

AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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 amended, 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~~ *specified amounts of amphetamine, methamphetamine, cocaine or heroin or their metabolites, morphine, phencyclidine, or delta-9-tetrahydrocannabinol of marijuana or any other drug classified in Schedules I, II, III, or IV of the California Uniform Controlled Substance Act marijuana*. 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 11876) of Chapter
21 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.

1 ~~(f) It is unlawful for a person to drive a vehicle if his or her~~
2 ~~blood contains any detectable amount of~~
3 ~~delta-9-tetrahydrocannabinol of marijuana or any other drug~~
4 ~~classified in Schedule I, II, III, or IV under the California Uniform~~
5 ~~Controlled Substances Act (Division 10 (commencing with Section~~
6 ~~11000) of the Health and Safety Code).~~

7 *(f) It is unlawful for a person to drive a vehicle if his or her*
8 *blood contains any of the following:*

9 *(1) Amphetamine in the amount of 100 nanograms, or more,*
10 *per milliliter of whole blood.*

11 *(2) Cocaine in the amount of 50 nanograms, or more, per*
12 *milliliter of whole blood.*

13 *(3) Cocaine metabolite in the amount of 50 nanograms, or more,*
14 *per milliliter of whole blood.*

15 *(4) Delta-9-tetrahydrocannabinol of marijuana in the amount*
16 *of 2 nanograms, or more, per milliliter of whole blood.*

17 *(5) Heroin in the amount of 50 nanograms, or more, per*
18 *milliliter of whole blood.*

19 *(6) Heroin metabolite 6-monoacetylmorphine in the amount of*
20 *10 nanograms, or more, per milliliter of whole blood.*

21 *(7) Methamphetamine in the amount of 100 nanograms, or*
22 *more, per milliliter of whole blood.*

23 *(8) Morphine in the amount of 50 nanograms, or more, per*
24 *milliliter of whole blood.*

25 *(9) Phencyclidine in the amount of 10 nanograms, or more, per*
26 *milliliter of whole blood.*

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

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

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

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

1 In any prosecution under this subdivision, it is a rebuttable
 2 presumption that the person had 0.08 percent or more, by weight,
 3 of alcohol in his or her blood at the time of driving the vehicle if
 4 the person had 0.08 percent or more, by weight, of alcohol in his
 5 or her blood at the time of the performance of a chemical test
 6 within three hours after driving.

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

10 (d) It is unlawful for a person, while having 0.04 percent or
 11 more, by weight, of alcohol in his or her blood to drive a
 12 commercial motor vehicle, as defined in Section 15210, and
 13 concurrently to do any act forbidden by law or neglect any duty
 14 imposed by law in driving the vehicle, which act or neglect
 15 proximately causes bodily injury to any person other than the
 16 driver.

17 In any prosecution under this subdivision, it is a rebuttable
 18 presumption that the person had 0.04 percent or more, by weight,
 19 of alcohol in his or her blood at the time of driving the vehicle if
 20 the person had 0.04 percent or more, by weight, of alcohol in his
 21 or her blood at the time of performance of a chemical test within
 22 three hours after driving.

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

28 ~~(f) It is unlawful for a person to drive a vehicle if his or her~~
 29 ~~blood contains any detectable amount of~~
 30 ~~delta-9-tetrahydrocannabinol of marijuana or any other drug~~
 31 ~~classified in Schedule I, II, III, or IV under the California Uniform~~
 32 ~~Controlled Substances Act (Division 10 (commencing with Section~~
 33 ~~11000) of the Health and Safety Code).~~

34 *(f) It is unlawful for a person to drive a vehicle if his or her*
 35 *blood contains any of the following:*

36 *(1) Amphetamine in the amount of 100 nanograms, or more,*
 37 *per milliliter of whole blood.*

38 *(2) Cocaine in the amount of 50 nanograms, or more, per*
 39 *milliliter of whole blood.*

1 (3) Cocaine metabolite in the amount of 50 nanograms, or more,
2 per milliliter of whole blood.

3 (4) Delta-9-tetrahydrocannabinol of marijuana in the amount
4 of 2 nanograms, or more, per milliliter of whole blood.

5 (5) Heroin in the amount of 50 nanograms, or more, per
6 milliliter of whole blood.

7 (6) Heroin metabolite 6-monoacetylmorphine in the amount of
8 10 nanograms, or more, per milliliter of whole blood.

9 (7) Methamphetamine in the amount of 100 nanograms, or
10 more, per milliliter of whole blood.

11 (8) Morphine in the amount of 50 nanograms, or more, per
12 milliliter of whole blood.

13 (9) Phencyclidine in the amount of 10 nanograms, or more, per
14 milliliter of whole blood.

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