

AMENDED IN SENATE JUNE 9, 2004

AMENDED IN ASSEMBLY MAY 20, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2173**

**Introduced by Assembly Member Parra**

February 18, 2004

An act to add Section 23593 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2173, as amended, Parra. Driving-under-the-influence: statement.

Under existing law, it is unlawful for a person who is under the influence of an alcoholic beverage or drug, or under the combined influence of an alcoholic beverage and drug, who has 0.08% or more, by weight, of alcohol in his or her blood, or who is addicted to the use of a drug, to drive a vehicle (DUI). Existing law imposes various sanctions on persons convicted of a DUI offense.

This bill would require a court to ~~advise~~ *provide* a person convicted of *a reckless driving offense, as specified, or a DUI offense* ~~that an individual who drives in violation of the DUI statutes poses a serious threat to the lives of innocent persons with a specified advisory statement.~~ The bill would allow the ~~advice~~ *advisory statement* to be included in a plea form, if used, or would allow the ~~act~~ *fact* that the advice was given to be specified on the record. This bill would require the court to include on the abstract of the conviction or violation submitted to the Department of Motor Vehicles that the person has been so advised.



Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 23593 is added to the Vehicle Code, to  
2 read:

3 23593. (a) The court shall advise a person convicted of a  
4 violation of *Section 23103, as specified in Section 23103.5, or a*  
5 *violation of Section 23152 or 23153* ~~that individuals who drive in~~  
6 ~~violation of Section 23152 or 23153 pose a serious threat to the~~  
7 ~~lives of innocent persons. The advice, as follows:~~

8 *“You are hereby advised that being under the influence of alcohol*  
9 *or drugs, or both, impairs your ability to safely operate a motor*  
10 *vehicle. Therefore, it is extremely dangerous to human life to drive*  
11 *while under the influence of alcohol or drugs, or both. If you*  
12 *continue to drive while under the influence of alcohol or drugs, or*  
13 *both, and , as a result of that driving, someone is killed, you can*  
14 *be charged with murder.”*

15 (b) *The advisory statement may be included in a plea form, if*  
16 *used, or the fact that the advice was given may be specied on the*  
17 *record.*

18 ~~(b)~~

19 (c) *The court shall include on the abstract of the conviction or*  
20 *violation submitted to the department under Section 1803 or 1816,*  
21 *the fact that the person has been advised as required under*  
22 *subdivision (a).*

