

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Tom Paulino, Liaison to the Board of Supervisors, Office of the Mayor  
William Scott, Police Chief, SF Police Department  
Brooke Jenkins, District Attorney, Office of the District Attorney  
Raju Manohar, Public Defender, Office of the Public Defender  
Jeffrey Tumlin, Executive Director, Municipal Transit Agency

FROM: Monique Crayton, Assistant Clerk, Public Safety and Neighborhood  
Services Committee, Board of Supervisors

DATE: September 6, 2024

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Mayor London Breed on September 3, 2024:

**File No. 240844**

**Ordinance amending the Police Code to 1) prohibit persons from promoting a Vehicle Sideshow or preparations for such a sideshow; 2) prohibit persons from assembling together to obstruct the streets, sidewalks, highways, other public right-of-ways, off-street parking facilities, or private property in connection with a Vehicle Sideshow or preparations for such a sideshow; 3) prohibit persons from knowingly being present at a Vehicle Sideshow or preparations for such a sideshow for purposes of Participating in the Vehicle Sideshow; 4) prohibit persons present at a Vehicle Sideshow or preparations for such a sideshow from interfering with official performance of law enforcement duties; 5) seize and impound vehicles used in a Vehicle Sideshow or preparations for such a sideshow, and under certain conditions sell the vehicles; and 6) make violations of these provisions a misdemeanor, subject to imprisonment and/or fine.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

CC:

Office of Chair Stefani

Andres Power, Office of the Mayor

Lisa Ortiz, Police Department

Lili Gamero, Police Department

Rima Malouf, Police Department

Diana Oliva-Aroche, Police Department

Stacy Youngblood, Police Department

Carl Nicita, Police Department

Ana Gonzalez, Office of the District Attorney

Eugene Clendinen, Office of the District Attorney

Lily Rapson, Office of the District Attorney

Janet Martinsen, Municipal Transportation Agency

Joel Ramos, Municipal Transportation Agency

1 [Police Code - Vehicle Sideshows]

2

3 **Ordinance amending the Police Code to 1) prohibit persons from promoting a Vehicle**  
 4 **Sideshow or preparations for such a sideshow; 2) prohibit persons from assembling**  
 5 **together to obstruct the streets, sidewalks, highways, other public right-of-ways, off-**  
 6 **street parking facilities, or private property in connection with a Vehicle Sideshow or**  
 7 **preparations for such a sideshow; 3) prohibit persons from knowingly being present at**  
 8 **a Vehicle Sideshow or preparations for such a sideshow for purposes of participating**  
 9 **in the Vehicle Sideshow; 4) prohibit persons present at a Vehicle Sideshow or**  
 10 **preparations for such a sideshow from interfering with official performance of law**  
 11 **enforcement duties; 5) seize and impound vehicles used in a Vehicle Sideshow or**  
 12 **preparations for such a sideshow, and under certain conditions sell the vehicles; and**  
 13 **6) make violations of these provisions a misdemeanor, subject to imprisonment and/or**  
 14 **fine.**

15 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
 16 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
 17 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
 18 **Board amendment additions** are in double-underlined Arial font.  
 19 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
 20 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
 21 subsections or parts of tables.

19

20 Be it ordained by the People of the City and County of San Francisco:

21

22 Section 1. Article 56 of the Police Code is hereby amended by revising Sections 5600  
 23 and 5601, revising existing Section 5602 and renumbering it as Section 5609, and adding new  
 24 Sections 5602, 5603, 5604, 5605, 5606, 5607, 5608, 5610, and 5611, to read as follows:

25 //

1                                   **ARTICLE 56: ~~MOTOR VEHICLE SIDESHOWS~~STUNT DRIVING**

2                   **SEC. 5600. FINDINGS.**

3                   (a) In recent years, San Francisco has seen a rise in size and severity of illegal Vehicle  
4 Sideshows, “~~motor vehicle stunt driving,~~” which includes reckless driving, vehicle speed contests,  
5 and/or exhibitions that involve stunts and tricks with vehicles. In some instances, the Vehicle  
6 Sideshow~~motor vehicle stunt driving~~ features ~~cars~~ vehicles and dirt bikes weaving and speeding  
7 along thoroughfares, spinning “doughnuts,” and screeching tires while passengers hang out  
8 the windows, drawing crowds of spectators that are encouraging and instigating the Vehicle  
9 Sideshows. In other instances, the ~~cars~~ vehicles speed in unison. The various stunts and tricks  
10 featured during Vehicle Sideshows~~motor vehicle stunt driving~~ are extremely dangerous and  
11 imperil both willing spectators and uninvolved bystanders, as well as participants. In the San  
12 Francisco Bay Area, the use of vehicles for stunts and tricks has caused serious injuries and  
13 death to not only participants and spectators but also to bystanders.

