

MEMO

TO: Committee on Transportation

FROM: Criminal Law Advisory Commission (CLAC)

RE: L.D. 821

Date: April 4, 2021

The Criminal Law Advisory Commission (CLAC) is an advisory body created by Chapter 55 of the Criminal Code. It consists of 9 members, prosecutors and defense attorneys, appointed by the Attorney General and 4 consultants, including three judges, appointed by the Chief Justice. CLAC is charged with advising the Legislature on matters relating to crimes set forth in Criminal Code and other statutes.

CLAC members have reviewed LD 821 and do not favor its passage. The bill would require that a law enforcement officer file a report with the District Attorney within 60 days of investigating any accident involving a crime that endangered a vulnerable person or the property of a vulnerable user. At this time, there are a very small number of crimes, primarily serious sexual assaults, that require law enforcement to submit reports to the District Attorney. CLAC members are concerned about the expansion of such requirements.

First, an investigation may be incomplete after 60 days, so the requirement results in an inefficient use of resources by both the officer and the DA's office. Second, similar inefficiencies arise when a report is submitted after an investigation that, in fact, fails to uncover evidence that could support a prosecution.

Concerns about these inefficiencies are compounded by the breadth of the bill, which would require reporting not only when serious injury or property damage occurred, but also whenever a vulnerable user or a vulnerable user's property was "endangered." Note that any resources expended on such reports by the office of a District Attorney takes away resources from the evaluation and prosecution of the myriad other crimes, including the most serious crimes, that fall within a prosecutor's responsibility.

Finally, CLAC members believe the proposal would do little to enhance the safety of vulnerable users while incurring the efficiency costs described above.