

AMENDED IN ASSEMBLY JANUARY 7, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1198

Introduced by Assembly Member Benoit

February 23, 2007

~~An act to add Section 53150.5 to the Government Code, relating to law enforcement response costs. An act to add Section 23547 to the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1198, as amended, Benoit. ~~Law enforcement response costs: Vehicles: driving under the influence: penalties.~~

Existing law requires the Department of Motor Vehicles to suspend the driver's license of any person arrested for driving under the influence (DUI). Existing law imposes specified criminal penalties and fines on a person convicted of DUI, including a fine of not less than \$390 nor more than \$1,000 for a first violation. The department, under certain circumstances, is also required to suspend, restrict, or revoke the driver's license of any person convicted of DUI.

This bill would require a person convicted of DUI to also pay, in addition to any penalties imposed pursuant to state or local law or regulations, a fine in the amount of \$350. The bill would require these fines to be submitted to the Office of Traffic Safety in the Business, Transportation and Housing Agency, for deposit in the Office of Traffic Safety Account, which this bill would establish in the General Fund. The bill would authorize the Office of Traffic Safety to expend the funds in that account, upon appropriation by the Legislature, to fund the office's existing Sobriety Checkpoint Mini-grant Program for Local Law Enforcement Agencies, and to fund grants to state and local

agencies to provide public education programs regarding, and to fund programs to prevent the violation of, state laws prohibiting driving under the influence of drugs and alcohol.

~~Existing law authorizes local government entities to recover emergency response costs from a person who is under the influence of an alcoholic beverage or any drug, or both, who causes an incident resulting in an emergency response, as specified. Existing law also authorizes a portion of fines collected for specified violations pertaining to vehicles to be used by local government for the costs of sobriety testing in connection with enforcement of laws relating to operating vehicles, as specified.~~

~~This bill would authorize local government entities to recover the reasonable costs of responding to a person operating a vehicle while intoxicated, as specified.~~

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

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

- 1 SECTION. 1. Section 23547 is added to the Vehicle Code, to
- 2 read:
- 3 23547. (a) A person convicted of violating Section 25152 or
- 4 25153 shall pay, in addition to any penalties imposed pursuant to
- 5 state or local laws or regulations, a criminal fine in the amount
- 6 of three hundred fifty dollars (\$350). The fine shall be submitted
- 7 to the Office of Traffic Safety in the Business, Transportation and
- 8 Housing Agency for deposit in the Office of Traffic Safety Account,
- 9 which is hereby established in the General Fund.
- 10 (b) The Office of Traffic Safety may expend the funds in the
- 11 Office of Traffic Safety Account, upon appropriation by the
- 12 Legislature, to fund all of the following purposes:
- 13 (1) To fund the existing Sobriety Checkpoint Mini-grant
- 14 Program For Local Law Enforcement Agencies.
- 15 (2) To state and local agencies, to provide grants for public
- 16 education programs regarding the laws that prohibit driving under
- 17 the influence of drugs and alcohol.
- 18 (3) To state and local agencies, to provide grants to fund
- 19 programs to prevent the violation of laws that prohibit driving
- 20 under the influence of drugs and alcohol.

1 SECTION 1. ~~Section 53150.5 is added to the Government~~
2 ~~Code, to read:~~
3 ~~53150.5. Any person who is under the influence of an alcoholic~~
4 ~~beverage or any drug, or the combined influence of an alcoholic~~
5 ~~beverage and any drug, is liable for the reasonable costs incurred~~
6 ~~by a public agency responding to that person's operation of a~~
7 ~~vehicle while intoxicated, including the costs of providing police~~
8 ~~services, and the costs of activities related to enforcing driving~~
9 ~~under the influence provisions of law.~~

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