14                   (b) In 2020, San Francisco enacted Article 56 in light of the following incidents: As of the  
15 enactment of this Article 56, among the more recent instances of motor vehicle stunt driving in San  
16 Francisco were the following:

17                   On February 23, 2020, there were four illegal Vehicle Sideshows~~motor vehicle stunt~~  
18 driving exhibitions involving 50 to 100 ~~cars~~ vehicles in San Francisco. Several ~~cars~~ vehicles sped  
19 through City neighborhoods engaging in reckless driving behavior. Motor vehicles blocked  
20 street intersections and engaged in tricks and stunts that included driving in continuous “figure  
21 eights” with screeching tires, and “doughnut” contests. Dozens of spectators crowded the  
22 streets and sidewalks in very close proximity to the vehicles to watch the exhibitions, creating  
23 a major public safety concern for everyone.

24                   On August 24, 2020, there was an illegal Vehicle Sideshow~~motor vehicle stunt driving~~  
25 exhibition in San Francisco where vehicles orbited an intersection performing continuous

1 “doughnuts” and sending burnt rubber smoke from tires into the air as passengers hung out  
2 the window. Approximately 100 spectators cheered on the spinning vehiclesscars. At one point,  
3 a pParticipating driver lost control of his vehicle, forcing spectators to move back  
4 unexpectedly. There were spectator vehicles that blocked all access to entry of the exhibition  
5 intersection. Nearby, gun shots were fired.

6 On September 6, 2020, an illegal Vehicle Sideshow~~motor vehicle stunt driving~~  
7 ~~exhibition~~ in San Francisco attracted hundreds of spectators and approximately 50 vehicles.  
8 There were approximately 100 calls for police service for this event from residents concerned  
9 about public safety. A man was shot to death in the immediate vicinity of the reckless stunt  
10 driving exhibition.

11 (c) Since 2020, Vehicle Sideshows have continued to occur in the San Francisco Bay Area.  
12 They have been increasing in severity and size, and are becoming a greater community safety concern.  
13 The majority of Vehicle Sideshow occur late at night or during the early morning hours. But San  
14 Francisco experienced a Vehicle Sideshow on Sunday, August 25, 2024 in the afternoon, creating a  
15 bigger public safety concern as there were more people and law-abiding drivers using the public  
16 streets and sidewalks at that time. In 2024, there have been at least 25 Vehicle Sideshows reported in  
17 San Francisco and as of September 2024 the Police Department (“SFPD”) had seized 67 vehicles in  
18 connection with these incidents during the year. Some of the most notable Vehicle Sideshows of 2024  
19 were:

20 On June 9, 2024, several Vehicle Sideshows occurred across the San Francisco Bay Area that  
21 involved huge crowds of spectators who followed the Sideshows to various locations. In San Francisco,  
22 a Vehicle Sideshow occurred on the Embarcadero and drew over 200 spectators event. The crowd of  
23 people blocked streets and sidewalks as they encouraged the drivers who engaged in the dangerous  
24 vehicle stunts. During the Vehicle Sideshow, a vehicle was engulfed in flames near the Embarcadero,  
25 which presented a huge public safety risk and required an enormous amount of resources to contain.

1 SFPD seized five vehicles at the scene and dispersed the large crowd. Following the Vehicle Sideshow,  
2 splinter Vehicle Sideshows occurred at Alemany Boulevard and Geneva Avenue, on Valencia Street,  
3 and on Cesar Chavez Street. SFPD eventually dispersed the splinter Sideshows.

4 On August 25, 2024, a huge Vehicle Sideshow of dirt bikes and all-terrain vehicles (“ATVs”)  
5 took place throughout various neighborhoods in San Francisco drawing 200-250 spectators  
6 encouraging and instigating the illegal activity. The spectators, ATVs, and dirt bikes collectively  
7 overtook several streets in San Francisco. The riders ignored traffic laws, performed stunts, and  
8 caused widespread disruption by blocking streets and sidewalks that impacted our neighborhoods.

9 (d) According to SFPD, there have been other illegal activities associated with Vehicle  
10 Sideshows, including shootings, weapons possession, explosives, illegal fireworks, assaults, vandalism,  
11 and public intoxication. Sideshow participants and spectators are often hostile, aggressive, and  
12 uncooperative with law enforcement officers and have on occasion been assaultive towards officers  
13 attempting to contain and dismantle the illegal activity.

