

Assembly Bill No. 571

Passed the Assembly July 5, 2005

Chief Clerk of the Assembly

Passed the Senate July 1, 2005

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 23578 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 571, Levine. Vehicles: DUI: blood-alcohol concentration: sanctions.

When a person is convicted of violating specified driving-under-the-influence (DUI) provisions, existing law requires a court to consider a concentration of alcohol in a person's blood of 0.20% or more, by weight, or the refusal of the person to take a chemical test, as a special factor that may justify enhancing the penalties in sentencing, in determining whether to grant probation, and, if probation is granted, in determining additional or enhanced terms and conditions of probation.

This bill, for the purposes of the above determination, would decrease the required blood-alcohol concentration (BAC) from 0.20% to 0.15%.

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

SECTION 1. Section 23578 of the Vehicle Code is amended to read:

23578. In addition to any other provision of this code, if a person is convicted of a violation of Section 23152 or 23153, the court shall consider a concentration of alcohol in the person's blood of 0.15 percent or more, by weight, or the refusal of the person to take a chemical test, as a special factor that may justify enhancing the penalties in sentencing, in determining whether to grant probation, and, if probation is granted, in determining additional or enhanced terms and conditions of probation.

Approved _____, 2005

Governor