

AMENDED IN SENATE AUGUST 8, 2006

AMENDED IN ASSEMBLY MAY 26, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2923**

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**Introduced by Assembly Member Calderon**  
*(Coauthors: Assembly Members Benoit, Jones, Mountjoy, and Spitzer)*  
*(Coauthor: Senator Cox)*

February 24, 2006

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An act to amend Section 13202.6 of the Vehicle Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2923, as amended, Calderon. Crimes: graffiti and vandalism: driver's license.

Existing law ~~authorizes~~ *requires* a court to suspend for one year or delay for one year the driving privilege of a person convicted of committing specified acts of graffiti or vandalism, except as specified.

This bill instead would ~~authorize~~ *require* a court to suspend ~~or delay~~ that driving privilege for ~~not less than one year nor more than 3~~ *more than 2* years. *The bill also would require, that where the person convicted does not yet have the privilege to drive, the court is required to delay that driving privilege for not less than 1 year nor more than 3 years.*

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 13202.6 of the Vehicle Code is  
2 amended to read:

3 13202.6. (a) (1) For every conviction of a person for a  
4 violation of Section 594, 594.3, or 594.4 of the Penal Code,  
5 committed while the person was 13 years of age or older, the  
6 court shall suspend the person's driving privilege for not less  
7 ~~than one year nor more than three~~ *more than two* years, except  
8 when the court finds that a personal or family hardship exists that  
9 requires the person to have a driver's license for his or her own,  
10 or a member of his or her family's, employment, *school*, or  
11 medically related purposes. If the person convicted does not yet  
12 have the privilege to drive, the court shall order the department to  
13 delay issuing the privilege to drive for not less than one year nor  
14 more than three years subsequent to the time the person becomes  
15 legally eligible to drive. However, if there is no further  
16 conviction for violating Section 594, 594.3, or 594.4 of the Penal  
17 Code in a 12-month period after the conviction, the court, upon  
18 petition of the person affected, may modify the order imposing  
19 the delay of the privilege. For each successive offense, the court  
20 shall suspend the person's driving privilege for those possessing  
21 a license or delay the eligibility for those not in possession of a  
22 license at the time of their conviction for one additional year.

23 (2) A person whose driving privilege is suspended or delayed  
24 for an act involving vandalism in violation of Section 594, 594.3,  
25 or 594.4 of the Penal Code, may elect to reduce the period of  
26 suspension or delay imposed by the court by performing  
27 community service under the supervision of the probation  
28 department. The period of suspension or delay ordered under  
29 paragraph (1) shall be reduced at the rate of one day for each  
30 hour of community service performed. If the jurisdiction has  
31 adopted a graffiti abatement program as defined in subdivision  
32 (f) of Section 594 of the Penal Code, the period of suspension or  
33 delay ordered under paragraph (1) shall be reduced at the rate of  
34 one day for each day of community service performed in the  
35 graffiti abatement program when the defendant and his or her  
36 parents or *legal* guardians are responsible for keeping a specified  
37 property in the community free of graffiti for a specified period  
38 of time. The suspension shall be reduced only when the specified

1 period of participation has been completed. Participation of a  
2 parent or *legal* guardian is not required under this paragraph if  
3 the court deems this participation to be detrimental to the  
4 defendant, or if the parent or *legal* guardian is a single parent  
5 who must care for young children. For purposes of this  
6 paragraph, “community service” means cleaning up graffiti from  
7 any public property, including public transit vehicles.

8 (3) As used in this section, the term “conviction” includes the  
9 findings in juvenile proceedings specified in Section 13105.

10 (b) (1) Whenever the court suspends driving privileges  
11 pursuant to subdivision (a), the court in which the conviction is  
12 had shall require all drivers’ licenses held by the person to be  
13 surrendered to the court. The court shall, within 10 days  
14 following the conviction, transmit a certified abstract of the  
15 conviction, together with any drivers’ licenses surrendered, to the  
16 department.

17 (2) Violations of restrictions imposed pursuant to this section  
18 are subject to Section 14603.

19 (c) The suspension, restriction, or delay of driving privileges  
20 pursuant to this section shall be in addition to any penalty  
21 imposed upon conviction of a violation of Section 594, 594.3, or  
22 594.4 of the Penal Code.