

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCS for HB 183 Drivers Leaving the Scene of a Crash

**SPONSOR(S):** Transportation & Highway Safety Subcommittee

**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 102

| REFERENCE  | ACTION | ANALYST  | STAFF DIRECTOR or<br>BUDGET/POLICY CHIEF |
|--|--------|----------|--|
| Orig. Comm.: Transportation & Highway Safety<br>Subcommittee |        | Thompson | Miller                                   |

### SUMMARY ANALYSIS

Section 316.027, F.S., requires that the driver of any vehicle involved in a crash that results in death or injury of any person immediately stop the vehicle, remain at the scene until the driver provides specified information, and render aid to the injured person. A violation is a third degree felony if the crash results in injury; first degree felony, ranked in Level 7 of the offense severity ranking chart, when the crash results in death; and if a person is driving under the influence (DUI) when they leave the scene of a crash that results in death, the result is a mandatory minimum term of imprisonment of 2 years.

The bill creates the "Aaron Cohen Life Protection Act," and addresses a potential incentive that exists in current law for drivers to leave the scene of a crash. The bill creates mandatory minimum prison sentences for such drivers, and increases the penalties for leaving the scene of crashes involving DUI and death. The bill in part:

- Creates three levels for the offense of leaving the scene of a crash, each with different punishments;
- Maintains current law that leaving the scene of a crash resulting in injury to a person other than "serious bodily injury" will be punished as a third degree felony;
- Punishes drivers who leave the scene of a crash resulting in serious bodily injury with a second degree felony, rather than a third degree felony;
- Imposes a mandatory minimum term of imprisonment of four years for a driver convicted of leaving the scene of a crash resulting in the death of a person;
- Increases the mandatory minimum term of imprisonment from two to four years for a person convicted of leaving the scene of a crash resulting in the death of a person while driving under the influence (DUI);
- Imposes a minimum driver license revocation period of at least three years and driver education requirements for leaving the scene of a crash;
- Ranks Offense Severity Ranking Chart offenses for leaving the scene of a crash one level higher if the victim of the offense was a "vulnerable road user," as defined in the bill;
- Authorizes a defendant to move to depart from the mandatory minimum term of imprisonment for leaving the scene of a crash resulting in death, unless the violation was committed while the defendant was DUI; authorizing the state to object; and authorizing a court to grant the motion, the basis for which must be stated in open court, upon a finding that the mandatory minimum would constitute or result in an injustice.

The Criminal Justice Impact Conference (CJIC) met on January 30, 2014 and found that the bill's proposed changes involving serious bodily injury may result in additional prison admissions and longer sentences for some offenders currently being sentenced to prison, but the lack of data results in an indeterminate impact. The bill may have an indeterminate negative fiscal impact on the Department of Highway Safety and Motor Vehicles (DHSMV). See Fiscal Impact on State Government.

The bill provides an effective date of July 1, 2014.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

On February 15, 2012, at approximately 5:40 A.M., Aaron Cohen and Enda Walsh were cycling in the bike lane eastbound across the Rickenbacker Causeway in Miami-Dade County when they were both struck from behind by a 2010 Honda Civic. According to an independent witness, the vehicle fled the scene. The driver later surrendered himself to Miami Police Traffic Homicide detectives accompanied by his attorney and admitted to being the driver of the vehicle at the time of the crash. Aaron Cohen expired on February 16, 2012 at approximately 1:00 P.M., from injuries sustained in the crash.<sup>1</sup>

According to reports, the driver turned himself in 17 hours later.<sup>2</sup> Police found evidence that the driver, who was on probation for cocaine charges,<sup>3</sup> had been drinking but could not test him because of the time lag.<sup>4</sup> On February 1, 2013, the driver was sentenced to 364 days in jail<sup>5</sup> and released to two years of probation after serving 264 days.<sup>6</sup> According to Florida Uniform Traffic Citation Statistics, there were 15,642 leaving the scene of an accident violations during calendar year 2012.<sup>7</sup>

