

**Chapter 9.31****SPECTATORS PROHIBITED AT ILLEGAL SPEED CONTESTS OR EXHIBITIONS OF SPEED****Sections:**

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**Section 9.31.010**      **Statement of purpose and intent.**

The Council for the City of Riverside finds and declares that pursuant to California Vehicle Code Section 23109, motor vehicle speed contests and exhibitions of speed conducted on public streets and highways are illegal. Motor vehicle speed contests and exhibitions of speed are more commonly known as street races or drag races.

Streets within the City of Riverside have been the site of continuing and escalating illegal street racing over the past several years. Such street racing threatens the health and safety of the public, interferes with pedestrian and vehicular traffic, creates a public nuisance, and interferes with the right of private business owners to enjoy the use of their property within the City of Riverside. The illegal street races occur on a regular basis on various streets within the City. Hundreds of racers and spectators gather on these streets late at night and in the early morning hours, blocking the streets and sidewalks to traffic, forming a racetrack area, placing bets, and otherwise encouraging, aiding, and abetting the racing process.

Illegal street racers accelerate to high speeds without regard to oncoming traffic, pedestrians, or vehicles parked or moving nearby. The racers drive quickly from street to street, race for several hours, and then move to other locations upon the arrival of the police. Those who participate in this illegal activity are very sophisticated, using cell phones, police scanners, and other electronic devices to communicate with each other to avoid arrest. They also use the Internet to provide information on where to race, and give advice on how to avoid detection and prosecution. Traffic accidents, property crimes, and calls for police service have increased dramatically.

In most cases, illegal street races attract hundreds of spectators. The mere presence of spectators at these events fuels the illegal street racing and creates an environment in which these illegal activities can flourish. This section makes evidence of specified prior acts admissible to show the propensity of the defendant to be present at or attend illegal street races, if the prior act or acts occurred within three years of the presently charged offense. This section is adopted to prohibit spectators at illegal street races with the aim of significantly curbing this criminal activity. The section targets a very clear, limited population and gives proper notice to citizens as to what activities are lawful and what activities are unlawful. In discouraging spectators, the act of organizing and participating in illegal street races will be discouraged. (Ord. 6779 §1, 2005(part))

**Section 9.31.020**      **Definitions.**

"City" shall mean the City of Riverside.

"City Attorney" shall mean the City Attorney of the City of Riverside or that person's designated Supervising Deputy City Attorney or Deputy City Attorney.

"Exhibition of speed" shall mean either any exhibition of speed referred to in California Vehicle Code Section 23109(c), or a willful act of showing off or displaying a dangerous or

imprudent speed in a vehicle on a public street or highway where the presence of another person is known to the driver or may be reasonably anticipated by the driver. In order to constitute an exhibition of speed under this alternative definition, there must be a least two spectators present at the event.

"Motor vehicle" shall mean a motor vehicle as that term is defined in California Vehicle Code Section 415.

"Preparations" for a speed contest or exhibition of speed include, but are not limited to, situations in which:

(1) A group of motor vehicles or individuals has arrived at a location for the purpose of participating in or being spectators at the event;

(2) A group of individuals has lined one or both sides of a public street or highway for the purpose of participating in or being a spectator at the event;

(3) A group of individuals has gathered on private property open to the general public without the consent of the owner, operator, or agent thereof for the purpose of participating in or being a spectator at the event;

(4) One or more individuals has impeded the free public use of a public street or highway by actions, words, or physical barriers for the purpose of conducting the event;

(5) Two or more vehicles have lined up with motors running for a speed contest or exhibition of speed;

(6) One or more drivers is revving his engine or spinning his tires in preparation for the event; or;

(7) An individual is stationed at or near one or more motor vehicles serving as a race starter.

"Spectator" means any individual who is present at a speed contest or exhibition of speed, or at a location where preparations are being made for such activities, for the purpose of viewing, observing, watching, or witnessing the event as it progresses. Spectator includes any individual at the location of the event without regard to whether the individual arrived at the event by driving a vehicle, riding as a passenger in a vehicle, walking, or arriving by some other means.

"Speed contest" shall mean either any speed contest referred to in California Vehicle Code Section 23109(a), or a contest or event where a vehicle is raced on a public street or highway against another vehicle, a clock, or other timing device. In order to constitute a speed contest under this alternative definition, at least two vehicles must be assembled or a least two spectators must be present at the event. An event where the time to cover a prescribed route of more than 20 miles is measured, but where the vehicle does not exceed the speed limit is not a speed contest.

"Vehicle" shall mean a vehicle as that term is defined in California Vehicle Code Section 670. (Ord. 6779 §1, 2005 (part))

### **Section 9.31.030 Violation.**

(a) Any individual who is knowingly present as a spectator, either on a public street or highway, or on private property open to the general public without the consent of the owner, operator, or agent thereof, at a speed contest or exhibition of speed is guilty of an infraction for the first and second offense, and a misdemeanor for the third offense and for each subsequent offense thereafter; to be charged and prosecuted by the City Attorney, subject to the discretionary authority provided under Section 1.01.110 of the Riverside Municipal Code.

(b) Any individual who is knowingly present as a spectator, either on a public street or highway, or on private property open to the general public without the consent of the owner, operator, or agent thereof, where preparations are being made for a speed contest or exhibition of speed is guilty of an infraction for the first and second offense, and a misdemeanor for the

third offense and for each subsequent offense thereafter; to be charged and prosecuted by the City Attorney, subject to the discretionary authority provided under Section 1.01.110 of the Riverside Municipal Code.

(c) An individual is present at a speed contest or exhibition of speed if that individual is within 200 feet of the location of the event, or within 200 feet of the location where preparations are being made for the event.

(d) Exemption: Nothing in this section prohibits law enforcement officers or their agents from being spectators at speed contests or exhibitions of speed in the course of their official duties. (Ord. 6779 § 1, 2005 (part))

#### **Section 9.31.040 Relevant circumstances to prove a violation.**

Notwithstanding any other provision of law, to prove a violation of Chapter 9.31, admissible evidence may include, but is not limited to, any of the following:

- (a) the time of day;
- (b) the nature and description of the scene;
- (c) the number of people at the scene;
- (d) the location of the individual charged in relation to any individual or group present at the scene;
- (e) the number and description of motor vehicles or other vehicles at the scene;
- (f) that the individual charged drove or was transported to the scene;
- (g) that the individual charged has previously participated in a speed contest or exhibition of speed;
- (h) that the individual charged has previously aided and abetted a speed contest or exhibition of speed;
- (i) that the individual charged has previously attended a speed contest or exhibition of speed;
- (j) that the individual charged previously was present at a location where preparations were being made for a speed contest or exhibition of speed or where an exhibition of speed or speed contest was in progress. (Ord. 6779 § 1, 2005 (part))

#### **Section 9.31.050 Admissibility of prior acts.**

The list of circumstances set forth in Section 9.31.040 is not exclusive. Notwithstanding California Evidence Code Section 1101(a), evidence of prior acts may be admissible to show the propensity of the defendant to be present at or attend a speed contest or exhibition of speed, if the prior act or acts occurred within three years of the presently charged offense. These prior acts may always be admissible to show knowledge on the part of the defendant that a speed contest or exhibition of speed was taking place at the time of the presently charged offense. Further, these prior acts may always be admissible to prove some fact relating to motive, opportunity, intent, preparation, plan, identity, or absence of mistake or accident, as otherwise provided by Evidence Code Section 1101(b); when relevant to the offense charged. Prior acts are not limited to those that occurred within the City of Riverside. (Ord. 6779 § 1, 2005 (part))