

Introduced by Senator Johnson

February 28, 1997

An act to amend Section 23103.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1176, as introduced, Johnson. Vehicles: driving under the influence: reckless driving: alcohol and drug education programs.

(1) Existing law requires that, when the prosecution agrees to a plea of guilty or nolo contendere to a charge of a violation of a specified provision prohibiting reckless driving, and the plea is in satisfaction of, or as a substitute for, an original charge of a violation of a specified provision prohibiting driving under the influence of alcohol, drugs, or both alcohol and drugs, the prosecution state for the record a factual basis for the satisfaction or substitution, including whether or not there had been consumption of any alcoholic beverage or ingestion or administration of any drug, or both, by the defendant in connection with the offense. If the court accepts the defendant's plea of guilty or nolo contendere, as specified, the resulting conviction is required to be treated as a prior offense for the purposes of specified provisions relating to punishment for violating the driving-under-the-influence provision.

This bill would require the court, for each of the convictions specified above, to order the defendant to enroll in an alcohol and drug education program licensed under specified provisions of existing law and complete, at a minimum, the

educational component of that program. The bill would thereby impose a state-mandated local program by creating new duties for the courts.

(2) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 23103.5 of the Vehicle Code is
2 amended to read:

3 23103.5. (a) When the prosecution agrees to a plea of
4 guilty or nolo contendere to a charge of a violation of
5 Section 23103 in satisfaction of, or as a substitute for, an
6 original charge of a violation of Section 23152, the
7 prosecution shall state for the record a factual basis for the
8 satisfaction or substitution, including whether or not
9 there had been consumption of any alcoholic beverage or
10 ingestion or administration of any drug, or both, by the
11 defendant in connection with the offense. The statement
12 shall set forth the facts ~~which~~ *that* show whether or not
13 there was a consumption of any alcoholic beverage or the
14 ingestion or administration of any drug by the defendant
15 in connection with the offense.

16 (b) The court shall advise the defendant, prior to the
17 acceptance of the plea offered pursuant to a factual
18 statement pursuant to subdivision (a), of the
19 consequences of a conviction of a violation of Section
20 23103 as set forth in subdivision (c).



1 (c) If the court accepts the defendant's plea of guilty
2 or nolo contendere to a charge of a violation of Section
3 23103 and the prosecutor's statement under subdivision
4 (a) states that there was consumption of any alcoholic
5 beverage or the ingestion or administration of any drugs
6 by the defendant in connection with the offense, the
7 resulting conviction shall be a prior offense for the
8 purposes of Section 23165, 23170, 23175, 23185, 23190, or
9 23200, as specified in those sections.

10 ~~The court shall notify the Department of Motor~~
11 ~~Vehicles of each conviction of Section 23103 which shall~~
12 ~~be a prior offense for purposes of Section 23165, 23170,~~
13 ~~23175, 23185, 23190, or 23200, as provided in this section.~~
14 *For each conviction of Section 23103 that is required*
15 *under this section to be a prior offense for purposes of*
16 *Section 23165, 23170, 23175, 23185, 23190, or 23200, the*
17 *court shall do both of the following:*

18 (1) *Notify the Department of Motor Vehicles of the*
19 *conviction.*

20 (2) *Order the defendant to enroll in an alcohol and*
21 *drug education program licensed under Chapter 9*
22 *(commencing with Section 11836) of Part 2 of Division*
23 *10.5 of the Health and Safety Code and complete, at a*
24 *minimum, the educational component of that program.*

25 SEC. 2. Notwithstanding Section 17610 of the
26 Government Code, if the Commission on State Mandates
27 determines that this act contains costs mandated by the
28 state, reimbursement to local agencies and school
29 districts for those costs shall be made pursuant to Part 7
30 (commencing with Section 17500) of Division 4 of Title
31 2 of the Government Code. If the statewide cost of the
32 claim for reimbursement does not exceed one million
33 dollars (\$1,000,000), reimbursement shall be made from
34 the State Mandates Claims Fund.

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.

O