#### Crashes Involving Injury or Death

Section 316.027, F.S., requires that the driver of any vehicle involved in a crash that results in death or injury of any person must immediately stop the vehicle and remain at the scene until the driver has complied with section 316.062, F.S. That statute requires the driver of any vehicle involved in a crash resulting in injury to or death of any person or damage to any vehicle or other property driven or attended by any person to:

- Give his or her name, address, and vehicle registration number;
- Provide a driver's license, upon request and if available, to any person injured in the crash or to the driver or occupant of or person attending any vehicle or other property damaged in the crash;
- Provide a driver's license, upon request, to any police officer at the scene or who is investigating the crash;
- Render to any injured person reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary, or if such carrying is requested by the injured person; and

---

<sup>1</sup> Information received from the Department of Highway Safety and Motor Vehicles, Florida Long Form Traffic Crash Report number 83005647, on file with the Transportation and Highway Safety Subcommittee.

<sup>2</sup> See additional information on the Aaron Cohen incident from the Miami Herald news article, at <http://www.miamiherald.com/2014/02/04/3913086/attorney-general-pam-bondi-legislators.html>, (Last viewed 2/5/14).

<sup>3</sup> According to the Florida Department of Corrections Offender Network, the driver's criminal history record lists a cocaine-possession charge offense date of 05/13/2011. On file with the Transportation and Highway Safety Subcommittee.

<sup>4</sup> According to the American Prosecutors Research Institute (APRI), a non-profit research, training and technical assistance affiliate of the National District Attorneys Association, APRI Special Topics Series (2003), alcohol is eliminated from the body at an average rate of about one standard drink per hour. However, there are other factors that affect intoxication (food consumption, gender, medications, illness). Retrograde extrapolation is the process of estimating an alcohol concentration at an earlier time from a measurement taken at a later time; however, a delay between the time of the crash and the test can hinder an accurate determination. On file with the Transportation and Highway Safety Subcommittee.

<sup>5</sup> Miami-Dade Clerk of the Courts Criminal Sentence Document, Docket Image Book/Page: 028479/03416, case number F12-003845, *The State Of Florida VS. Michele Traverso*, on file with the Transportation and Highway Safety Subcommittee. Miami-Dade court documents can be viewed at <https://www2.miami-dadeclerk.com/CJIS/CaseSearch.aspx>.

<sup>6</sup> According to the Florida Department of Corrections Offender Network, at <http://www.dc.state.fl.us/InmateInfo/InmateInfoMenu.asp> the driver's criminal history record provides a sentence date of 01/16/2013 for the offense of leaving the scene of a crash with death, a supervision (probation) begin date of 10/06/13, and a scheduled termination date of 10/08/15. On file with the Transportation and Highway Safety Subcommittee.

<sup>7</sup> See the Department of Highway Safety and Motor Vehicles website, Statistics, Studies, and Publications at <http://www.flhsmv.gov/html/safety.html>, (Last viewed 2/6/14).

- Having stopped and remained at the scene to provide the required information, if none of the persons identified are able to receive the information, report the crash to the nearest police authority and submit the required information.

All violations of section 316.027, F.S., require that the driver violating the statute make restitution to the victim unless the court finds clear and compelling reasons not to order restitution. Restitution is required to be made a condition of probation.<sup>8</sup> DHSMV is required to revoke the driver license of a person who violates section 316.027, F.S.<sup>9</sup>

### *Injury*

A driver who violates section 316.027, F.S., in a crash involving injury, commits a third degree felony.<sup>10</sup> A third degree felony is punishable by up to five years in prison and a fine of up to \$5,000.<sup>11</sup> The violation does not include a mandatory minimum prison sentence. Proof that the driver caused or contributed to causing injury to a person is not required for a conviction.<sup>12</sup>

### *Death*

A driver who violates section 316.027, F.S., in a crash involving death, commits a first degree felony.<sup>13</sup> A first degree felony is punishable by up to 30 years in prison and a fine of up to \$10,000.<sup>14</sup> Again, proof that the driver caused or contributed to causing the death of a person is not required for a conviction, and current law reflects no mandatory minimum sentence for these violations. However, this violation includes the following mandatory incarcerative actions:

