

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2552**

---

---

**Introduced by Assembly Member Torres**

February 24, 2012

---

---

An act to amend Section 11160 of the Penal Code, and to amend and repeal Sections 23152 and 23153 of the Vehicle Code, relating to ~~driving under the influence vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2552, as amended, Torres. ~~Driving under the influence. Vehicles: driving under the influence: controlled substances.~~

**Existing**

(1) Existing law prohibits a person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, who has 0.08% or more, by weight, of alcohol in his or her blood, or who is addicted to the use of any drug, to drive a vehicle. Existing law also makes it unlawful to drive under the influence and cause bodily injury to another person.

This bill would make it a crime for a person who has any level of cannabinoids or synthetic cannabinoid compound, as defined, in his or her blood or urine to drive a vehicle. This bill would establish a rebuttable presumption that a person had cannabinoids or synthetic cannabinoid compound in his or her blood or urine at the time he or she drove a vehicle if the substance is present in his or her blood or urine at the time of a chemical test performed within three hours after driving. This bill would impose a state-mandated local program by expanding the definition of a crime.

~~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.~~

*This bill would revise and recast these provisions and would additionally make it a crime for a person who has any detectable amount of a specified controlled substance that has not been administered, dispensed, or prescribed by a person licensed by the state to do so, including metabolites and their derivatives, to drive a vehicle.*

*(2) Existing law requires a health practitioner employed in a health facility, clinic, physician's office, local or state public health department, or clinic or other type of facility operated by a local or state public health department who, in his or her professional capacity or within the scope of his or her employment, provides medical services for a physical condition to a patient whom he or she knows or reasonably suspects is a person suffering from any wound or other physical injury inflicted by his or her own act or inflicted by another where the injury is by means of a firearm, to make a specified written report to a law enforcement agency.*

*This bill would also require a health practitioner to make this written report to a law enforcement agency when the health practitioner knows or reasonably suspects the person is suffering from any wound or other physical injury inflicted by his or her own act or inflicted by another where the injury is the result of a vehicle accident involving the suspected use of alcohol or drugs.*

*By expanding the duties of local public officials and creating new crimes, the bill would impose a state-mandated local program.*

*(3) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

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 11160 of the Penal Code is amended to  
2 read:

3     11160. (a) ~~Any~~A health practitioner employed in a health  
4 facility, clinic, physician's office, local or state public health  
5 department, or a clinic or other type of facility operated by a local  
6 or state public health department who, in his or her professional  
7 capacity or within the scope of his or her employment, provides  
8 medical services for a physical condition to a patient whom he or  
9 she knows or reasonably suspects is a person described as follows,  
10 shall immediately make a report in accordance with subdivision

11 (b):

12     (1) Any person suffering from any wound or other physical  
13 injury inflicted by his or her own act or inflicted by another where  
14 the injury is by means of a firearm *or the result of a vehicle*  
15 *accident involving the suspected use of alcohol or drugs.*

16     (2) Any person suffering from any wound or other physical  
17 injury inflicted upon the person where the injury is the result of  
18 assaultive or abusive conduct.

19     (b) ~~Any~~A health practitioner employed in a health facility,  
20 clinic, physician's office, local or state public health department,  
21 or a clinic or other type of facility operated by a local or state  
22 public health department shall make a report regarding persons  
23 described in subdivision (a) to a local law enforcement agency as  
24 follows:

25     (1) A report by telephone shall be made immediately or as soon  
26 as practically possible.

27     (2) A written report shall be prepared on the standard form  
28 developed in compliance with paragraph (4) of this subdivision,  
29 and Section 11160.2, and adopted by the California Emergency  
30 Management Agency, or on a form developed and adopted by  
31 another state agency that otherwise fulfills the requirements of the  
32 standard form. The completed form shall be sent to a local law  
33 enforcement agency within two working days of receiving the  
34 information regarding the person.

