



Idaho Prosecuting Attorneys Association, Inc.

3100 S. Vista Ave, Suite 103, Boise, ID 83705
P: (208) 803-6790 | E: idahoprosecutors@ipaa.us
W: www.ipaa-prosecutors.org

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The Idaho Prosecuting Attorney's Association writes in support of S 1326.

For over 20 years, the Idaho Prosecuting Attorney's Association has seen a need for a felony aggravated reckless driving statute. Idaho's prosecutors have witnessed many heartbreaking cases where a defendant (often with prior convictions for reckless driving) engages in inexcusable reckless driving conduct causing great bodily harm, permanent disability, or permanent disfigurement to an innocent victim. At present, reckless driving—even though it may cause unspeakable injuries—is only a misdemeanor. Victims suffer life-altering serious injuries, ranging from paralyzation to traumatic brain injuries, which leave them with huge medical bills.

For a misdemeanor reckless driving conviction, a judge can only impose up to six months in jail on a first offense and up to year in jail for a second offense within 5 years and/or two years of misdemeanor probation. Restitution can be ordered but, in cases involving hundreds of thousands of dollars in medical expenses, the defendant will never be able to pay within the short probation period allowed by law, which leaves the victim unable to collect restitution within the criminal case.

The felony aggravated reckless driving created in this bill mirrors the Idaho aggravated DUI statute and would allow a Judge to impose a longer sentence and a longer period of probation, thus making it more likely that a victim will receive restitution. To be guilty of aggravated reckless driving, a driver would need to be guilty of reckless driving, which means that they drove "carelessly and heedlessly or without due caution and circumspection, and at a speed or in a manner as to endanger or be likely to endanger any person or property," and as a result caused "great bodily harm, permanent disability or permanent disfigurement" to another person. This is serious misconduct with serious consequences; we're not talking about mere traffic accidents.

The injuries to innocent victims resulting from reckless driving are heartbreaking. Victims of this crime deserve justice that a misdemeanor sentence cannot provide. Therefore, Idaho's Prosecutors support S 1326 and the creation of an aggravated reckless driving law in Idaho. This is an opportunity to make Idaho's roads safer.

Sincerely,

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