

HB 178 Substitute 2 School Zone Speeding Amendments

What the Bill Does:

HB 178 2nd Substitute removes the current mandatory requirement for observing a school crossing guard as a form of compensatory sentencing for speeding in a school zone.

Current State Law:

Under current law, if a person speeds in a school zone, the statute states:

“(ii) The court shall order the person to perform compensatory service observing a crossing guard if the conviction is for a: (A) first offense with a vehicle speed of 30 miles per hour or more; or...”

This means that if a motorist is traveling 10 mph over the speed limit, the court must order the motorist to observe a crossing guard. Based on current law and the average speed at which motorists are stopped (approximately 10 mph over the limit), most motorists will be required to monitor a school zone for a first offense. When a motorist is ordered to monitor a school zone, the court requires a form to be signed by the crossing guard or a police officer confirming that the individual was present and observed the crossing.

Crossing Guard Concerns, crossing guards have expressed significant concerns about this practice, including:

- Crossing guards do not want to divert their attention from safely crossing children in order to ensure that the violator is present or to answer questions.

- Crossing guards are concerned for their personal safety if a motorist required to observe the crossing is angry or displays an aggressive demeanor.
- Crossing guards do not feel comfortable signing documentation verifying attendance when they do not know the full arrangement. They are also concerned about being pressured to sign if the motorist was not present for the entire time.
- Monitoring cited motorists and signing court documents is not part of a crossing guard's job description. Their sole responsibility is to safely cross children.

Law Enforcement Impact:

- At the Unified Police Department (UPD), when a motorist is ordered to perform compensatory service or monitor a crossing, an officer is assigned to remain with the motorist during the crossing. This presents several challenges:
- Officers are taken off patrol for 30–40 minutes per crossing, and sometimes longer if a motorist is assigned to monitor multiple crossings.
- Officers could otherwise be conducting enforcement at other school crossings or responding to calls for service. c. Staffing limitations make this requirement burdensome for law enforcement agencies.

This Bill passed out of the House unanimously