35     (3) A local law enforcement agency shall be notified and a  
36 written report shall be prepared and sent pursuant to paragraphs  
37 (1) and (2) even if the person who suffered the wound, other injury,  
38 or assaultive or abusive conduct has expired, regardless of whether

1 or not the wound, other injury, or assaultive or abusive conduct  
2 was a factor contributing to the death, and even if the evidence of  
3 the conduct of the perpetrator of the wound, other injury, or  
4 assaultive or abusive conduct was discovered during an autopsy.

5 (4) The report shall include, but shall not be limited to, *all of*  
6 the following:

7 (A) The name of the injured person, if known.

8 (B) The injured person's whereabouts.

9 (C) The character and extent of the person's injuries.

10 (D) The identity of any person the injured person alleges  
11 inflicted the wound, other injury, or assaultive or abusive conduct  
12 upon the injured person.

13 (c) For the purposes of this section, "injury" shall not include  
14 any psychological or physical condition brought about solely  
15 through the voluntary administration of a narcotic or restricted  
16 dangerous drug.

17 (d) For the purposes of this section, "assaultive or abusive  
18 conduct" shall include any of the following offenses:

19 (1) Murder, in violation of Section 187.

20 (2) Manslaughter, in violation of Section 192 or 192.5.

21 (3) Mayhem, in violation of Section 203.

22 (4) Aggravated mayhem, in violation of Section 205.

23 (5) Torture, in violation of Section 206.

24 (6) Assault with intent to commit mayhem, rape, sodomy, or  
25 oral copulation, in violation of Section 220.

26 (7) Administering controlled substances or anesthetic to aid in  
27 commission of a felony, in violation of Section 222.

28 (8) Battery, in violation of Section 242.

29 (9) Sexual battery, in violation of Section 243.4.

30 (10) Incest, in violation of Section 285.

31 (11) Throwing any vitriol, corrosive acid, or caustic chemical  
32 with intent to injure or disfigure, in violation of Section 244.

33 (12) Assault with a stun gun or taser, in violation of Section  
34 244.5.

35 (13) Assault with a deadly weapon, firearm, assault weapon, or  
36 machinegun, or by means likely to produce great bodily injury, in  
37 violation of Section 245.

38 (14) Rape, in violation of Section 261.

39 (15) Spousal rape, in violation of Section 262.

1 (16) Procuring any female to have sex with another man, in  
2 violation of Section 266, 266a, 266b, or 266c.

3 (17) Child abuse or endangerment, in violation of Section 273a  
4 or 273d.

5 (18) Abuse of spouse or cohabitant, in violation of Section  
6 273.5.

7 (19) Sodomy, in violation of Section 286.

8 (20) Lewd and lascivious acts with a child, in violation of  
9 Section 288.

10 (21) Oral copulation, in violation of Section 288a.

11 (22) Sexual penetration, in violation of Section 289.

12 (23) Elder abuse, in violation of Section 368.

13 (24) An attempt to commit any crime specified in paragraphs  
14 (1) to (23), inclusive.

15 (e) When two or more persons who are required to report are  
16 present and jointly have knowledge of a known or suspected  
17 instance of violence that is required to be reported pursuant to this  
18 section, and when there is an agreement among these persons to  
19 report as a team, the team may select by mutual agreement a  
20 member of the team to make a report by telephone and a single  
21 written report, as required by subdivision (b). The written report  
22 shall be signed by the selected member of the reporting team. Any  
23 member who has knowledge that the member designated to report  
24 has failed to do so shall thereafter make the report.

25 (f) The reporting duties under this section are individual, except  
26 as provided in subdivision (e).

27 (g) ~~No~~A supervisor or administrator shall *not* impede or inhibit  
28 the reporting duties required under this section and ~~no~~ a person  
29 making a report pursuant to this section shall *not* be subject to any  
30 sanction for making the report. However, internal procedures to  
31 facilitate reporting and apprise supervisors and administrators of  
32 reports may be established, except that these procedures shall not  
33 be inconsistent with this article. The internal procedures shall not  
34 require any employee required to make a report under this article  
35 to disclose his or her identity to the employer.

36 (h) For the purposes of this section, it is the Legislature's intent  
37 to avoid duplication of information.

