

AMENDED IN SENATE AUGUST 20, 1996  
AMENDED IN SENATE AUGUST 5, 1996  
AMENDED IN SENATE JULY 2, 1996  
AMENDED IN ASSEMBLY APRIL 23, 1996  
AMENDED IN ASSEMBLY MARCH 20, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2331**

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**Introduced by Assembly Member Goldsmith  
(Coauthor: Assembly Member Alpert)**

February 15, 1996

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An act to amend Section 13202.6 of the Vehicle Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 2331, as amended, Goldsmith. Crime: graffiti.

Existing law authorizes a court to suspend for one year the driving privilege of a person convicted of violating the above graffiti provision.

This bill would instead require the court to suspend for one year the driving privilege of a person convicted of violating the above graffiti provision, except when a personal or family hardship exists.

*This bill would incorporate additional changes in Section 13202.6 of the Vehicle Code, proposed by AB 2295, to be operative only if AB 2295 and this bill are both chaptered and*

become effective on or before January 1, 1997, and this bill is chaptered last.

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, or 594.4 of the Penal Code,  
5 committed while the person was 13 years of age or older,  
6 the court shall suspend the person’s driving privilege for  
7 one year, except when the court finds that a personal or  
8 family hardship exists that requires the person to have a  
9 driver’s license for his or her own, or a member of his or  
10 her family’s, employment or medically related purposes.  
11 If the person convicted does not yet have the privilege to  
12 drive, the court shall order the department to delay  
13 issuing the privilege to drive for one year subsequent to  
14 the time the person becomes legally eligible to drive.  
15 However, if there is no further conviction for violating  
16 Section 594, 594.3, or 594.4 of the Penal Code in a  
17 12-month period after the conviction, the court, upon  
18 petition of the person affected, may modify the order  
19 imposing the delay of the privilege. For each successive  
20 offense, the court shall suspend the person’s driving  
21 privilege for those possessing a license or delay the  
22 eligibility for those not in possession of a license at the  
23 time of their conviction for one additional year.

24 (2) Any person whose driving privilege is suspended  
25 or delayed for an act involving vandalism in violation of  
26 Section 594, 594.3, or 594.4 of the Penal Code, may elect  
27 to reduce the period of suspension or delay imposed by  
28 the court by performing community service under the  
29 supervision of the probation department. The period of  
30 suspension or delay ordered under paragraph (1) shall be  
31 reduced at the rate of one day for each hour of  
32 community service performed. For purposes of this  
33 paragraph, “community service” means cleaning up



1 graffiti from any public property, including public transit  
2 vehicles.

3 (3) As used in this section, the term “conviction”  
4 includes the findings in juvenile proceedings specified in  
5 Section 13105.

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

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

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

19 *SEC. 2. Section 13202.6 of the Vehicle Code is*  
20 *amended to read:*

21 13202.6. (a) (1) For every conviction of a person for  
22 a violation of Section 594, 594.3, or 594.4 of the Penal Code,  
23 committed while the person was 13 years of age or older,  
24 the court ~~may~~*shall* suspend the person’s driving privilege  
25 for one year, *except when the court finds that a personal*  
26 *or family hardship exists that requires the person to have*  
27 *a driver’s license for his or her own, or a member of his*  
28 *or her family’s, employment or medically related*  
29 *purposes.* If the person convicted does not yet have the  
30 privilege to drive, the court ~~may~~ *shall* order the  
31 department to delay issuing the privilege to drive for one  
32 year subsequent to the time the person becomes legally  
33 eligible to drive. However, if there is no further  
34 conviction for violating Section 594, 594.3, or 594.4 of the  
35 Penal Code in a 12-month period after the conviction, the  
36 court, upon petition of the person affected, may modify  
37 the order imposing the delay of the privilege. For each  
38 successive offense, the court shall suspend the person’s  
39 driving privilege for those possessing a license or delay



1 the eligibility for those not in possession of a license at the  
 2 time of their conviction for one additional year.

3 (2) Any person whose driving privilege is suspended  
 4 or delayed for an act involving vandalism in violation of  
 5 Section 594, 594.3, or 594.4 of the Penal Code, may elect  
 6 to reduce the period of suspension or delay imposed by  
 7 the court by performing community service under the  
 8 supervision of the probation department. The period of  
 9 suspension or delay ordered under paragraph (1) shall be  
 10 reduced at the rate of one day for each hour of  
 11 community service performed. *If the jurisdiction has*  
 12 *adopted a graffiti abatement program as defined in*  
 13 *subdivision (f) of Section 594 of the Penal Code, the*  
 14 *period of suspension or delay ordered under paragraph*  
 15 *(1) shall be reduced at the rate of one day for each day*  
 16 *of community service performed in the graffiti*  
 17 *abatement program when the defendant and his or her*  
 18 *parents or guardians are responsible for keeping a*  
 19 *specified property in the community free of graffiti for a*  
 20 *specified period of time. The suspension shall be reduced*  
 21 *only when the specified period of participation has been*  
 22 *completed. Participation of a parent or guardian is not*  
 23 *required under this paragraph if the court deems this*  
 24 *participation to be detrimental to the defendant, or if the*  
 25 *parent or guardian is a single parent who must care for*  
 26 *young children.* For purposes of this paragraph,  
 27 “community service” means cleaning up graffiti from any  
 28 public property, including public transit vehicles.

29 (3) As used in this section, the term “conviction”  
 30 includes the findings in juvenile proceedings specified in  
 31 Section 13105.

32 (b) (1) Whenever the court suspends driving  
 33 privileges pursuant to subdivision (a), the court in which  
 34 the conviction is had shall require all drivers’ licenses held  
 35 by the person to be surrendered to the court. The court  
 36 shall, within 10 days following the conviction, transmit a  
 37 certified abstract of the conviction, together with any  
 38 drivers’ licenses surrendered, to the department.

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



1 ~~(c) When the court is considering suspending or~~  
2 ~~delaying driving privileges pursuant to subdivision (a),~~  
3 ~~the court shall consider if a personal or family hardship~~  
4 ~~exists that requires the person to have a driver's license~~  
5 ~~for his or her own, or a member of his or her family's,~~  
6 ~~employment or medically related purposes.~~

7 ~~(d)~~ The suspension, restriction, or delay of driving  
8 privileges pursuant to this section shall be in addition to  
9 any penalty imposed upon conviction of any violation of  
10 Section 594, 594.3, or 594.4 of the Penal Code.

11 *SEC. 3. Section 2 of this bill incorporates amendments*  
12 *to Section 13202.6 of the Vehicle Code proposed by both*  
13 *this bill and AB 2295. It shall only become operative if (1)*  
14 *both bills are enacted and become effective on or before*  
15 *January 1, 1997, (2) each bill amends Section 13202.6 of*  
16 *the Vehicle Code, and (3) this bill is enacted after AB*  
17 *2295, in which case Section 1 of this bill shall not become*  
18 *operative.*