- a hold in custody of a person arrested for:
  - failure to stop a vehicle at the scene of an accident involving the death of any person and who has previously been convicted of leaving the scene of an accident,<sup>15</sup>
  - crashes involving damage to vehicle or property,<sup>16</sup>
  - racing on highways,<sup>17</sup>
  - driving under the influence,<sup>18</sup> or
  - a felony violation of driving while license suspended, revoked, canceled, or disqualified;<sup>19</sup> and
- a minimum mandatory prison sentence of two years if the person commits the violation while DUI in violation of s. 316.193, F.S.<sup>20</sup>

### Minimum Mandatory Prison Sentences

In cases involving DUI and leaving the scene of a crash resulting in death, current minimum prison sentences may have unintentional consequences. Currently, a driver convicted of DUI manslaughter is required to serve a mandatory minimum prison sentence of four years.<sup>21</sup> However, as stated above, a driver who is DUI and leaves the scene of a crash involving death is only required to receive a minimum prison sentence of two years.

In addition, current law may provide an unintentional incentive for a driver who is DUI to leave the scene of a crash. Both mandatory minimum prison sentences (two years for DUI driver leaving the scene involving death, and four years for DUI manslaughter) are contingent upon whether or not the

<sup>8</sup> s. 316.027(1)(c), F.S.

<sup>9</sup> s. 316.027(2), F.S.

<sup>10</sup> s. 316.027(1)(a), F.S.

<sup>11</sup> ss. 775.082, 775.083, and 775.084, F.S.

<sup>12</sup> See Lawrence v. State, 801 So.2d 293, 295 (Fla. 2d DCA 2001) and Kelly v. State, 987 So.2d 1237, 1239 (Fla. 2d DCA 2008).

<sup>13</sup> s. 316.027(1)(b), F.S.

<sup>14</sup> ss. 775.082, 775.083, and 775.084, F.S.

<sup>15</sup> s. 316.027, F.S.

<sup>16</sup> s. 316.061, F.S.

<sup>17</sup> s. 316.191, F.S.

<sup>18</sup> s. 316.193, F.S.

<sup>19</sup> s. 322.34, F.S.

<sup>20</sup> s. 316.027(1)(b), F.S.

<sup>21</sup> s. 316.193(3), F.S., flush left.

driver is charged with DUI. From an adjudicatory standpoint, removing the element of DUI in such cases would likely remove the possibility of a mandatory minimum prison sentence. Consequently, DUI drivers may be incentivized to leave the scene of a crash, especially those with crashes involving death.

Further, a court is required to sentence any person convicted of committing aggravated fleeing or eluding with serious bodily injury or death to a mandatory minimum of 3 years in prison.<sup>22</sup> If successful in fleeing or eluding, a DUI charge is again avoided, and the mandatory minimum prison sentence for fleeing and eluding is one year less than the mandatory minimum of four years for DUI manslaughter.

#### Driver Improvement Courses

Section 322.0261(2), F.S., provides that in addition to any other applicable penalties, DHSMV must require operators convicted of, or who have plead nolo contendere to the following traffic offenses to attend a department-approved driver improvement course in order to maintain his or her driving privileges:

- a crash involving death or bodily injury requiring transport to a medical facility;<sup>23</sup> or
- a second crash by the same operator within the previous 2-year period involving property damage in an apparent amount of at least \$500.<sup>24</sup>

If the operator fails to complete the course within 90 days after receiving notice from DHSMV, then DHSMV is required to cancel the operator's driver's license until the course is successfully completed. Currently, the course curriculum does not address the rights of vulnerable road users.

#### Driver License/Periods of Suspension or Revocation

Section 322.28, F.S., provides for certain driver license suspension and revocation periods and, unless otherwise provided, limits the authority of DHSMV to suspend or revoke a driver's license to one year. Consequently, the revocation period for violations of leaving the scene of a crash resulting in injury or death (in the absence of DUI), is one year.