1 SECTION 1.

2 SEC. 2. Section 23152 of the Vehicle Code, as amended by  
3 Section 31 of Chapter 455 of the Statutes of 1995, is amended to  
4 read:

5 23152. (a) (1) It is unlawful for ~~any~~ a person who is under  
6 the influence of any alcoholic beverage ~~or drug, or under the~~  
7 ~~combined influence of any alcoholic beverage and drug,~~ to drive  
8 a vehicle.

9 (2) *It is unlawful for a person who is under the influence of any*  
10 *drug to drive a vehicle.*

11 (3) *It is unlawful for a person who is under the combined*  
12 *influence of any alcoholic beverage and drug to drive a vehicle.*

13 (b) It is unlawful for ~~any~~ a person who has 0.08 percent or more,  
14 by weight, of alcohol in his or her blood to drive a vehicle.

15 For

16 (1) For purposes of this article and Section 34501.16, percent,  
17 by weight, of alcohol in a person’s blood is based upon grams of  
18 alcohol per 100 milliliters of blood or grams of alcohol per 210  
19 liters of breath.

20 In

21 (2) *In any prosecution under this subdivision, it is a rebuttable*  
22 *presumption that the person had 0.08 percent or more, by weight,*  
23 *of alcohol in his or her blood at the time of driving the vehicle if*  
24 *the person had 0.08 percent or more, by weight, of alcohol in his*  
25 *or her blood at the time of the performance of a chemical test*  
26 *within three hours after the driving.*

27 (c) It is unlawful for ~~any~~ a person who is addicted to the use of  
28 any drug to drive a vehicle. This subdivision shall not apply to a  
29 person who is participating in a narcotic treatment program  
30 approved pursuant to Article 3 (commencing with Section 11875)  
31 of Chapter 1 of Part 3 of Division 10.5 of the Health and Safety  
32 Code.

33 (d) (1) It is unlawful for ~~any~~ a person who has 0.04 percent or  
34 more, by weight, of alcohol in his or her blood to drive a  
35 commercial motor vehicle, as defined in Section 15210.

36 In

37 (2) *In any prosecution under this subdivision, it is a rebuttable*  
38 *presumption that the person had 0.04 percent or more, by weight,*  
39 *of alcohol in his or her blood at the time of driving the vehicle if*  
40 *the person had 0.04 percent or more, by weight, of alcohol in his*

1 or her blood at the time of the performance of a chemical test  
2 within three hours after the driving.

3 ~~(e) This section shall become operative on January 1, 1992, and~~  
4 ~~shall remain operative until the director determines that federal~~  
5 ~~regulations adopted pursuant to the Commercial Motor Vehicle~~  
6 ~~Safety Act of 1986 (49 U.S.C. Sec. 2701 et seq.) contained in~~  
7 ~~Section 383.51 or 391.15 of Title 49 of the Code of Federal~~  
8 ~~Regulations do not require the state to prohibit operation of~~  
9 ~~commercial vehicles when the operator has a concentration of~~  
10 ~~alcohol in his or her blood of 0.04 percent by weight or more.~~

11 ~~(f) The director shall submit a notice of the determination under~~  
12 ~~subdivision (e) to the Secretary of State, and this section shall be~~  
13 ~~repealed upon the receipt of that notice by the Secretary of State.~~

14 ~~(g) It is unlawful for any person who has any level of~~  
15 ~~cannabinoids or synthetic cannabinoid compound in his or her~~  
16 ~~blood or urine to drive a vehicle. For purposes of this subdivision,~~  
17 ~~“synthetic cannabinoid compound” has the same meaning as~~  
18 ~~defined in Section 11357.5 of the Health and Safety Code. For~~  
19 ~~purposes of this subdivision, it is a rebuttable presumption that~~  
20 ~~a cannabinoid or synthetic cannabinoid compound is in a person’s~~  
21 ~~blood or urine at the time of driving the vehicle if the substance~~  
22 ~~is present at the time of the performance of a chemical test within~~  
23 ~~three hours after driving.~~

