

# Anna & Abigail's Law



The Court of Appeals identified a gap in the current Hit and Run law.

They wrote....

# *State v. Garcia-Cisneros*

May 3, 2017

“The state may be right in identifying a statutory gap, but it is not our role to fill that gap for the legislature.”

# HB 4055

- Does two things:
  1. Drivers must investigate what they hit;
  2. Driver must comply with the Hit and Run law if they've left the scene before they learn they were involved in a crash.

# No 5<sup>th</sup> Amendment Problem

- HB 4055 does not violate a driver's right against self-incrimination, because it does not change *what* information must be provided, and doesn't change *who* that information must be provided to.
- HB 4055 only expands the *timing* for providing that information to include drivers who become aware of a collision after leaving the scene.

The current law already requires a driver to:

“Remain at the scene of an accident *until a police officer has arrived and has received the required information*, if all persons required to be given information under paragraph (c) of this subsection are killed in the accident or are unconscious or otherwise incapable of receiving the information.”

-ORS 811.705(f)

- If Oregon's current Hit and Run law doesn't violate a driver's right against self-incrimination, neither does HB 4055!

# State v. Monroe

## 101 Or App 379

- Oregon's Hit and Run statute does not violate a defendant's right against self-incrimination!

State v. Monroe, 101 Or App 379



# Several Other Jurisdictions Require Law Enforcement Notification

Utah Vehicle Code:

*“If the operator has reason to believe that the operator may have been involved in an accident only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of Section.” [41-](#)*

[6a-401.7](#)

Minnesota:

*The Driver shall “give notice of the collision to the local police department, if the collision occurs within a municipality, to a state patrol officer if the collision occurs on a trunk highway, or to the office of the sheriff of the county.”*

*MS 169.09(6)*

Washington D.C.:

*“Where another person is injured, call or cause another to call 911 or call or cause another to call for an ambulance or other emergency assistance if necessary, remain on the scene until law enforcement arrives, and provide identifying information to law enforcement and to the injured person.”*

*DC Code 50-2201.05c*

