

Introduced by Senator Runner

February 18, 2011

An act to add Section 667.87 to the Penal Code, relating to penalty enhancements.

LEGISLATIVE COUNSEL'S DIGEST

SB 853, as introduced, Runner. Penalty enhancements: alcohol and drugs.

Existing law provides sentence enhancements for specified conduct, including sex offenses involving minors, crimes against the blind, and impersonating an officer. Existing law specifies certain crimes as serious crimes, including, among others, murder, mayhem, and lewd and lascivious acts on a child under 14 years of age.

This bill would require that any person convicted of any serious felony, as specified, receive a one-year sentence enhancement if at the time of the offense that person was under the influence of alcohol or a controlled substance, as specified. The bill would require that the enhancement imposed be served consecutive to the punishment imposed for the underlying felony. By changing the punishment for certain crimes, this bill would impose a state-mandated local program.

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 667.87 is added to the Penal Code, to
2 read:

3 667.87. (a) Any person convicted of any serious felony
4 specified in Section 1192.7 or 1192.8 shall, in addition to any other
5 punishment imposed, receive a one-year sentence enhancement if
6 at the time of the offense that person had a blood alcohol level of
7 .08 or greater or was unlawfully under the influence of a controlled
8 substance as defined in subdivision (b). The enhancement imposed
9 by this subdivision shall be served consecutive to the punishment
10 imposed for the underlying felony.

11 (b) For purposes of this section, “controlled substance” means
12 any substance that would expose a possessor of any quantity of
13 that substance to felony prosecution.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.