

ASSEMBLY BILL

No. 956

Introduced by Assembly Member Mansoor

February 22, 2013

An act to amend Section 20001 of the Vehicle Code, relating to vehicle accidents.

LEGISLATIVE COUNSEL'S DIGEST

AB 956, as introduced, Mansoor. Vehicle accidents: fleeing.

Existing law provides that a person who flees the scene of the crime after committing vehicular manslaughter with gross negligence, upon conviction for that offense, in addition and consecutive to the punishment prescribed, shall be punished by an additional term of imprisonment of 5 years in the state prison. Existing law provides that this additional term shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

This bill would apply that penalty in the case of vehicular manslaughter without gross negligence. By imposing additional burdens on local prosecuting agencies in connection with expanding the application of an existing criminal penalty, this 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 20001 of the Vehicle Code is amended
2 to read:

3 20001. (a) The driver of a vehicle involved in an accident
4 resulting in injury to a person, other than himself or herself, or in
5 the death of a person shall immediately stop the vehicle at the
6 scene of the accident and shall fulfill the requirements of Sections
7 20003 and 20004.

8 (b) (1) Except as provided in paragraph (2), a person who
9 violates subdivision (a) shall be punished by imprisonment in the
10 state prison, or in a county jail for not more than one year, or by
11 a fine of not less than one thousand dollars (\$1,000) nor more than
12 ten thousand dollars (\$10,000), or by both that imprisonment and
13 fine.

14 (2) If the accident described in subdivision (a) results in death
15 or permanent, serious injury, a person who violates subdivision
16 (a) shall be punished by imprisonment in the state prison for two,
17 three, or four years, or in a county jail for not less than 90 days
18 nor more than one year, or by a fine of not less than one thousand
19 dollars (\$1,000) nor more than ten thousand dollars (\$10,000), or
20 by both that imprisonment and fine. However, the court, in the
21 interests of justice and for reasons stated in the record, may reduce
22 or eliminate the minimum imprisonment required by this paragraph.

23 (3) In imposing the minimum fine required by this subdivision,
24 the court shall take into consideration the defendant's ability to
25 pay the fine and, in the interests of justice and for reasons stated
26 in the record, may reduce the amount of that minimum fine to less
27 than the amount otherwise required by this subdivision.

28 (c) A person who flees the scene of the crime after committing
29 a violation of Section 191.5 of, or paragraph (1) *or* (2) of
30 subdivision (c) of Section 192 of the Penal Code, upon conviction
31 of any of those sections, in addition and consecutive to the
32 punishment prescribed, shall be punished by an additional term of
33 imprisonment of five years in the state prison. This additional term
34 shall not be imposed unless the allegation is charged in the
35 accusatory pleading and admitted by the defendant or found to be
36 true by the trier of fact. The court shall not strike a finding that
37 brings a person within the provisions of this subdivision or an
38 allegation made pursuant to this subdivision.

1 (d) As used in this section, “permanent, serious injury” means
2 the loss or permanent impairment of function of a bodily member
3 or organ.

4 SEC. 2. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.

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