14 (ee) There is no place for this type of motorized misconduct in a heavily populated  
15 urban environment such as San Francisco. At a minimum, Vehicle Sideshows~~motor vehicle stunt~~  
16 ~~driving~~ in the City creates chaos, inconvenience, and in some cases fear, among those who  
17 live in neighborhoods where ~~it~~ they occurs; and ~~it~~ they presents challenges for law-abiding  
18 drivers whose routes unfortunately take them to an area where such irresponsible antics are  
19 occurring. Of even greater concern, the possibility that serious injury or death may result from  
20 Vehicle Sideshows ~~motor vehicle stunt driving~~ is ever-present.

21 (f) Vehicle Sideshow participants and spectators do not stay in one area. They travel on our  
22 highways and bridges to come into our city and cause havoc in San Francisco and the Bay Area. The  
23 SFPD works closely with its law enforcement partners in the region to address the illegal activities.  
24 The SFPD uses technology, such as automatic license plate readers, commonly known as “ALPRs,”  
25 and unassisted aerial vehicles, “commonly known as “UAVs” or “drones,” to combat Vehicle

1 Sideshows and their attendant ills. This Article 56 provides additional legal tools for the City to  
2 combat Vehicle Sideshows.

3 **SEC. 5601. ~~MOTOR VEHICLE~~ SIDESHOW STUNT DRIVING: DECLARATION OF**  
4 **POLICY.**

5 It is the policy of the City and County of San Francisco to protect the health and  
6 safety of residents by enforcing state and local laws that prohibit persons from engaging in  
7 Vehicle Sideshows~~reckless driving, motor vehicle speed contests, and exhibitions that involve stunts~~  
8 ~~and tricks with vehicles~~, and that prohibit persons from aiding and abetting such activities.

9 **SEC. 5602. DEFINITIONS.**

10 For purposes of this Article 56, the following terms have the following meanings:

11 “Motor Vehicles” means cars, trucks, vans, motorcycles, mopeds, dirt bikes, all-terrain  
12 vehicles, other off-highway vehicles, and all other vehicles covered by California Vehicle Code  
13 Sections 415 and 670, as they may be amended from time to time.

14 “Off-street Parking Facility” means any off-street facility held open for use by the public for  
15 parking vehicles and includes any publicly owned facilities for offstreet parking, and privately-owned  
16 facilities for off-street parking where no fee is charged for the privilege to park and which are held  
17 open for the common public use of retail customers covered by California Vehicle Code Section 12500,  
18 as may be amended from time to time.

19 “Participate” means knowingly engage in one or more acts to conduct, or aid in or abet, a  
20 Vehicle Sideshow, or knowingly engage in Preparation of a Vehicle Sideshow;

21 “Preparation” means engaging in any of the following acts with the purpose of Participating  
22 in or aiding in or abetting a Vehicle Sideshow:

23 (1) One or more motor vehicles and persons arriving at a predetermined location on a public  
24 street or highway or in an Off-street Parking Facility;

25 //

1 (2) Two or more persons gathering on, or adjacent to, a public street or highway or gathering  
2 in an Off-street Parking Facility;

3 (3) One or more persons impeding the free public use of a public street, highway,  
4 or Off-street Parking Facility by acts, words, or physical barriers;

5 (4) One or more motor vehicles lining up on a public street or highway, or at an Off-street  
6 Parking Facility with motors running;

7 (5) One or more drivers revving a Motor Vehicle's engine or causing the Motor Vehicle's tires  
8 to spin; or

9 (6) A person standing or sitting in a location to act as a race starter.

10 "Present" means any person (1) within 200 feet of the location of a Vehicle Sideshow, or (2)  
11 within 200 feet of the site of the Preparation of a Vehicle Sideshow.

12 "Promote" means the act of a person that assists, encourages, or incites persons to plan,  
13 organize, Participate in, attend, or gather at the Preparation of a Vehicle Sideshow, or that assists,  
14 encourages, or incites persons to plan, organize, Participate in, attend, or gather at a Vehicle  
15 Sideshow.

16 "Vehicle Sideshow" means an event in which two or more persons block or impede traffic on a  
17 public street or highway or in an Off-street Parking Facility, for the purpose of performing motor  
18 vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving  
19 covered by California Vehicle Code section 23109, as may be amended from time to time.

