

Assembly Bill No. 2471

Passed the Assembly May 13, 2010

Chief Clerk of the Assembly

Passed the Senate August 18, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2471, 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 driver's 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.

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

SECTION 1. Section 13004.1 of the Vehicle Code is amended to read:

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

(b) A violation of this section is a misdemeanor punishable as follows:

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

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

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

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

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

(b) A violation of this section is a misdemeanor punishable as follows:

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

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

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

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

Approved _____, 2010

Governor