

Assembly Bill No. 129

CHAPTER 9

An act to amend Section 1463.14 of the Penal Code, relating to drunk driving assessments.

[Approved by Governor May 22, 1995. Filed with
Secretary of State May 23, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

AB 129, Rainey. Driving under the influence: assessments: Contra Costa County.

Existing law authorizes the Board of Supervisors of Contra Costa County to authorize by resolution the imposition of a \$50 assessment by the court upon each defendant convicted of a violation of specified provisions related to driving under the influence.

This bill would repeal this provision.

The people of the State of California do enact as follows:

SECTION 1. Section 1463.14 of the Penal Code is amended to read:

1463.14. (a) Notwithstanding the provisions of Section 1463, of the moneys deposited with the county treasurer pursuant to Section 1463, fifty dollars (\$50) for each conviction of a violation of Section 23103, 23104, 23152, or 23153 of the Vehicle Code shall be deposited in a special account which shall be used exclusively to pay for the cost of performing for the county, or a city or special district within the county, analysis of blood, breath or urine for alcohol content or for the presence of drugs, or for services related to that testing. The sum shall not exceed the reasonable cost of providing the services for which the sum is intended.

On November 1 of each year, the treasurer of each county shall determine those moneys in the special account which were not expended during the preceding fiscal year, and shall transfer those moneys into the general fund of the county. The county may retain an amount of that money equal to its administrative cost incurred pursuant to this section, and shall distribute the remainder pursuant to Section 1463.

(b) The board of supervisors of a county may, by resolution, authorize an additional penalty upon each defendant convicted of a violation of Section 23152 or 23153 of the Vehicle Code, of an amount equal to the cost of testing for alcohol content, less the fifty dollars (\$50) deposited as provided in subdivision (a). The additional penalty authorized by this subdivision shall be imposed only in those



instances where the defendant has the ability to pay, but in no case shall the defendant be ordered to pay a penalty in excess of fifty dollars (\$50). The penalty authorized shall be deposited directly with the county, or city or special district within the county, which performed the test, in the special account described in subdivision (a), and shall not be the basis for any additional assessment pursuant to Section 1464 or 1465, or Chapter 12 (commencing with Section 76010) of Title 8 of the Government Code.

For purposes of this subdivision, “ability to pay” means the overall capability of the defendant to pay the additional penalty authorized by this subdivision, taking into consideration all of the following:

(A) Present financial obligations, including family support obligations, and fines, penalties, and other obligations to the court.

(B) Reasonably discernible future financial position over the next 12 months.

(C) Any other factor or factors which may bear upon the defendant’s financial ability to pay the additional penalty.

(c) The Department of Justice shall promulgate rules and regulations to implement the provisions of this section.