20 **SEC. 5603. PROHIBITING THE PROMOTING OF VEHICLE SIDESHOWS AND THEIR**  
21 **PREPARATION.**

22 No person shall Promote the Preparation of a Vehicle Sideshow or Promote a Vehicle  
23 Sideshow.

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1           **SEC. 5604. PROHIBITING UNLAWFUL ASSEMBLY.**

2           No person shall assemble with others to block or obstruct the street, sidewalk, highway, other  
3 public right-of-ways, or private property absent consent of the private property owner, operator, or  
4 agent, in connection with Preparation of a Vehicle Sideshow or in connection with a Vehicle Sideshow.

5           **SEC. 5605. PROHIBITING UNLAWFUL PRESENCE.**

6           No person shall knowingly be Present at a Vehicle Sideshow or the Preparation of a Vehicle  
7 Sideshow for the purpose of Participating in or aiding and abetting the Vehicle Sideshow or  
8 Preparation of the Vehicle Sideshow. For purposes of this Section 5605, aiding and abetting may  
9 include promoting, encouraging, supporting, or instigating the unlawful activity.

10          **SEC. 5606. EXEMPTIONS.**

11          Sections 5603, 5604, 5605 do not apply to:

12          (a) law enforcement officials engaged in the course and scope of their duties;

13          (b) members of the media engaged in the course and scope of their duties; and

14          (c) members of the public who are merely observing and/or reporting on the Preparation of a  
15 Vehicle Sideshow, or on a Vehicle Sideshow, provided they are not Participating or aiding and abetting  
16 in the Preparation of a Vehicle Sideshow or in a Vehicle Sideshow.

17          **SEC. 5607. INTERFERENCE WITH LAW ENFORCEMENT.**

18          No person shall willfully obstruct, impede, delay, or interfere with law enforcement's  
19 performance of official duties in connection with Preparation of a Vehicle Sideshow or in connection  
20 with a Vehicle Sideshow.

21          **SEC. 5608. PENALTY.**

22          Any person who violates Sections 5603, 5604, 5605, or 5607 is guilty of a misdemeanor and  
23 upon conviction thereof shall be punishable by a fine not to exceed \$500, or by imprisonment for a  
24 period of not to exceed six months, or by both such fine and imprisonment.

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1                   **SEC. ~~56025609~~. AUTHORITY TO ~~REMOVE~~ IMPOUND VEHICLES.**

2                   (a) Any ~~peace officer~~ law enforcement official who arrests any person engaged in conduct  
3 that violates the operator of a vehicle for conduct in violation of subsection (2) of Section 23109.2 of  
4 the California Vehicle Code, as may be amended from time to time, shall impound the vehicle  
5 ~~for. For the first incident, a motor vehicle so removed shall be impounded for no less than 14 days but~~  
6 ~~not more than 30 days. For the second incident, a motor vehicle so removed shall be impounded for no~~  
7 ~~less than 15 days but not more than 30 days. Thereafter, the motor vehicle so removed shall be~~  
8 ~~impounded for at least 29 days but not more than 30 days.~~

9                   (b) Except as specified in California Vehicle Code Section 23109.2(c)-(d), any vehicle  
10 impounded under subsection (a), above, shall be released only (1) if the District Attorney fails to  
11 charge the registered owner or operator of the vehicle with violating Section 23109 et. seq. of the  
12 California Vehicle Code, (2) the District Attorney or the court directs the law enforcement official to  
13 release the vehicle, or (3) there is no other legal basis to hold the vehicle.

14                   (c) If the District Attorney charges a person with a violation of Section 23109 et. seq. of the  
15 California Vehicle Code, law enforcement official shall retain the vehicle used in the Vehicle Sideshow  
16 at least until the conclusion of the criminal action unless the District Attorney or the court orders the  
17 release of the vehicle.

18                   (d) If the defendant is charged with and convicted of violating Section 23109 et. seq. of the  
19 California Vehicle Code and the defendant's vehicle was impounded and not subject to return under  
20 23109.2 of the California Vehicle Code, law enforcement officials may either sell the vehicle at a public  
21 auction or destroy it if the vehicle has little to no value.

22                   ~~(be)~~ Nothing in this Article 56 shall override any applicable provisions in the California  
23 Vehicle Code.

24                   (f) Nothing in this Article 56 shall be construed and enforced consistent with the First  
25 Amendment of the United States Constitution.

1                   **SEC. 5610. PROMOTION OF THE GENERAL WELFARE.**

2                   In enacting and implementing this Article 56, the City is assuming an undertaking only to  
3 promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an  
4 obligation for breach of which it is liable in money damages to any person who claims that such breach  
5 proximately caused injury.