24 ~~(e) (1) It is unlawful for a person who has a detectable amount~~  
25 ~~of any controlled substance identified in Section 11550 of the~~  
26 ~~Health and Safety Code to drive a vehicle, except when the~~  
27 ~~controlled substance was administered, dispensed, or prescribed~~  
28 ~~by a person licensed by the state to administer, dispense, or~~  
29 ~~prescribe controlled substances.~~

30 ~~(2) In any prosecution under this subdivision, it is a rebuttable~~  
31 ~~presumption that the person had a detectable amount of a~~  
32 ~~controlled substance identified in Section 11550 of the Health and~~  
33 ~~Safety Code in his or her blood at the time of driving the vehicle,~~  
34 ~~if the person had a detectable amount of the controlled substance~~  
35 ~~in his or her blood at the time of the performance of a chemical~~  
36 ~~test within three hours after driving.~~

37 ~~SEC. 3. Section 23152 of the Vehicle Code, as amended by~~  
38 ~~Section 32 of Chapter 455 of the Statutes of 1995, is amended to~~  
39 ~~read:~~

1     ~~23152. (a) It is unlawful for any person who is under the~~  
2 ~~influence of any alcoholic beverage or drug, or under the combined~~  
3 ~~influence of any alcoholic beverage and drug, to drive a vehicle.~~

4     ~~(b) It is unlawful for any person who has 0.08 percent or more,~~  
5 ~~by weight, of alcohol in his or her blood to drive a vehicle.~~

6     ~~For purposes of this article and Section 34501.16, percent, by~~  
7 ~~weight, of alcohol in a person's blood is based upon grams of~~  
8 ~~alcohol per 100 milliliters of blood or grams of alcohol per 210~~  
9 ~~liters of breath.~~

10     ~~In any prosecution under this subdivision, it is a rebuttable~~  
11 ~~presumption that the person had 0.08 percent or more, by weight,~~  
12 ~~of alcohol in his or her blood at the time of driving the vehicle if~~  
13 ~~the person had 0.08 percent or more, by weight, of alcohol in his~~  
14 ~~or her blood at the time of the performance of a chemical test~~  
15 ~~within three hours after the driving.~~

16     ~~(c) It is unlawful for any person who is addicted to the use of~~  
17 ~~any drug to drive a vehicle. This subdivision shall not apply to a~~  
18 ~~person who is participating in a narcotic treatment program~~  
19 ~~approved pursuant to Article 3 (commencing with Section 11875)~~  
20 ~~of Chapter 1 of Part 3 of Division 10.5 of the Health and Safety~~  
21 ~~Code.~~

22     ~~(d) It is unlawful for any person who has any level of~~  
23 ~~cannabinoids or synthetic cannabinoid compound in his or her~~  
24 ~~blood or urine to drive a vehicle. For purposes of this subdivision,~~  
25 ~~“synthetic cannabinoid compound” has the same meaning as~~  
26 ~~defined in Section 11357.5 of the Health and Safety Code. For~~  
27 ~~purposes of this subdivision, it is a rebuttable presumption that a~~  
28 ~~cannabinoid or synthetic cannabinoid compound is in a person's~~  
29 ~~blood or urine at the time of driving the vehicle if the substance~~  
30 ~~is present at the time of the performance of a chemical test within~~  
31 ~~three hours after driving.~~

32     ~~(e) This section shall become operative only upon the receipt~~  
33 ~~by the Secretary of State of the notice specified in subdivision (f)~~  
34 ~~of Section 23152, as added by Section 25 of Chapter 1114 of the~~  
35 ~~Statutes of 1989.~~

36     ~~SEC. 3. Section 23152 of the Vehicle Code, as amended by~~  
37 ~~Section 32 of Chapter 455 of the Statutes of 1995, is repealed.~~

38     ~~23152. (a) It is unlawful for any person who is under the~~  
39 ~~influence of any alcoholic beverage or drug, or under the combined~~  
40 ~~influence of any alcoholic beverage and drug, to drive a vehicle.~~

1 ~~(b) It is unlawful for any person who has 0.08 percent or more,~~  
2 ~~by weight, of alcohol in his or her blood to drive a vehicle.~~

