

AMENDED IN ASSEMBLY APRIL 28, 1998
AMENDED IN ASSEMBLY APRIL 13, 1998
AMENDED IN ASSEMBLY MARCH 23, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2066

Introduced by Assembly Member Sweeney

February 18, 1998

An act to amend Sections 1656.3 and 2800.2 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2066, as amended, Sweeney. Vehicles: peace officers: fleeing; driver's handbook.

(1) Existing law requires the Department of Motor Vehicles to provide drivers with certain information, including requiring certain information to be included in the California Driver's Handbook.

This bill would require the handbook to include a printed summary describing the penalties for a violation of the provisions regarding the unlawful fleeing or evading of a peace officer as described in (2). The bill would also require the Department of the California Highway Patrol to undertake a statewide publicity campaign to convey to the citizens of this state this information and the penalties associated with a violation.

(2) Existing law makes it a misdemeanor, punishable by imprisonment in county jail for not more than 1 year, or a

felony punishable by imprisonment in the state prison, or a fine of not less than \$1,000 nor more than \$10,000, or by both the fine and imprisonment, for any person, while operating a motor vehicle and with the intent to evade, to willfully flee, or to otherwise attempt to evade a pursuing peace officer's motor vehicle or bicycle if certain conditions exist and the pursued vehicle is driven in a willful or wanton disregard for the safety of persons or property.

This bill would specify that ~~the~~ *a sentence of* imprisonment in county jail shall not be less than 6 months and would ~~require the imposition of~~ *provide for* both ~~the~~ *a* fine and the imprisonment in connection with either a felony or misdemeanor conviction. ~~The bill would revise the fine requirements by removing the \$1,000 minimum fine. Because To the extent that the bill would impose a minimum term of imprisonment~~ *increase the jail time for persons imprisoned in* a county jail, the bill would impose a state-mandated local program.

(3) 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 1656.3 of the Vehicle Code is
- 2 amended to read:
- 3 1656.3. The department shall include within the
- 4 California Driver's Handbook, as specified in subdivision
- 5 (b) of Section 1656, the following:
- 6 (a) Language regarding rail transit safety.
- 7 (b) A printed summary describing the penalties set
- 8 forth in Sections 2800.2 and 2800.3.
- 9 SEC. 2. Section 2800.2 of the Vehicle Code is amended
- 10 to read:



1 2800.2. (a) If a person flees or attempts to elude a
2 pursuing peace officer in violation of Section 2800.1 and
3 the pursued vehicle is driven in a willful or wanton
4 disregard for the safety of persons or property, the person
5 driving the vehicle, upon conviction, shall be punished by
6 imprisonment in the state prison, or by imprisonment in
7 the county jail for not less than six months or more than
8 one year, and by a fine of not *less than one thousand*
9 *dollars (\$1,000) nor* more than ten thousand dollars
10 (\$10,000).

11 (b) For purposes of this section, a willful or wanton
12 disregard for the safety of persons or property includes,
13 but is not limited to, driving while fleeing or attempting
14 to elude a pursuing peace officer during which time
15 either three or more violations that are assigned a traffic
16 violation point count under Section 12810 occur, or
17 damage to property occurs.

18 SEC. 3. The Department of the California Highway
19 Patrol may undertake a statewide publicity campaign to
20 convey to the citizens of this state the seriousness of the
21 offense of fleeing peace officers in violation of Section
22 2800.1 of the Vehicle Code and the penalties for violating
23 that section as set forth in Sections 2800.2 and 2800.3 of the
24 Vehicle Code.

25 SEC. 4. No reimbursement is required by this act
26 pursuant to Section 6 of Article XIII B of the California
27 Constitution because the only costs that may be incurred
28 by a local agency or school district will be incurred
29 because this act creates a new crime or infraction,
30 eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section
32 17556 of the Government Code, or changes the definition
33 of a crime within the meaning of Section 6 of Article
34 XIII B of the California Constitution.

35 Notwithstanding Section 17580 of the Government
36 Code, unless otherwise specified, the provisions of this act
37 shall become operative on the same date that the act
38 takes effect pursuant to the California Constitution.

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