



LEGISLATIVE
RESEARCH &
GENERAL COUNSEL

Road Rage

Rep. Cutler

Rep. Pierucci

Sen. Weiler

Transportation Interim Committee

October 11, 2023

Presenters

- Col. Mike Rapich, Utah Highway Patrol
- Will Carlson, Salt Lake County Deputy District Attorney

Contributors

- Ryan Robinson, West Valley City Prosecutor
- Steve Burton, Utah Association of Criminal Defense Attorneys

Defining Road Rage

- A legal definition will enable better tracking & reporting

Road rage means:

(a) the commission of one or more moving traffic offenses with the intent to endanger or intimidate another individual; or

(b) an assault with a motor vehicle or dangerous weapon by the operator or passenger of a motor vehicle precipitated by an incident on a roadway.



Road Rage policy options

Option 1:
Enhancement

Option 2:
New Crime

Option 3:
New crime +
Enhancement



Enhancement approach

- A one-level enhancement for an individual who commits any crime in furtherance of road rage
- Potential mandatory minimum sentences
- Would increase any level of offense up to the F2 or F3 level
 - A speeding or disorderly conduct infraction could be a C with a higher fine to better address most micro-violations of road rage that don't end in felony conduct.
 - Would enhance mid-level violations that might currently be charged as "Brandishing a Weapon" or "Assault"

Additional tools:

- Mandatory or discretionary tow
- Mandatory driver license suspension or additional points
- Assault by motor vehicle as a new crime



New Crime Approach “Aggressive Driving”

Offense	Elements	Penalty	Citation
Careless Driving	<ul style="list-style-type: none"> • 2 or more traffic violations in 3 miles, OR • 1 Traffic violation while distracted 	C Misdemeanor (90 days jail max)	41-6a-1715
Reckless Driving	Willful or wanton disregard for safety of people/property, including: <ul style="list-style-type: none"> • >105 MPH or; • 3+ violations in 3 miles 	B Misdemeanor (180 days jail max)	41-6a-528
<u>Aggressive Driving</u>	<u>Create substantial risk of serious physical injury to person,</u> <u>Displays deadly weapon while operating a vehicle, OR</u> <u>Places another person in reasonable fear of physical injury or death</u>	<u>A Misdemeanor or</u> <u>3rd Degree Felony</u>	41-6a-53X (new part)



New crime + enhancement approach

- Create new “aggressive driving offense” or “Assault by motor vehicle” as a new crime for the most egregious cases (previous slide)
- Add enhancements or mandatory minimum sentences for most others