3 ~~For purposes of this article and Section 34501.16, percent, by~~  
4 ~~weight, of alcohol in a person's blood is based upon grams of~~  
5 ~~alcohol per 100 milliliters of blood or grams of alcohol per 210~~  
6 ~~liters of breath.~~

7 ~~In any prosecution under this subdivision, it is a rebuttable~~  
8 ~~presumption that the person had 0.08 percent or more, by weight,~~  
9 ~~of alcohol in his or her blood at the time of driving the vehicle if~~  
10 ~~the person had 0.08 percent or more, by weight, of alcohol in his~~  
11 ~~or her blood at the time of the performance of a chemical test~~  
12 ~~within three hours after the driving.~~

13 ~~(e) It is unlawful for any person who is addicted to the use of~~  
14 ~~any drug to drive a vehicle. This subdivision shall not apply to a~~  
15 ~~person who is participating in a narcotic treatment program~~  
16 ~~approved pursuant to Article 3 (commencing with Section 11875)~~  
17 ~~of Chapter 1 of Part 3 of Division 10.5 of the Health and Safety~~  
18 ~~Code.~~

19 ~~(d) This section shall become operative only upon the receipt~~  
20 ~~by the Secretary of State of the notice specified in subdivision (f)~~  
21 ~~of Section 23152, as added by Section 25 of Chapter 1114 of the~~  
22 ~~Statutes of 1989.~~

23 *SEC. 4. Section 23153 of the Vehicle Code, as amended by*  
24 *Section 18 of Chapter 974 of the Statutes of 1992, is amended to*  
25 *read:*

26 23153. (a) (1) ~~It is unlawful for any a person, while under the~~  
27 ~~influence of any alcoholic beverage or drug, or under the combined~~  
28 ~~influence of any alcoholic beverage and drug, to drive a vehicle~~  
29 ~~and concurrently do any act forbidden by law, or neglect any duty~~  
30 ~~imposed by law in driving the vehicle, which act or neglect~~  
31 ~~proximately causes bodily injury to any person other than the~~  
32 ~~driver.~~

33 *(2) It is unlawful for a person, while under the influence of any*  
34 *drug, to drive a vehicle and concurrently do any act forbidden by*  
35 *law, or neglect any duty imposed by law in driving the vehicle,*  
36 *which act or neglect proximately causes bodily injury to any person*  
37 *other than the driver.*

38 *(3) It is unlawful for a person, while under the combined*  
39 *influence of any alcoholic beverage and drug, to drive a vehicle*  
40 *and concurrently do any act forbidden by law, or neglect any duty*

1 *imposed by law in driving the vehicle, which act or neglect*  
2 *proximately causes bodily injury to any person other than the*  
3 *driver.*

4 (b) (1) It is unlawful for ~~any~~ a person, while having 0.08 percent  
5 or more, by weight, of alcohol in his or her blood to drive a vehicle  
6 and concurrently do any act forbidden by law, or neglect any duty  
7 imposed by law in driving the vehicle, which act or neglect  
8 proximately causes bodily injury to any person other than the  
9 driver.

10 ~~It~~

11 (2) *In* any prosecution under this subdivision, it is a rebuttable  
12 presumption that the person had 0.08 percent or more, by weight,  
13 of alcohol in his or her blood at the time of driving the vehicle if  
14 the person had 0.08 percent or more, by weight, of alcohol in his  
15 or her blood at the time of the performance of a chemical test  
16 within three hours after driving.

17 (c) In proving the person neglected any duty imposed by law  
18 in driving the vehicle, it is not necessary to prove that any specific  
19 section of this code was violated.

20 (d) (1) It is unlawful for ~~any~~ a person, while having 0.04 percent  
21 or more, by weight, of alcohol in his or her blood to drive a  
22 commercial motor vehicle, as defined in Section 15210, and  
23 concurrently to do any act forbidden by law or neglect any duty  
24 imposed by law in driving the vehicle, which act or neglect  
25 proximately causes bodily injury to any person other than the driver  
26 *except when the controlled substance was administered, dispensed,*  
27 *or prescribed by a person licensed by the state to administer,*  
28 *dispense, or prescribe controlled substances.*

29 ~~It~~

30 (2) *In* any prosecution under this subdivision, it is a rebuttable  
31 presumption that the person had 0.04 percent or more, by weight,  
32 of alcohol in his or her blood at the time of driving the vehicle if  
33 the person had 0.04 percent or more, by weight, of alcohol in his  
34 or her blood at the time of performance of a chemical test within  
35 three hours after driving.

