent Chemical Testing

Policy Justification

California experiences thousands of traffic fatalities each year, many involving reckless or impaired driving. Proper investigations are critical to:

- determining the true cause of death,
- holding responsible drivers accountable,
- deterring dangerous driving behavior.

Ensuring that **drivers who cause fatalities are tested and investigated with the same rigor applied to victims** is essential to justice and public safety.

BILL SUMMARY

The **Fatal Traffic Collision Investigation Integrity Act** establishes statewide standards for the investigation of traffic collisions that result in death. The bill requires **mandatory driver toxicology testing, vehicle impound and inspection, and preservation of electronic evidence** to ensure that fatal crashes caused by reckless or unlawful driving are investigated thoroughly and fairly.

Current law does not require these steps unless a driver is immediately arrested for DUI, which can result in the loss of critical evidence.

PROBLEM

Each year thousands of people are killed on California roads. Many of these deaths involve reckless, negligent, or distracted driving. However, fatal crash investigations often lack consistent evidence collection procedures.

Under current law:

- Mandatory chemical testing generally occurs **only after an arrest for DUI** under California Vehicle Code Section 23612.
- Drivers involved in fatal crashes are sometimes **released without alcohol or drug testing**.
- Vehicles involved in fatal collisions are sometimes **not impounded or examined for forensic evidence**.
- Electronic evidence such as **cell phone usage** may not be preserved.
- Victims often undergo extensive toxicology testing while drivers responsible for the crash are not tested.

These gaps can compromise investigations and make it difficult to determine whether a driver violated laws such as:

- California Penal Code Section 192(c) – Vehicular Manslaughter
- California Penal Code Section 191.5 – Vehicular Manslaughter While Intoxicated
- California Vehicle Code Section 23123.5 – Handheld device use while driving

Without consistent evidence preservation, responsible drivers may avoid accountability.

SOLUTION

This bill creates **mandatory investigative procedures for fatal traffic collisions**, ensuring evidence is preserved immediately after a crash.

Key Provisions

1. Mandatory Driver Toxicology Testing

Drivers involved in fatal collisions must submit to **alcohol and drug testing when reasonable cause exists**, even if they are not immediately arrested.

2. Vehicle Impound and Forensic Inspection

Vehicles involved in fatal crashes must be **impounded for examination**, including:

- mechanical condition
- braking systems
- crash data recorder (black box)
- vehicle telematics and speed data

3. Preservation of Electronic Evidence

Investigators must take steps to preserve:

- phone call and text records
- app usage data
- navigation or rideshare activity

Electronic data may be obtained through a warrant when required.

4. Equal Toxicology Protocol

Investigative procedures must apply **equally to all involved drivers**, ensuring unbiased investigations.

5. Statewide Investigation Standards

The California Highway Patrol will establish statewide fatal crash investigation guidelines for all law enforcement agencies.

EXPECTED BENEFITS

This legislation will:

- Preserve critical evidence in fatal crash investigations
 - Improve prosecution of reckless, impaired, and distracted drivers
 - Ensure fair and consistent investigations statewide
 - Strengthen enforcement of California vehicular homicide laws
 - Help prevent future deaths by increasing accountability
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SUPPORT

Victim families, traffic safety advocates, and public safety organizations seeking stronger accountability for reckless driving fatalities.