Section 322.28(4), F.S., currently requires a court to revoke for a minimum of three years the driver license of a person convicted of DUI involving serious bodily injury, vehicular manslaughter, or vehicular homicide. Section 322.28(2)(d), F.S., requires the court to permanently revoke the driver license or driving privilege of any person who has been convicted of DUI manslaughter in violation of s. 316.193, F.S.

Thus, under current law, in cases involving DUI and leaving the scene of a crash resulting in death, revocation of the driver license is permanent.<sup>25</sup> A person driving DUI may view an attempt to leave the scene as advantageous because, if successful, a DUI charge is avoided. The period of license revocation in such event would be not less than one year nor more than five,<sup>26</sup> as opposed to permanent.

#### Criminal Punishment Code, Offense Severity Ranking Chart

The Criminal Punishment Code (Code) is Florida's sentencing policy for noncapital felonies.<sup>27</sup> Section 921.0022, F.S., the Offense Severity Ranking Chart (chart) of the Criminal Punishment Code, is used to compute sentence scores for felony offenders. The chart has 10 offense levels, ranked from 1 to 10,

---

<sup>22</sup> s. 316.1935, F.S.

<sup>23</sup> s. 322.0261(1)(a), F.S.

<sup>24</sup> s. 322.0261(1)(b), F.S.

<sup>25</sup> s. 322.28(2)(d), F.S.

<sup>26</sup> 316.1935(5), F.S.

<sup>27</sup> ss. 921.002 - 921.0027, F.S.

1 being the least severe. Each offense is assigned to a level according to the severity of the offense. A violation of section 316.027, F.S., in a case involving death is a level 7 offense on the chart.<sup>28</sup>

The Code allows the court to impose a departure below the lowest permissible sentence based upon circumstances or factors that reasonably justify the mitigation of the sentence.<sup>29</sup> If a “mitigating factor”<sup>30</sup> is found by the sentencing court, the court may decrease an offender’s sentence below the lowest permissible sentence (a “downward departure”). However, a mandatory minimum term is not subject to these mitigating factors.<sup>31</sup> Mandatory minimum terms impact Code sentencing. If the lowest permissible sentence is less than the mandatory minimum sentence, the mandatory minimum sentence takes precedence.<sup>32</sup> With few exceptions that are authorized in statute, the sentencing court must impose the mandatory minimum term and there is no judicial discretion.<sup>33</sup>

## Proposed Changes

The bill creates the “Aaron Cohen Life Protection Act,” and addresses a potential incentive that exists in current law for drivers to leave the scene of a crash. The bill creates mandatory minimum prison sentences for such drivers where none currently exist, and with respect to cases involving DUI and death, increases the penalties for leaving the scene. The bill also increases penalties for leaving the scene of a crash that involves a “vulnerable road user.”

The bill defines “serious bodily injury” as an injury to a person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of a bodily member or organ.<sup>34</sup>

The bill defines a vulnerable road user as a:

- pedestrian, including a person actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way;
- person operating a bicycle, motorcycle, scooter, or moped lawfully on the roadway;
- person riding an animal; or
- person lawfully operating the following on a public right-of-way, crosswalk, or shoulder of the roadway:
  - farm tractor or similar vehicle designed primarily for farm use;
  - skateboard, roller skates, in-line skates;
  - horse-drawn carriage;
  - electric personal assistive mobility device; or
  - wheelchair.

The bill creates three levels for the offense of leaving the scene of a crash, each with different punishments. The first level involves crashes where there is an injury other than serious bodily injury.

---

<sup>28</sup> s. 921.0022(3)(g), F.S.

<sup>29</sup> s. 921.002(3), F.S.

<sup>30</sup> See s. 921.0026(2), F.S., for a full listing of mitigating factors.

<sup>31</sup> See *State v. Vanderhoff*, 14 So.3d 1185 (Fla. 5th DCA 2009).