36 ~~(e) This section shall become operative on January 1, 1992, and~~  
37 ~~shall remain operative until the director determines that federal~~  
38 ~~regulations adopted pursuant to the Commercial Motor Vehicle~~  
39 ~~Act of 1986 (49 U.S.C. Sec. 2701 et seq.) contained in Section~~  
40 ~~383.51 or 391.15 of Title 49 of the Code of Federal Regulations~~

1 do not require the state to prohibit operation of commercial vehicles  
2 when the operator has a concentration of alcohol in his or her blood  
3 of 0.04 percent by weight or more.

4 ~~(f) The director shall submit a notice of the determination under  
5 subdivision (e) to the Secretary of State, and this section shall be  
6 repealed upon the receipt of that notice by the Secretary of State.~~

7 *(e) (1) It is unlawful for a person who has a detectable amount  
8 of any controlled substance identified in Section 11550 of the  
9 Health and Safety Code to drive a vehicle and concurrently to do  
10 any act forbidden by law or neglect any duty imposed by law in  
11 driving the vehicle, which act or neglect proximately causes bodily  
12 injury to any person other than the driver except when the  
13 controlled substance was administered, dispensed, or prescribed  
14 by a person licensed by the state to administer, dispense, or  
15 prescribe controlled substances.*

16 *(2) In any prosecution under this subdivision, it is a rebuttable  
17 presumption that the person had a detectable amount of a  
18 controlled substance identified in Section 11550 of the Health and  
19 Safety Code in his or her blood at the time of driving the vehicle,  
20 if the person had a detectable amount of the controlled substance  
21 in his or her blood at the time of the performance of a chemical  
22 test within three hours after driving.*

23 *SEC. 5. Section 23153 of the Vehicle Code, as amended by  
24 Section 19 of Chapter 974 of the Statutes of 1992, is repealed.*

25 ~~23153. (a) It is unlawful for any person, while under the  
26 influence of any alcoholic beverage or drug, or under the combined  
27 influence of any alcoholic beverage and drug, to drive a vehicle  
28 and concurrently do any act forbidden by law or neglect any duty  
29 imposed by law in driving the vehicle, which act or neglect  
30 proximately causes bodily injury to any person other than the  
31 driver.~~

32 ~~(b) It is unlawful for any person, while having 0.08 percent or  
33 more, by weight, of alcohol in his or her blood to drive a vehicle  
34 and concurrently do any act forbidden by law or neglect any duty  
35 imposed by law in driving the vehicle, which act or neglect  
36 proximately causes bodily injury to any person other than the  
37 driver.~~

38 ~~In any prosecution under this subdivision, it is a rebuttable  
39 presumption that the person had 0.08 percent or more, by weight,  
40 of alcohol in his or her blood at the time of driving the vehicle if~~

1 the person had 0.08 percent or more, by weight, of alcohol in his  
2 or her blood at the time of the performance of a chemical test  
3 within three hours after driving.

4 (e) In proving the person neglected any duty imposed by law  
5 in driving the vehicle, it is not necessary to prove that any specific  
6 section of this code was violated.

7 (d) This section shall become operative only upon the receipt  
8 by the Secretary of State of the notice specified in subdivision (f)  
9 of Section 23153, as added by Section 30 of Chapter 1114 of the  
10 Statutes of 1989.

11 SEC. 4. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.

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

29 However, if the Commission on State Mandates determines that  
30 this act contains other costs mandated by the state, reimbursement  
31 to local agencies and school districts for those costs shall be made  
32 pursuant to Part 7 (commencing with Section 17500) of Division  
33 4 of Title 2 of the Government Code.