

AMENDED IN SENATE AUGUST 29, 2011  
AMENDED IN ASSEMBLY MAY 27, 2011  
AMENDED IN ASSEMBLY MARCH 25, 2011  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 877**

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**Introduced by Assembly Member Skinner**

February 17, 2011

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An act to amend Section 41500 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 877, as amended, Skinner. Vehicles: nonfelony offenses and infractions: removal of records.

Existing law requires that a person not be subject to prosecution for any nonfelony offense arising out of the operation of a motor vehicle, or a violation of the Vehicle Code as a pedestrian, that is pending against him or her at the time of his or her commitment to the custody of the Secretary of the Department of Corrections and Rehabilitation or the Division of Juvenile Facilities.

Existing law requires, notwithstanding any other law to the contrary, that a driver's license shall not be suspended or revoked or the issuance or renewal of that license be refused as a result of a pending nonfelony offense occurring prior to the time a person was committed to the custody of the Secretary of the Department of Corrections and Rehabilitation or the Division of Juvenile Facilities or as a result of a notice received by the Department of Motor Vehicles from a court, a magistrate, or a clerk of that court if the offense that gave rise to the notice occurred prior to the time that the person was committed to the

custody of the Secretary of the Department of Corrections and Rehabilitation or the Division of Juvenile Facilities.

Existing law also requires the Department of Motor Vehicles to remove from its records any notice received by it from a court, a magistrate, or a clerk of that court upon receipt of satisfactory evidence that a person was committed to the custody of the Secretary of the Department of Corrections and Rehabilitation or the Division of Juvenile Facilities after the offense that gave rise to the notice occurred.

This bill would also apply these provisions and the exemption from prosecution to a person *for any pending infraction arising out of the operation of a motor vehicle or for a violation of the Vehicle Code as a pedestrian*, upon serving 90 days or longer in a consecutive 12-month period *after the date of the violation* in a county jail or other county correctional facility, court or county rehabilitation facility, or involuntary in home detention.

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

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

1 SECTION 1. Section 41500 of the Vehicle Code is amended  
 2 to read:

3 41500. (a) A person shall not be subject to prosecution for any  
 4 nonfelony offense arising out of the operation of a motor vehicle  
 5 or a violation of this code as a pedestrian that is pending against  
 6 him or her at the time of his or her commitment to the custody of  
 7 the Secretary of the Department of Corrections and Rehabilitation  
 8 or the Division of Juvenile Facilities, ~~or upon serving 90 days or~~  
 9 ~~longer in a consecutive 12-month period in a county jail or other~~  
 10 ~~county correctional facility, court or county rehabilitation facility,~~  
 11 ~~or involuntary in home detention.~~

12 (b) *A person shall not be subject to prosecution for any*  
 13 *infraction arising out of the operation of a motor vehicle or a*  
 14 *violation of this code as a pedestrian upon serving 90 days or*  
 15 *longer in a consecutive 12-month period after the date of the*  
 16 *violation in a county jail or other county correctional facility,*  
 17 *court or county rehabilitation facility, or involuntary in home*  
 18 *detention.*

19 (b)

1 (c) Notwithstanding any other law to the contrary, a driver's  
2 license shall not be suspended or revoked or the issuance or renewal  
3 of that license be refused as a result of a pending nonfelony offense  
4 *pursuant to subdivision (a), or a pending infraction pursuant to*  
5 *subdivision (b)*, occurring prior to the time a person was committed  
6 to the custody of the Secretary of the Department of Corrections  
7 and Rehabilitation, the Division of Juvenile Facilities, or a county  
8 jail or other county correctional facility, court or county  
9 rehabilitation facility, or involuntary in home detention as a result  
10 of a notice received by the department pursuant to subdivision (a)  
11 of Section 40509 if the offense that gave rise to the notice occurred  
12 prior to the time the person was committed to the custody of the  
13 Secretary of the Department of Corrections and Rehabilitation,  
14 the Division of Juvenile Facilities, or a county jail or other county  
15 correctional facility, court or county rehabilitation facility, or  
16 involuntary in home detention.

17 ~~(e)~~

18 (d) The department shall remove from its records any notice  
19 received by it pursuant to subdivision (a) of Section 40509 upon  
20 receipt of satisfactory evidence that a person was committed to  
21 the custody of the Secretary of the Department of Corrections and  
22 Rehabilitation, the Division of Juvenile Facilities, or a county jail  
23 or other county correctional facility, court or county rehabilitation  
24 facility, or involuntary in home detention after the offense that  
25 gave rise to the notice occurred.

26 ~~(d)~~

27 (e) This section does not apply to a nonfelony offense if the  
28 department is required by this code to immediately revoke or  
29 suspend the privilege of a person to drive a motor vehicle upon  
30 receipt of a duly certified abstract of the record of a court showing  
31 that the person has been convicted of that nonfelony offense.

32 ~~(e)~~

33 (f) Subdivision (a), (b), ~~or (e)~~ (c), or (d) does not apply to an  
34 offense committed by a person while he *or she* is temporarily  
35 released from custody pursuant to law or while he *or she* is on  
36 parole.

37 ~~(f)~~

- 1 (g) Subdivision (a), ~~(b)~~, or ~~(c)~~ (c), or (d) does not apply if the
- 2 pending offense is a violation of Section 23103, 23152, or 23153.

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