6                   **SEC. 5611. SEVERABILITY.**

7                   If any section, subsection, sentence, clause, phrase, or word of this Article 56, or any  
8 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a  
9 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining  
10 portions or applications of the Article. The Board of Supervisors hereby declares that it would have  
11 passed this Article and each and every section, subsection, sentence, clause, phrase, and word not  
12 declared invalid or unconstitutional without regard to whether any other portion of the Article or  
13 application thereof would be subsequently declared invalid or unconstitutional.

14  
15                   Section 2. Effective Date. This ordinance shall become effective 30 days after  
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
18 of Supervisors overrides the Mayor’s veto of the ordinance.

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1           Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
5 additions, and Board amendment deletions in accordance with the “Note” that appears under  
6 the official title of the ordinance.

7 APPROVED AS TO FORM:  
8 DAVID CHIU, City Attorney

9 By: /s/ Alicia Cabrera  
10 ALICIA CABRERA  
11 Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Police Code - Vehicle Sideshows]

**Ordinance amending the Police Code to 1) prohibit persons from promoting a Vehicle Sideshow or preparations for such a sideshow; 2) prohibit persons from assembling together to obstruct the streets, sidewalks, highways, other public right-of-ways, off-street parking facilities, or private property in connection with a Vehicle Sideshow or preparations for such a sideshow; 3) prohibit persons from knowingly being present at a Vehicle Sideshow or preparations for such a sideshow for purposes of participating in the Vehicle Sideshow; 4) prohibit persons present at a Vehicle Sideshow or preparations for such a sideshow from interfering with official performance of law enforcement duties; 5) seize and impound vehicles used in a Vehicle Sideshow or preparations for such a sideshow, and under certain conditions sell the vehicles; and 6) make violations of these provisions a misdemeanor, subject to imprisonment and/or fine.**

Existing Law

State law makes it illegal to engage in a Vehicle Sideshow. Upon arrest and consistent with state law, Article 56 of the Police Code requires law enforcement officials to impound vehicles used in Vehicle Sideshows for 14 days for the first incident and anywhere from 15 days to 30 days for the second incident and 30 days thereafter.

Amendments to Current Law

This ordinance would clarify and supplement state law to prohibit persons from:

1. Promoting the Preparation of a Vehicle Sideshow or promoting a Vehicle Sideshow;
2. Assembling together to block or obstruct the street, sidewalk, highway, other public right-of-ways, or private property absent consent of the private property owner, in connection with Preparation of a Vehicle Sideshow or in connection with a Vehicle Sideshow;
3. Knowingly being Present at a Vehicle Sideshow or the Preparation of a Vehicle Sideshow for the purpose of Participating in or aiding and abetting the Vehicle Sideshow or Preparation of the Vehicle Sideshow; and
4. Willfully obstructing, impeding, delaying, or interfering with law enforcement's performance of official duties in connection with Preparation of a Vehicle Sideshow or in connection with a Vehicle Sideshow.

This ordinance does not apply to law enforcement officials engaged in the course and scope of their duties, members of the media engaged in the course and scope of their duties; and members of the public who are merely observing and/or reporting on the Preparation of a

Vehicle Sideshow, or on a Vehicle Sideshow, provided they are not Participating or aiding and abetting in the Preparation of a Vehicle Sideshow or in a Vehicle Sideshow.

This ordinance would also clarify that no persons shall willfully obstruct, impede, delay, or interfere with law enforcement's performance of official duties in connection with Preparation of a Vehicle Sideshow or in connection with a Vehicle Sideshow.

This ordinance also amends Article 56 to require enforcement officials to impound vehicles used in Vehicle Sideshows for 30 days. Except where state law requires the release of the impounded vehicle, law enforcement officials may only release the vehicle if: (1) no criminal charges are brought against the person; (2) the District Attorney or the court directs the law enforcement official to release the vehicle; or (3) there is no other legal basis to hold the vehicle. In the event criminal charges are brought, law enforcement officials shall only release the vehicle at the direction of the District Attorney or the court orders the release of the vehicle. If the defendant is charged with and convicted of violating Section 23109 et. seq. of the California Vehicle Code and the defendant's vehicle was impounded and not subject to return, law enforcement officials may either sell the vehicle at a public auction or destroy it if the vehicle has little to no value.

Finally, this ordinance makes any violations of these provisions a misdemeanor, subject to imprisonment and/or fine.