

ASSEMBLY BILL

No. 2527

Introduced by Assembly Member Baca

February 23, 2006

An act to amend Section 25658.5 of the Business and Professions Code, and to add Section 13202.3 to the Vehicle Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 2527, as introduced, Baca. Alcoholic beverages: underage drinking: penalties.

The Alcoholic Beverage Control Act provides that any person under 21 years of age who attempts to purchase any alcoholic beverage from a licensee, or the licensee's agent or employee, is guilty of an infraction. The act further provides, with respect to this infraction, that a first violation is punishable by a fine of not more than \$100, or the performance of 24 to 32 hours of community service, or a combination of a fine and community service. Existing law provides that a 2nd or subsequent violation is punishable by a fine of not more than \$250, or the performance of 36 to 48 hours of community service, or a combination of a fine and community service.

This bill would further provide that any person under 21 years of age who attempts to possess or consume any alcoholic beverage from a licensee, or the licensee's agent or employee is guilty of an infraction. This bill would increase the fine for a first violation to \$250 and would increase the fine for a 2nd violation to \$500. This bill, in addition to the penalties imposed under these provisions, would require the suspension of the driving privilege, of a person who violates any of these provisions, as specified.

By increasing the penalties for an existing crime, this bill imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 25658.5 of the Business and
2 Professions Code is amended to read:

3 25658.5. (a) Any person under the age of 21 years who
4 attempts to purchase, *possess, or consume* any alcoholic
5 beverage from a licensee, or the licensee’s agent or employee, is
6 guilty of an infraction and shall be punished by a fine of not more
7 than ~~one hundred dollars (\$100)~~ *two hundred dollars (\$200)*, or
8 the person shall be required to perform not less than 24 hours or
9 more than 32 hours of community service during hours when the
10 person is not employed or is not attending school, or a
11 combination of fine and community service as determined by the
12 court. A second or subsequent violation of this section shall be
13 punished by a fine of not more than ~~two hundred fifty dollars~~
14 ~~(\$250)~~ *five hundred dollars (\$500)*, or the person shall be
15 required to perform not less than 36 hours or more than 48 hours
16 of community service during hours when the person is not
17 employed or is not attending school, or a combination of fine and
18 community service, as the court deems just. It is the intent of the
19 Legislature that the community service requirements prescribed
20 in this section require service at an alcohol or drug treatment
21 program or facility or at a county coroner’s office, if available, in
22 the area where the violation occurred or where the person resides.

23 (b) *The penalties imposed by this section are in addition to*
24 *any other penalties imposed by law, including, but not limited to,*
25 *Section 13202.3 of the Vehicle Code.*

26 SEC. 2. Section 13202.3 is added to the Vehicle Code, to
27 read:

1 13202.3. (a) For a first conviction of a person who violates
2 Section 25658.5 of the Business and Professions Code, the court
3 shall do either of the following:

4 (1) For a person who holds a valid driver's license, the court
5 shall suspend the person's driving privilege for not less than six
6 months and not more than one year.

7 (2) In lieu of suspending a person's driving privilege pursuant
8 to paragraph (1), the court may order the privilege to operate a
9 motor vehicle restricted to travel to and from that person's
10 school, to travel to and from that person's school sponsored
11 activities, and to travel to and from that person's place of
12 employment for not less than six months and not more than one
13 year.

14 (b) For a second conviction of a person who violates Section
15 25658.5 of the Business and Professions Code, the court shall do
16 either of the following:

17 (1) For a person who holds a valid driver's license, the court
18 shall suspend the person's driving privilege for one year.

19 (2) In lieu of suspending a person's driving privilege pursuant
20 to paragraph (1), the court may order the privilege to operate a
21 motor vehicle restricted to travel to and from that person's
22 school, to travel to and from that person's school sponsored
23 activities, and to travel to and from that person's place of
24 employment for one year.

25 (c) For a third and each successive conviction of a person who
26 violates Section 25658.5 of the Business and Professions Code,
27 the court shall do either of the following:

28 (1) For a person who holds a valid driver's license, the court
29 shall suspend the person's driving privilege for 18 months.

30 (2) In lieu of suspending a person's driving privilege pursuant
31 to paragraph (1), the court may order the privilege to operate a
32 motor vehicle restricted to travel to and from that person's
33 school, to travel to and from that person's school sponsored
34 activities, and to travel to and from that person's place of
35 employment for 18 months.

36 (d) Whenever the court suspends a person's driving privilege
37 pursuant to paragraph (1) of subdivision (a), paragraph (1) of
38 subdivision (b), or paragraph (1) of subdivision (c), the court
39 shall order all driver's licenses held by the person convicted to be
40 surrendered to the court.

1 (e) The court shall, within 10 days following the conviction,
2 transmit a certified abstract of the conviction, together with any
3 driver’s licenses surrendered, to the department.

4 (f) Suspension or restriction of driving privileges imposed
5 pursuant to this section shall be in addition to any other penalties
6 imposed for a violation of Section 25658.5 of the Business and
7 Professions Code.

8 SEC. 3. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the
13 penalty for a crime or infraction, within the meaning of Section
14 17556 of the Government Code, or changes the definition of a
15 crime within the meaning of Section 6 of Article XIII B of the
16 California Constitution.