

ASSEMBLY BILL

No. 2500

Introduced by Assembly Member Frazier
(Principal coauthor: Senator Correa)

February 21, 2014

An act to amend Sections 23152 and 23153 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2500, as introduced, Frazier. Vehicles: driving under the influence: drugs.

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, or 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 unlawful for a person to drive a motor vehicle if his or her blood contains any detectable amount of delta-9-tetrahydrocannabinol of marijuana or any other drug classified in Schedules I, II, III, or IV of the California Uniform Controlled Substance Act. By expanding the scope of the crime of driving under the influence of a drug, 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 23152 of the Vehicle Code is amended
2 to read:

3 23152. (a) It is unlawful for a person who is under the
4 influence of any alcoholic beverage to drive a vehicle.

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

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

11 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 the driving.

17 (c) It is unlawful for a person who is addicted to the use of any
18 drug to drive a vehicle. This subdivision shall not apply to a person
19 who is participating in a narcotic treatment program approved
20 pursuant to Article 3 (commencing with Section ~~11875~~ 11876) of
21 Chapter 1 of Part 3 of Division 10.5 of the Health and Safety Code.

22 (d) It is unlawful for a person who has 0.04 percent or more, by
23 weight, of alcohol in his or her blood to drive a commercial motor
24 vehicle, as defined in Section 15210.

25 In any prosecution under this subdivision, it is a rebuttable
26 presumption that the person had 0.04 percent or more, by weight,
27 of alcohol in his or her blood at the time of driving the vehicle if
28 the person had 0.04 percent or more, by weight, of alcohol in his
29 or her blood at the time of the performance of a chemical test
30 within three hours after the driving.

31 (e) It is unlawful for a person who is under the influence of any
32 drug to drive a vehicle.

33 (f) *It is unlawful for a person to drive a vehicle if his or her*
34 *blood contains any detectable amount of*
35 *delta-9-tetrahydrocannabinol of marijuana or any other drug*

1 *classified in Schedule I, II, III, or IV under the California Uniform*
2 *Controlled Substances Act (Division 10 (commencing with Section*
3 *11000) of the Health and Safety Code).*

4 (f)

5 (g) It is unlawful for a person who is under the combined
6 influence of any alcoholic beverage and drug to drive a vehicle.

7 ~~(g) This section shall become operative on January 1, 2014.~~

8 SEC. 2. Section 23153 of the Vehicle Code is amended to read:

9 23153. (a) It is unlawful for a person, while under the influence
10 of any alcoholic beverage to drive a vehicle and concurrently do
11 any act forbidden by law, or neglect any duty imposed by law in
12 driving the vehicle, which act or neglect proximately causes bodily
13 injury to any person other than the driver.

14 (b) It is unlawful for a person, while having 0.08 percent or
15 more, by weight, of alcohol in his or her blood to drive a vehicle
16 and concurrently do any act forbidden by law, or neglect any duty
17 imposed by law in driving the vehicle, which act or neglect
18 proximately causes bodily injury to any person other than the
19 driver.

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

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

29 (d) It is unlawful for a person, while having 0.04 percent or
30 more, by weight, of alcohol in his or her blood to drive a
31 commercial motor vehicle, as defined in Section 15210, and
32 concurrently to do any act forbidden by law or neglect any duty
33 imposed by law in driving the vehicle, which act or neglect
34 proximately causes bodily injury to any person other than the
35 driver.

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

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

3 (e) It is unlawful for a person, while under the influence of any
4 drug, to drive a vehicle and concurrently do any act forbidden by
5 law, or neglect any duty imposed by law in driving the vehicle,
6 which act or neglect proximately causes bodily injury to any person
7 other than the driver.

8 (f) *It is unlawful for a person to drive a vehicle if his or her*
9 *blood contains any detectable amount of*
10 *delta-9-tetrahydrocannabinol of marijuana or any other drug*
11 *classified in Schedule I, II, III, or IV under the California Uniform*
12 *Controlled Substances Act (Division 10 (commencing with Section*
13 *11000) of the Health and Safety Code).*

14 (f)

15 (g) It is unlawful for a person, while under the combined
16 influence of any alcoholic beverage and drug, to drive a vehicle
17 and concurrently do any act forbidden by law, or neglect any duty
18 imposed by law in driving the vehicle, which act or neglect
19 proximately causes bodily injury to any person other than the
20 driver.

21 ~~(g) This section shall become operative on January 1, 2014.~~

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.