

AMENDED IN ASSEMBLY JUNE 2, 1999

AMENDED IN ASSEMBLY MAY 12, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 722

Introduced by Assembly Member Reyes

February 24, 1999

An act to amend Section 23558 of the Vehicle Code, relating to vehicular manslaughter.

LEGISLATIVE COUNSEL'S DIGEST

AB 722, as amended, Reyes. Enhanced sentences: driving under the influence.

~~(1) Existing~~

Existing law makes it a crime to drive a vehicle while under the influence of any alcoholic beverage or drug, or both, or with an excessive blood-alcohol concentration and to do any act that proximately causes bodily injury to any person.

~~(2) Existing~~

Existing law defines gross vehicular manslaughter while intoxicated as the unlawful killing of a human being without malice, while driving a vehicle, if the person is in violation of specified provisions making it unlawful to drive under the influence of an alcoholic beverage or drug, or both, and the death results from gross negligence.

~~(3) Existing~~

Existing law also defines vehicular manslaughter as the unlawful killing of a human being without malice while



driving a vehicle, if the person is in violation of specified provisions making it unlawful to drive under the influence of an alcoholic beverage or drug, but the death does not result from gross negligence.

Existing law requires the enhancement of the sentence of any person who is convicted of a felony of any of the foregoing offenses if death or bodily injury to more than one victim in any one instance of driving in violation of the above occurs. The enhancement is required to be one year of imprisonment in the state prison for each additional victim, not to exceed a total ~~enhancement~~ of 3 years *enhancements*.

The

This bill would ~~clarify that~~ increase the enhanced sentence provided for in this provision ~~depends on the number of~~ to 2 years for each additional injured ~~or~~ victim and 4 years for each additional deceased, ~~or both, victims of the described offenses~~ victim.

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The bill would increase the maximum number of enhancements that may be imposed from 3 to 6.

The bill would specify that this provision, as proposed to be amended, shall be known and may be cited as the Martin and Monis Victims of Driving-Under-the-Influence Act of 1999.

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 23558 of the Vehicle Code is~~
2 *SECTION 1. Section 23558 of the Vehicle Code is*
3 *amended to read:*
4 23558. ~~Any~~—(a) *Notwithstanding Section 1170.1 of*
5 *the Penal Code, any person who proximately causes*
6 *bodily injury or death to more than one victim in any one*
7 *instance of driving in violation of Section 23153 of this*
8 *code or in violation of Section 191.5 of, or paragraph (3)*
9 *of subdivision (c) of Section 192 of, the Penal Code, ~~shall,~~*
10 *upon a felony conviction, shall receive an enhancement*
11 *of ~~one year~~ two years in the state prison for each*
12 *additional injured victim and an enhancement of four*



1 *years in the state prison for each additional death.* The
 2 enhanced sentence provided for in this section ~~shall~~ *may*
 3 not be imposed unless the fact of the bodily injury *or*
 4 *death* to each additional victim is charged in the
 5 accusatory pleading and admitted or found to be true by
 6 the trier of fact. The maximum number of ~~one-year~~
 7 ~~enhancements~~ *which that* may be imposed ~~pursuant to~~
 8 *under* this section is ~~three~~ *six*.

9 **Notwithstanding**

10 (b) *Notwithstanding* any other provision of law, the
 11 court may strike the enhancements provided in this
 12 section if it determines that there are circumstances in
 13 mitigation of the additional punishment and states on the
 14 record its reasons for striking the additional punishment.

15 (c) *This section shall be known and may be cited as the*
 16 *Martin and Monis Victims of*
 17 *Driving-Under-the-Influence Act of 1999.*

18 ~~amended to read:~~

19 ~~23558. (a) Any person who proximately causes bodily~~
 20 ~~injury or death to more than one victim in any one~~
 21 ~~instance of driving in violation of Section 23153 of this~~
 22 ~~code or in violation of Section 191.5 of, or paragraph (3)~~
 23 ~~of subdivision (e) of Section 192 of, the Penal Code, upon~~
 24 ~~a felony conviction, shall receive an enhancement of one~~
 25 ~~year in the state prison for each additional injured or~~
 26 ~~deceased, or both, victim. The enhanced sentence~~
 27 ~~provided for in this section shall not be imposed unless the~~
 28 ~~fact of the death or bodily injury, or both to each~~
 29 ~~additional victim is charged in the accusatory pleading~~
 30 ~~and admitted or found to be true by the trier of fact. The~~
 31 ~~maximum number of one-year enhancements that may~~
 32 ~~be imposed pursuant to this section is three.~~

33 (b) ~~Notwithstanding~~ any other provision of law, the
 34 court may strike the enhancements provided in this
 35 section if it determines that there are circumstances in
 36 mitigation of the additional punishment and states on the
 37 record its reasons for striking the additional punishment.



1 ~~(c) This section shall be known and may be cited as the~~
2 ~~Martin and Monis Victims of~~
3 ~~Driving Under the Influence Act of 1999.~~

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