

# SENATE BILL 25-281

## Concerning Careless Driving Resulting in Serious Bodily Injury

**Bill Sponsors:** Senators John Carson and Marc Snyder

### Topline Request

- Safe streets advocates, district attorneys, and law enforcement call on their elected officials to pass SB25-281, a bill to improve safety on Colorado's roads by holding accountable people who drive without regard for the safety of others and hit and kill a vulnerable road user.

### The Problem We Are Solving

- Colorado's roads have become less safe for people outside of vehicles. Between 2014 and 2024, pedestrian fatalities increased by 73 percent. During these ten years, 1,131 bicyclists and pedestrians lost their lives on Colorado's roads. In 2023 alone, 156 bicyclists and pedestrians lost their lives – a record high in Colorado and up from 64 fatalities in 2013. In 2024, 31 lives were lost in construction zones, up from 7 in 2015. (Source: Colorado Department of Transportation).
- Nearly every traffic fatality and serious injury is ***predictable*** and ***preventable***, the result of people making the conscious choice to drive without regard for the safety of others.
- Despite driver agency, far too often people are not held accountable when the choices they make when driving result in the death of a vulnerable road user. In far too many cases involving the death of a vulnerable road user, district attorneys select the minimum charge: Careless Driving Resulting in Death, a class one misdemeanor. In far too many cases, judges sentence people guilty of this crime to probation and a \$1,000 fine—the former being below the minimum sentencing guideline of ten days in jail, and the latter being the maximum fine allowed.
- A misdemeanor charge excuses the poor choices drivers make, thus normalizing bad driving behavior. A misdemeanor falls far short of acknowledging the impact of those choices: the loss of life, thus sanitizing violent and deadly crashes. This undermines efforts to create a culture of personal responsibility and accountability, essential to improving Colorado's roads' safety.

- Current law fails to deliver justice to families who have lost a loved one in a traffic crash. Although the value of the life of a loved one is priceless, a misdemeanor charge and a \$1,000 fine are a slap on the wrist.

### **What This Bill Does**

#### **1. Increase Careless Driving Resulting in Death from a class 1 misdemeanor to a class 6 felony. A few reasons to make this change:**

- Compared to a class one misdemeanor, a class six felony sends a message that as drivers, we make choices when behind the wheel, and that these choices either keep people safe or place them in harms way. A class six felony holds people accountable when these choices results in the death of a vulnerable road user.
- Compared to a class one misdemeanor, a class six felony represents a step closer to justice for grieving families.
- Careless Driving Resulting in *Serious Bodily Injury* and Careless Driving Resulting in *Death* are both class 1 misdemeanors with the same sentencing guidelines, despite the outcome of the crash being very different: injury vs. death. The penalties for the latter should be increased to better address the crash outcome.
- If a driver hits and kills a person on the shoulder of the road standing outside their vehicle with its hazard lights flashing, the Move Over Law makes it a class 6 felony. However, if a person is on that same shoulder but on a bike and is hit and killed, the driver likely will be charged with a class 1 misdemeanor. Changing Careless Driving Resulting in Death to a Class 6 felony would ensure that Colorado statute treats the lives of all vulnerable road users equally.

#### **2. Strengthens standards for administering a chemical test to drivers at a crash scene.**

- When a driver, let's say, drifts into a bike lane or shoulder of a road or runs a red light and kills another person, there are limited reasons for this behavior. One reason is that they are impaired by a substance. Following a crash resulting in the death of a vulnerable road user, conducting a thorough investigation is of paramount importance. All tools should be used to conduct an investigation, including chemical testing.
- The evidence collected from a chemical test is time sensitive. If evidence gathered at a later date indicates that a driver may have been impaired (e.g., pictures on an electronic

device), the charge of driving under the influence is no longer an option without a chemical test.

- 3. A person who commits careless driving and thereby causes the death of more than one other person, each person killed is a separate offense. The reason to make this change:**

As stated in the article "[Appeals Judge Urges Lawmakers to Revisit Careless Driving Law](#)," published by Colorado Politics on October 20, 2023, the sentencing for careless driving causing death applies to the single act of careless driving, regardless of the number of victims. There was a case where a person killed two people, and the judge imposed penalties for each victim. The Colorado Court of Appeals overturned that decision due to the statute authorizing sentencing for one conviction, no matter the number of victims. In the article, Judge Steven Bernard calls for the General Assembly to take a look at the statute and amend it to address situations when more than one person is killed in a crash. This would make the statute more similar to other statutes and make it clear that the penalty applies to each victim.