<sup>32</sup> Rule 3.704(26) (“The Criminal Punishment Code”), Florida Rules of Criminal Procedure. A trafficking mandatory minimum term is a minimum sentencing ‘floor’ for the court and there is no prohibition to gain-time. If the court only sentences the defendant to the mandatory term specified by statute, the Department of Corrections (DOC) establishes an 85% minimum service date on the term and the offender is subject to s. 944.275(4)(b)3., F.S., which does not allow release prior to serving a minimum of 85% of the sentence. If the court imposes a sentence that exceeds the mandatory term specified by statute, the DOC establishes an 85% minimum service date on the sentence. See *Mastay v. McDonough*, 928 So.2d 512 (Fla. 1st DCA 2006) (Section 893.135, F.S., does not preclude earning gain-time during the mandatory term as long as it does not result in the prisoner’s release prior to serving a minimum of 85% of the sentence).

<sup>33</sup> For examples of statutory exceptions see s. 958.04, F.S. [cited in *Christian v. State*, 84 So.3d 437 (Fla. 5th DCA 2012)], and s. 893.135(4), F.S.

<sup>34</sup> The definition is the same as used in the driving under the influence statute. See s. 316.1933(1)(b), F.S.

Leaving the scene of a crash resulting in injury to a person continues to be punished as a third degree felony.

The bill creates a second level of the offense of leaving the scene of a crash where there is serious bodily injury. Leaving the scene of a crash resulting in serious bodily injury to a person is punished as a second degree felony, as opposed to the current third degree. The bill provides that such a violation is a level 6 offense on the offense severity ranking chart of the Criminal Punishment Code. The bill also requires the court to order anyone leaving the scene of a crash involving serious bodily injury to make restitution to the victim for any damage or loss unless the court finds clear and compelling reasons not to order the restitution.

The bill amends the third level of the offense of leaving the scene of a crash that results in death. Leaving the scene of a crash resulting in the death of a person continues to be punished as a first degree felony, but a mandatory minimum term of imprisonment of four years is imposed. Also, if the violation occurs while the driver is DUI, the current mandatory minimum sentence is increased from two years to four years, which is the same minimum mandatory as DUI manslaughter.

The bill allows a defendant to move to depart from the four-year mandatory minimum sentence for leaving the scene of a crash with a death, unless the defendant was driving DUI at the time of the violation; authorizes the state to object to the departure; allows the court to depart only if it finds that a factor, consideration, or circumstance clearly demonstrates that imposing the mandatory minimum term would constitute or result in an injustice; and requires the court to state the basis for granting a departure in open court.

The bill requires a driver in violation of leaving the scene of a crash involving injury, serious bodily injury, or death to:

- be subject to a 3 year mandatory driver license revocation;
- participate in a victim's impact panel<sup>35</sup> session in a judicial circuit if one exists; or
- participate in a driver education course relating to the rights of vulnerable road users relative to vehicles on the roadway.

The bill amends s. 322.0261(2), F.S., to require DHSMV to include in its approved driver improvement course curriculum instruction specifically addressing the rights of vulnerable road users relative to vehicles on the roadway.

The bill revises the Offense Severity Ranking Chart for the offense of leaving the scene of a crash that involves a vulnerable road user. The bill ranks offenses for leaving the scene of a crash one level higher than specified in the chart if the victim of the offense was a "vulnerable road user," resulting in higher total sentence points and a higher lowest permissible sentence (if no serious injury occurs, a Level 5 offense becomes a Level 6 offense; if there is serious injury, a Level 6 offense becomes a Level 7 offense; and if death occurs, a Level 7 offense becomes a Level 8 offense).

The bill amends s. 322.28(4), F.S., to require:

- a court to revoke the driver license of a person convicted of leaving the scene of a crash for a minimum of three years; and
- DHSMV to revoke the driver license for the same period in the event the period of revocation was not specified by the court at the time of imposing sentence or within 30 days thereafter.

---

<sup>35</sup> A victim impact panel is a meeting where offenders meet with victims to learn the impact of the offenses related to driving. There are victim impact panels in at least 33 counties. The DUI Victim Impact Panel Program is an awareness program for offenders convicted of misdemeanor driving under the influence of alcohol or other drugs. For more information see:

<http://www.madd.org/local-offices/fl/victim-impact-panels-1.html#sthash.AXfOk7pY.dpuf> (Last viewed Dec. 10, 2013).

