

AMENDED IN SENATE JUNE 6, 2016
AMENDED IN ASSEMBLY APRIL 27, 2016
AMENDED IN ASSEMBLY APRIL 13, 2016
AMENDED IN ASSEMBLY MARCH 28, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2088

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

February 17, 2016

An act to add Section ~~13200.3~~ *13211* to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2088, as amended, 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~~ *would, commencing January 1, 2018,* 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. The bill would require the prosecutor’s statement to occur prior to the defendant’s waiver of the right to a jury trial. The bill would also require the judge to inform the defendant of the consequences described below ~~prior to~~ *before* accepting the defendant’s plea of guilty or nolo contendere under these circumstances. If the court accepts the plea and the prosecutor’s statement stipulates or does not contest the fact that the defendant was driving the vehicle that caused injury to another individual, the bill would require the court to immediately suspend the convicted person’s driving privileges for a period of 6 months, restrict the convicted person’s driving privileges to employment purposes only, as specified, for no more than 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 13211 is added to the Vehicle Code, to*
- 2 *read:*
- 3 *13211. If the prosecution agrees to a plea of guilty or nolo*
- 4 *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*
- 7 *record the factual basis for the satisfaction or substitution,*
- 8 *including whether the defendant was involved in an accident in*

1 *which a person was injured. The prosecution's statement shall*
2 *occur prior to the defendant's waiver of the right to a jury trial.*
3 *The judge shall inform the defendant of the consequences specified*
4 *in subdivisions (a), (b), and (c) before accepting the defendant's*
5 *plea of guilty or nolo contendere under these circumstances.*

6 *If the court accepts the defendant's plea of guilty or nolo*
7 *contendere to a charge of a violation of Section 20002, and the*
8 *prosecutor's statement provided pursuant to this section stipulates*
9 *or does not contest the fact that the defendant was driving the*
10 *vehicle that caused injury to another individual, the court shall*
11 *immediately issue an order to impose one of the following*
12 *consequences:*

13 *(a) Suspend the convicted driver's privilege to operate a motor*
14 *vehicle for a period of six months.*

15 *(b) Restrict the convicted driver's privilege to operate a motor*
16 *vehicle to necessary travel to and from that person's place of*
17 *employment for not more than six months. If driving a motor*
18 *vehicle is necessary to perform the duties of the person's*
19 *employment, the court may restrict the driving privilege to allow*
20 *driving in that person's scope of employment. Whenever a person's*
21 *driving privilege is restricted pursuant to this subdivision, the*
22 *person shall be required to maintain proof of financial*
23 *responsibility.*

24 *(c) Require the convicted driver to complete community service,*
25 *as the court deems appropriate.*

26 *This section shall become operative on January 1, 2018.*

27 ~~SECTION 1. Section 13200.3 is added to the Vehicle Code,~~
28 ~~to read:~~

29 ~~13200.3. (a) If the prosecution agrees to a plea of guilty or~~
30 ~~nolo contendere to a charge of a violation of Section 20002 in~~
31 ~~satisfaction of, or as a substitute for, an original charge of a~~
32 ~~violation of Section 20001, the prosecution shall state for the record~~
33 ~~the factual basis for the satisfaction or substitution, including~~
34 ~~whether the defendant was involved in an accident in which a~~
35 ~~person was injured. The prosecution's statement shall occur prior~~
36 ~~to the defendant's waiver of the right to a jury trial. The judge shall~~
37 ~~inform the defendant of the consequences specified in subdivision~~
38 ~~(b) prior to accepting the defendant's plea of guilty or nolo~~
39 ~~contendere under these circumstances.~~

1 ~~(b) If the court accepts the defendant’s plea of guilty or nolo~~
 2 ~~contendere to a charge of a violation of Section 20002, and the~~
 3 ~~prosecutor’s statement provided pursuant to subdivision (a)~~
 4 ~~stipulates or does not contest the fact that the defendant was driving~~
 5 ~~the vehicle that caused injury to another individual, the court shall~~
 6 ~~immediately impose one of the following orders:~~

7 ~~(1) Suspend the convicted driver’s privilege to operate a motor~~
 8 ~~vehicle for a period of six months.~~

9 ~~(2) Restrict the convicted driver’s privilege to operate a motor~~
 10 ~~vehicle to necessary travel to and from that person’s place of~~
 11 ~~employment for not more than six months. If driving a motor~~
 12 ~~vehicle is necessary to perform the duties of the person’s~~
 13 ~~employment, the court may restrict the driving privilege to allow~~
 14 ~~driving in that person’s scope of employment. Whenever a person’s~~
 15 ~~driving privilege is restricted pursuant to this paragraph, the person~~
 16 ~~shall be required to maintain proof of financial responsibility.~~

17 ~~(3) Require the convicted driver to complete community service,~~
 18 ~~as the court deems appropriate.~~

19 SEC. 2. No reimbursement is required by this act pursuant to
 20 Section 6 of Article XIII B of the California Constitution because
 21 the only costs that may be incurred by a local agency or school
 22 district will be incurred because this act creates a new crime or
 23 infraction, eliminates a crime or infraction, or changes the penalty
 24 for a crime or infraction, within the meaning of Section 17556 of
 25 the Government Code, or changes the definition of a crime within
 26 the meaning of Section 6 of Article XIII B of the California
 27 Constitution.