

AMENDED IN ASSEMBLY APRIL 27, 2010

AMENDED IN ASSEMBLY APRIL 12, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2471

Introduced by Assembly Member John A. Perez

February 19, 2010

An act to amend Sections 13004.1 and 14610.1 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2471, as amended, John A. Perez. Vehicles: identification cards and driver's licenses.

Existing law prohibits the manufacturing or sale of identification documents that are substantially similar to identification cards and driver's licenses issued by the Department of Motor Vehicles. *A violation of these provisions is a misdemeanor punishable by a fine of \$1,000, no part of which may be suspended, and 24 hours of community service during hours when the person is not employed and is not attending school.*

This bill would prohibit a person from manufacturing or selling an identification document that purports to confer the same privileges as the identification cards or drivers' licenses issued by the department. *The bill would revise the penalties under these provisions to require that the fine be not less than \$250 and not more than \$1,000 and that neither the fine nor the community service may be suspended or waived.*

The bill would, in lieu of these penalties, authorize the court, in its discretion, to impose a jail term of up to one year and a fine of up to \$1,000. In exercising its discretion the bill would require the court to

consider the extent of the defendant’s commercial motivation for the offense.

By expanding the definition of an existing crime *and imposing punishment that may include imprisonment of up to one year in jail*, the bill would impose 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 13004.1 of the Vehicle Code is amended
2 to read:

3 13004.1. (a) A person shall not manufacture or sell an
4 identification document of a size and form substantially similar
5 to, or that purports to confer the same privileges as, the
6 identification cards issued by the department.

7 (b) A violation of this section is a misdemeanor punishable by
8 ~~a fine of one thousand dollars (\$1,000), no part of which shall be~~
9 ~~suspended, and the person shall be required to perform not less~~
10 ~~than 24 hours of community service during hours when the person~~
11 ~~is not employed and is not attending school. as follows:~~

12 (1) *The court shall impose a fine of not less than two hundred*
13 *fifty dollars (\$250) and not more than one thousand dollars*
14 *(\$1,000), and 24 hours of community service, to be served when*
15 *the person is not employed or is not attending school. No part of*
16 *the fine or community service shall be suspended or waived.*

17 (2) *In lieu of the penalties imposed under paragraph (1), the*
18 *court, in its discretion, may impose a jail term of up to one year*
19 *and a fine of up to one thousand dollars (\$1,000). In exercising*
20 *its discretion the court shall consider the extent of the defendant’s*
21 *commercial motivation for the offense.*

22 (c) *Prosecution under this section shall not preclude prosecution*
23 *under any other applicable provision of law.*

24 SEC. 2. Section 14610.1 of the Vehicle Code is amended to
25 read:

1 14610.1. (a) A person shall not manufacture or sell an
2 identification document of a size and form substantially similar
3 to, or that purports to confer the same privileges as, the drivers'
4 licenses issued by the department.

5 (b) A violation of this section is a misdemeanor punishable by
6 ~~a fine of one thousand dollars (\$1,000), no part of which shall be~~
7 ~~suspended, and the person shall be required to perform not less~~
8 ~~than 24 hours of community service during hours when the person~~
9 ~~is not employed and is not attending school. as follows:~~

10 (1) *The court shall impose a fine of not less than two hundred*
11 *fifty dollars (\$250) and not more than one thousand dollars*
12 *(\$1,000), and 24 hours of community service, to be served when*
13 *the person is not employed or is not attending school. No part of*
14 *the fine or community service shall be suspended or waived.*

15 (2) *In lieu of the penalties imposed under paragraph (1), the*
16 *court, in its discretion, may impose a jail term of up to one year*
17 *and a fine of up to one thousand dollars (\$1,000). In exercising*
18 *its discretion the court shall consider the extent of the defendant's*
19 *commercial motivation for the offense.*

20 (c) *Prosecution under this section shall not preclude prosecution*
21 *under any other applicable provision of law.*

22 SEC. 3. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.