

**ASSEMBLY BILL**

**No. 1445**

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**Introduced by Assembly Member Baca**

February 24, 1995

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An act to amend Section 13202.6 of the Vehicle Code and to amend Section 256 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1445, as introduced, Baca. Juveniles: loitering and graffiti.

Existing law authorizes a court to suspend or delay a person's driving privilege, as specified, for each conviction for specified acts of vandalism.

This bill would similarly authorize a court to suspend or delay a person's driving privilege for every conviction for specified graffiti offenses.

Existing law provides that, subject to the orders of the juvenile court, a traffic hearing officer may hear and dispose of any case in which a minor is charged with specified misdemeanors or any infraction. These cases include a violation of any provision of an ordinance of a city, county, or local agency relating to traffic offenses, or to nontraffic offenses regarding loitering, curfew, or evasion of fares on a public transportation system, as defined.

This bill would recast this provision and would specify that a traffic hearing officer may hear and dispose of allegations of truancy and possession of marijuana.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

1 SECTION 1. Section 13202.6 of the Vehicle Code is  
2 amended to read:  
3 13202.6. (a) (1) For every conviction of a person for  
4 a violation of Section 594, 594.3, ~~594.4~~, 640.5, 640.6, or  
5 640.7 of the Penal Code, committed while the person was  
6 13 years of age or older, the court may suspend the  
7 person’s driving privilege for one year. If the person  
8 convicted does not yet have the privilege to drive, the  
9 court may order the department to delay issuing the  
10 privilege to drive for one year subsequent to the time the  
11 person becomes legally eligible to drive. However, if  
12 there is no further conviction for violating Section 594,  
13 594.3, ~~594.4~~, 640.5, 640.6, or 640.7 of the Penal Code in  
14 a 12-month period after the conviction, the court, upon  
15 petition of the person affected, may modify the order  
16 imposing the delay of the privilege. For each successive  
17 offense, the court shall suspend the person’s driving  
18 privilege for those possessing a license or delay the  
19 eligibility for those not in possession of a license at the  
20 time of their conviction for one additional year.  
21 (2) Any person whose driving privilege is suspended  
22 or delayed for an act involving vandalism in violation of  
23 Section 594, 594.3, ~~594.4~~, 640.5, 640.6, or 640.7 of the  
24 Penal Code, may elect to reduce the period of suspension  
25 or delay imposed by the court by performing community  
26 service under the supervision of the probation  
27 department. The period of suspension or delay ordered  
28 under paragraph (1) shall be reduced at the rate of one  
29 day for each hour of community service performed. For  
30 purposes of this paragraph, “community service” means  
31 cleaning up graffiti from any public property, including  
32 public transit vehicles.  
33 (3) As used in this section, the term “conviction”  
34 includes the findings in juvenile proceedings specified in  
35 Section 13105.



1 (b) (1) Whenever the court suspends driving  
2 privileges pursuant to subdivision (a), the court in which  
3 the conviction is had shall require all drivers' licenses held  
4 by the person to be surrendered to the court. The court  
5 shall, within 10 days following the conviction, transmit a  
6 certified abstract of the conviction, together with any  
7 drivers' licenses surrendered, to the department.

8 (2) Violations of restrictions imposed pursuant to this  
9 section are subject to Section 14603.

10 (c) When the court is considering suspending or  
11 delaying driving privileges pursuant to subdivision (a),  
12 the court shall consider if a personal or family hardship  
13 exists that requires the person to have a driver's license  
14 for his or her own, or a member of his or her family's,  
15 employment or medically related purposes.

16 (d) The suspension, restriction, or delay of driving  
17 privileges pursuant to this section shall be in addition to  
18 any penalty imposed upon conviction of any violation of  
19 Section 594, 594.3, ~~or~~ 594.4, 640.5, 640.6, or 640.7 of the  
20 Penal Code.

21 SEC. 2. Section 256 of the Welfare and Institutions  
22 Code is amended to read:

23 256. Subject to the orders of the juvenile court, a  
24 traffic hearing officer may hear and dispose of any case in  
25 which a minor under the age of 18 years as of the date of  
26 the alleged offense is charged with (1) any violation of the  
27 Vehicle Code not declared to be a felony, (2) a violation  
28 of subdivision (m) of Section 602 of the Penal Code, (3)  
29 a violation of the Fish and Game Code not declared to be  
30 a felony, (4) a violation of any of the equipment and  
31 registration provisions of the Harbors and Navigation  
32 Code, (5) a violation of any provision of ~~an ordinance of~~  
33 ~~a city, county, or local agency~~ *state or local law* relating  
34 to traffic offenses, ~~or to nontraffic offenses regarding~~  
35 ~~loitering; or curfew,~~ or evasion of fares on a public  
36 transportation system, as defined by Section 99211 of the  
37 Public Utilities Code, (6) a violation of Section 27176 of  
38 the Streets and Highways Code, (7) a violation of Section  
39 640 or 640a of the Penal Code, (8) a violation of the rules  
40 and regulations established pursuant to Sections 5003 and



1 5008 of the Public Resources Code, (9) a violation of  
2 Section 33211.6 of the Public Resources Code, (10) a  
3 violation of Section 25658, 25658.5, 25661, or 25662 of the  
4 Business and Professions Code, (11) a violation of  
5 subdivision (f) of Section 647 of the Penal Code, (12) a  
6 misdemeanor violation of Section 594 of the Penal Code,  
7 involving defacing property with paint or any other  
8 liquid, (13) a violation of subdivision (b), (d), or (e) of  
9 Section 594.1 of the Penal Code, ~~or~~ (14) *truancy where*  
10 *the minor is subject to arrest pursuant to Section 48264 of*  
11 *the Education Code*, (15) *a violation of subdivision (b) of*  
12 *Section 11357 of the Health and Safety Code*, or (16) any  
13 infraction.

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