

AMENDED IN SENATE MAY 3, 2004  
AMENDED IN SENATE APRIL 22, 2004

**SENATE BILL**

**No. 1848**

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**Introduced by Senator Ashburn**  
**(Principal coauthor: Senator Romero)**  
(Coauthor: Assembly Member Correa)

February 20, 2004

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An act to add and repeal Section 14601.9 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1848, as amended, Ashburn. Vehicles: driver's license violations: referral program.

Existing law imposes specified sentencing and fine sanctions upon persons found guilty of violating provisions prohibiting the driving of vehicles without a license, as specified.

This bill would authorize, until January 1, 2008, the district attorneys of certain counties, with the approval of the board of supervisors, to establish a pilot program for persons who plead guilty or no contest or are convicted of violations of specified provisions prohibiting driving without a valid driver's license. The bill, additionally, would authorize the City Attorney of the City of Los Angeles, with the approval of the City Council of the City of Los Angeles, to establish the pilot program in the City of Los Angeles. Under the program, and subject to the approval of the court, the district attorney would be authorized to enter into a written agreement with a person in a case involving a violation of the specified provisions in which the person agrees to the following, in lieu of the imposition of a county jail sentence: (1) a home detention

program utilizing an electronic monitoring program for not less than the minimum jail sentence, and not more than the maximum jail sentence, provided for a violation of the specified provisions, and (2) a class or classes relating to driving without a valid driver’s license, as specified. Persons participating in the pilot program would be required to complete a home detention program utilizing an electronic monitoring program and equipment that meets certain standards. The electronic monitoring program would be provided under the auspices of the county district attorney or his or her designee. *The bill would permit the recovery of fees for the program from participants, as specified.*

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

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

1 SECTION 1. Section 14601.9 is added to the Vehicle Code,  
2 to read:  
3 14601.9. (a) (1) The district attorney of the County of  
4 Alameda, Fresno, Kern, Los Angeles, Merced, Orange, Placer,  
5 Riverside, Sacramento, San Joaquin, San Luis Obispo, San Mateo,  
6 ~~or Santa Barbara~~ *Santa Barbara, or Santa Cruz*, with the approval  
7 of the board of supervisors, may establish a pilot program for  
8 persons who plead guilty or no contest or who are found guilty of  
9 a violation of Section 14601, 14601.1, or 14601.3. The district  
10 attorney may conduct the program or contract with a private entity  
11 to conduct the program.  
12 (2) In addition to the authority granted under paragraph (1), in  
13 the County of Los Angeles, the City Attorney of the City of Los  
14 Angeles, with the approval of the City Council of the City of Los  
15 Angeles, may establish the pilot program in the city. If the City of  
16 Los Angeles elects to establish the program, all of the following  
17 shall apply:  
18 (A) The City Attorney of the City of Los Angeles may conduct  
19 the program or contract with a private entity to conduct the  
20 program.  
21 (B) A reference in this section to “district attorney” includes  
22 the City Attorney of the City of Los Angeles.  
23 (C) A reference in this section to “county” includes the City of  
24 Los Angeles.



1 (b) Subject to the approval of the court, a person who pleads  
2 guilty or no contest to a violation of, or is convicted of a violation  
3 of, Section 14601, 14601.1, or 14601.3 may enter into a written  
4 agreement with the district attorney of a county described in  
5 subdivision (a). If the court determines that the particular case is  
6 appropriate for referral to the program described in this section, the  
7 judge may make an order directing the person to comply with the  
8 terms of the agreement. Participation in the program shall be in  
9 lieu of imposing a jail sentence under Section 14601, 14601.1, or  
10 14601.3. The agreement shall require the person to complete all of  
11 the following elements within 60 days or within the term of the  
12 maximum jail sentence allowed under Section 14601, 14601.1, or  
13 14601.3, whichever period is longer:

14 (1) A home detention program utilizing an electronic  
15 monitoring program and equipment that meets acceptable  
16 standards as described in Section 1203.016 of the Penal Code, for  
17 not less than the minimum jail sentence, and not more than the  
18 maximum jail sentence, provided under Section 14601, 14601.1,  
19 or 14601.3, as applicable. The electronic monitoring program  
20 described in this paragraph shall be provided under the auspices of  
21 the district attorney or his or her designee. The court may allow a  
22 person to attend school, work, or other specified activities while  
23 on electronic monitoring.

24 (2) One or more classes conducted by the district attorney or by  
25 a private entity under contract with the district attorney. The class  
26 or classes, at a minimum, shall provide instruction on all of the  
27 following:

28 (A) The requirements imposed under Section 14601, 14601.1,  
29 or 14601.3, including, but not limited to, the penalties for violating  
30 those provisions.

31 (B) Available transportation alternatives for persons who do  
32 not have a valid driver's license.

33 (C) The procedure for regaining the privilege to drive.

34 (c) No statement, or information procured from a statement,  
35 made by the person in connection with the determination of his or  
36 her eligibility for the program, and no statement, or information  
37 procured from a statement, made by the person, subsequent to the  
38 granting of the program or while participating in the program, and  
39 no information contained in any report made with respect thereto,  
40 and no statement or other information concerning the person's



1 participation in the program is admissible in any action or  
2 proceeding.

3 (d) The court may impose any fine allowed under Section  
4 14601, 14601.1, or 14601.3 upon a person who is ordered to  
5 participate in the program.

6 (e) (1) The district attorney may recover fees for the program  
7 from participants or may provide for recovery of fees from  
8 participants by a private entity operating the program under  
9 contract.

10 (2) The recoverable fees described in this subdivision shall be  
11 charged to the participant in accordance with a fee schedule that  
12 has been approved by the board of supervisors or the district  
13 attorney, or designee of the district attorney. The fees charged for  
14 the program ~~may~~ shall be modified or waived by the district  
15 attorney or designee at any time based on the present or changing  
16 financial position of the participant. ~~No person shall~~ A person shall  
17 not be denied participation in the program due to ~~an~~ that person's  
18 inability to pay for the program.

19 (f) Not later than December 31, 2007, the district attorney of  
20 every county that elects to participate in the pilot program  
21 specified in subdivision (a) shall prepare and submit a report to the  
22 Legislature concerning that county's participation in the program.

23 (g) This section shall remain in effect only until January 1,  
24 2008, and as of that date is repealed, unless a later enacted statute  
25 that is enacted before January 1, 2008, deletes or extends that date.

