

**ASSEMBLY BILL**

**No. 2088**

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**Introduced by Assembly Member Linder  
(Coauthors: Assembly Members Gallagher, Hadley, Kim, and  
Waldron)**

February 17, 2016

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An act to add Section 13200.3 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2088, as introduced, Linder. Vehicles: hit-and-run accidents: pleas.

Existing law requires the driver of a vehicle involved in an accident involving either injury to a person other than the driver, or the death of a person, to immediately stop and fulfill specified reporting requirements. Existing law provides that failure to fulfill those requirements is a crime. Existing law requires the Department of Motor Vehicles to immediately revoke the driving privileges of a person convicted of a violation of that provision.

Existing law requires the driver of a vehicle involved in an accident involving only damage to property, or a person who parks a vehicle that becomes a runaway vehicle and damages property, to stop, as applicable, and fulfill specified reporting requirements. Existing law provides that failure to fulfill those requirements is a crime. Existing law authorizes a court to suspend the driving privileges of a person convicted of a violation of that provision for not more than 6 months.

This bill would require a prosecutor who agrees to accept a plea of guilty or nolo contendere from a defendant for a charge of a violation of the latter provision described above in satisfaction of or as a substitute

for a charge for a violation of the former provision to state on the record whether the defendant was involved in an accident in which a person was injured. If the court accepts the plea and the prosecutor's statement states that a person was injured in connection with the accident, the bill would require the court to immediately suspend the convicted person's driving privileges for a period of 6 months or order the convicted person to complete community service, as the court deems appropriate. By changing the penalty for a crime, the 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 13200.3 is added to the Vehicle Code,
- 2 to read:
- 3 13200.3. (a) If the prosecution agrees to a plea of guilty or
- 4 nolo contendere to a charge of a violation of Section 20002 in
- 5 satisfaction of, or as a substitute for, an original charge of a
- 6 violation of Section 20001, the prosecution shall state for the record
- 7 the factual basis for the satisfaction or substitution, including
- 8 whether the defendant was involved in an accident in which a
- 9 person was injured.
- 10 (b) If the court accepts the defendant's plea of guilty or nolo
- 11 contendere to a charge of a violation of Section 20002, and the
- 12 prosecutor's statement under subdivision (a) states that the driver
- 13 of the vehicle was involved in an accident in which a person was
- 14 injured, the court shall immediately suspend the convicted driver's
- 15 privilege to operate a motor vehicle for a period of six months or
- 16 require the convicted driver to complete community service as the
- 17 court deems appropriate.
- 18 SEC. 2. No reimbursement is required by this act pursuant to
- 19 Section 6 of Article XIIB of the California Constitution because
- 20 the only costs that may be incurred by a local agency or school
- 21 district will be incurred because this act creates a new crime or

1   infraction, eliminates a crime or infraction, or changes the penalty  
2   for a crime or infraction, within the meaning of Section 17556 of  
3   the Government Code, or changes the definition of a crime within  
4   the meaning of Section 6 of Article XIII B of the California  
5   Constitution.

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