

AMENDED IN ASSEMBLY JUNE 20, 2000

AMENDED IN SENATE APRIL 11, 2000

**SENATE BILL**

**No. 1386**

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**Introduced by Senator Alpert**

*(Coauthors: Assembly Members Dickerson and  
Washington)*

January 24, 2000

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An act to add Section ~~1463.12~~ 1463.13 to the Penal Code, relating to alcohol and drug assessment programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 1386, as amended, Alpert. Alcohol and drug assessment programs.

Existing law requires a county to establish an alcohol and drug problem assessment program for persons convicted of driving under the influence (DUI) and requires courts to levy an assessment of not more than \$100 upon every fine, forfeiture, or penalty imposed and collected for a DUI violation in which a judicial district participates in a county alcohol and drug assessment program.

This bill would authorize counties to develop, implement, operate, and administer an alcohol and drug problem assessment program for persons convicted of a crime in which the court finds that alcohol or substance abuse was substantially involved in the commission of the crime, unless the person was convicted of driving under the influence or a related offense. The bill would authorize courts to apply the above provisions to this program with a maximum assessment

of \$150 upon every fine, penalty, or forfeiture imposed and collected by the courts for persons convicted as described in these provisions, *to be levied in a county upon the adoption of a resolution by the board of supervisors of the county making that county subject to these provisions.*

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 ~~1463.12~~ 1463.13 is added to the  
2 Penal Code, to read:

3 ~~1463.12.~~

4 1463.13. (a) Each county may develop, implement,  
5 operate, and administer an alcohol and drug problem  
6 assessment program for persons convicted of a crime in  
7 which the court finds that alcohol or substance abuse was  
8 substantially involved in the commission of the crime.  
9 This program may be operated in coordination with the  
10 program developed under Article 6 (commencing with  
11 Section 23645) of Chapter 4 of Division 11.5 of the Vehicle  
12 Code.

13 (1) A portion of any program established pursuant to  
14 this section shall include a face-to-face interview with  
15 each program participant.

16 (2) No person convicted of driving under the  
17 influence of alcohol or a controlled substance or a related  
18 offense shall participate in any program established  
19 pursuant to this section.

20 (b) An alcohol and drug problem assessment report  
21 shall be made on each person who participates in the  
22 program. The report may be used to determine the  
23 appropriate sentence for the person. The report shall be  
24 submitted to the court within 14 days of the completion  
25 of the assessment.

26 (c) In any county in which the county operates an  
27 alcohol and drug problem assessment program under this  
28 section, a court may order any person convicted of a  
29 crime that involved the use of drugs or alcohol, including  
30 any person who is found to have been under the influence



1 of drugs or alcohol during the commission of the crime,  
2 to participate in the assessment program.

3 (d) Notwithstanding any other provision of law, in  
4 addition to any other fine or penalty assessment, there  
5 shall be levied an assessment of not more than one  
6 hundred fifty dollars (\$150) upon every fine, penalty, or  
7 forfeiture imposed and collected by the courts for a public  
8 offense wherein the court orders the offender to  
9 participate in a county alcohol and drug problem  
10 assessment program. *The assessment shall only be levied*  
11 *in a county upon the adoption of a resolution by the board*  
12 *of supervisors of the county making that county subject*  
13 *to this section.*

14 (e) The court shall determine if the defendant has the  
15 ability to pay the assessment. If the court determines that  
16 the defendant has the ability to pay the assessment then  
17 the court may set the amount to be reimbursed and order  
18 the defendant to pay that sum to the county in the  
19 manner which the court determines is reasonable and  
20 compatible with the defendant's financial ability. In  
21 making a determination of whether a defendant has the  
22 ability to pay, the court shall take into account the amount  
23 of any fine imposed upon the defendant and any amount  
24 the defendant has been ordered to pay in victim  
25 restitution.

26 (f) Notwithstanding Section 1463 or 1464 of the Penal  
27 Code or any other provision of law, all moneys collected  
28 pursuant to this section shall be deposited in a special  
29 account in the county treasury and shall be used  
30 exclusively to pay for the costs of developing,  
31 implementing, operating, maintaining, and evaluating  
32 alcohol and drug problem assessment and monitoring  
33 programs.

34 (g) On January 15 of each year, the treasurer of each  
35 county that administers an alcohol and drug problem  
36 assessment and monitoring program shall determine  
37 those moneys in the special account which were not



1 expended during the preceding fiscal year, and shall  
2 transfer those moneys to the general fund of the county.

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