The bill reenacts s. 322.34(6), F.S., relating to driving while a driver license is suspended, revoked, canceled, or disqualified, to incorporate the amendment to s. 322.28, F.S., and makes a technical change.

The bill also makes technical and conforming changes to s. 316.027, F.S.

#### B. SECTION DIRECTORY:

- Section 1. Gives the act the popular name the "Aaron Cohen Life Protection Act."
- Section 2. Amends s. 316.027, F.S., relating to crashes involving death or personal injuries.
- Section 3. Amends s. 316.0261, F.S., relating to driver improvement course curriculum.
- Section 4. Amends s. 322.28, F.S., relating to period of suspension or revocation.
- Section 5. Reenacts s. 322.34, F.S., relating to driving while license suspended, revoked, canceled, or disqualified.
- Section 6. Amends s. 921.0022, F.S., relating to Criminal Punishment Code; offense severity ranking chart.
- Section 7. Provides an effective date of July 1, 2014.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

##### 2. Expenditures:

DHSMV expects the bill to require approximately 30 non-recurring system programming hours, the cost of which will be absorbed within existing resources.<sup>36</sup>

The bill requires a driver in violation of leaving the scene of a crash involving injury, serious bodily injury, or death to participate in either a victim's impact panel session or a driver education course relating to the rights of vulnerable road users. The bill does not specify penalties for not completing these requirements or whether the court or an agency will administer the requirements, therefore the fiscal impact is indeterminate.<sup>37</sup>

The Criminal Justice Impact Conference (CJIC) met on January 30, 2014 and found that the bill's impact upon prison beds is also indeterminate. The Office of Economic and Demographic Research (EDR) stated that the proposed changes to s. 316.027, F.S., will increase both the felony degree and the offense severity level for leaving the scene of an accident involving serious bodily injury, but the percentage of cases that currently involve serious bodily injury is indeterminate. According to EDR, incarceration rates and average sentence lengths for the current and proposed offenses related to leaving the scene of an accident involving serious bodily injury are as follows:

- incarceration rate for all 3rd degree, level 5 offenses - 22.8%;
- average sentence length for all 3rd degree, level 5 offenses - 33.0 months;
- incarceration rate for all 2nd degree, level 6 offenses - 48.2%; and

---

<sup>36</sup> See the DHSMV 2014 Agency Legislative Bill Analysis for HB 183, page 4. On file with the Transportation and Highway Safety Subcommittee.

<sup>37</sup> Id.

- average sentence length for all 2nd degree, level 6 offenses - 57.8 months.

EDR states that the differences in these two measures suggest that the proposed changes involving serious bodily injury may result in additional prison admissions and in longer sentences for some offenders currently being sentenced to prison, but the lack of data to estimate these changes results in an indeterminate impact.

In addition, offenders currently sentenced for leaving the scene of an accident involving death, will be subject to a 4-year mandatory minimum sentence under the bill. However, EDR said it is not possible to determine the percentage of current offenders who receive the 2-year mandatory minimum sentence for leaving the scene while DUI. The current average sentence length for all of the offenders in this offense is 91.9 months. Nearly 75% of these sentences are 48 months or longer suggesting that the impact from the bill will be limited, but the lack of data to estimate these changes also results in an indeterminate impact.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Except for offenders convicted of leaving the scene on an accident, there is no direct economic impact on the private sector.

#### D. FISCAL COMMENTS:

None.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

None.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

##### Other Comments

The bill requires a driver in violation of leaving the scene of a crash involving injury, serious bodily injury, or death to participate in either a victim's impact panel session or a driver education course relating to the rights of vulnerable road users. The bill does not specify penalties for not completing these requirements or whether the court or an agency will administer the requirements. Also, there is a difference between a driver "education" course and a driver "improvement" course. Driver education courses are used to educate first-time drivers about general traffic laws. Driver improvement courses are intended for drivers with certain types of traffic offenses.



#### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES