

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 05/02/2012  
POSITION: Oppose unless amended

BILL NUMBER: AB 2552  
AUTHOR: Torres, Norma

**BILL SUMMARY: Vehicles: driving under the influence: controlled substances.**

This bill would identify separate violations for driving under the influence of alcohol, drugs, or the combination of both.

**FISCAL SUMMARY**

The Department of Motor Vehicles (DMV) estimates costs of \$1.2 million for the programming necessary to implement the changes and \$700,000 to manually process DUI convictions until the implementation of the computer system changes. Although the Judicial Council staff did not identify costs, it is expected they would incur costs to transmit paper conviction documents to DMV until DMV's computer system is updated. This manual process would result in increased costs and/or delays in providing the information to DMV. Based on DMV's estimate for manual processing, the courts may incur up to \$700,000 in increased costs in budget year, which likely would have to be redirected from other activities. The California Highway Patrol (CHP) staff indicated costs would be minor and absorbably to revise documents and departmental policies.

Under Section 6(b) of Article XIII B of the California Constitution, any costs to a unit of local government which result from legislation defining a new crime or changing an existing definition of a crime are not reimbursable by the state. In addition, Section 17556(g) of the Government Code provides that the Commission on State Mandates shall not find a reimbursable mandate in such legislation which eliminated a crime or changed the penalty for a crime. Therefore, any local government costs resulting from the mandate in this measure would not be state-reimbursable, because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

**COMMENTS**

Finance is opposed to this bill unless amended to delay implementation to January 1, 2014 to provide DMV with sufficient time to modify its computer system in order to continue processing conviction information from the courts electronically. The proposed January 1, 2013, implementation date would result in the courts having to transmit hard copies of convictions rather than transmitting the information to DMV electronically, which is the current practice. This will increase costs to both DMV and the courts, as well as lead to delays in license suspensions that result from convictions. Recasting driving under the influence laws to differentiate between driving under the influence (DUI) of alcohol versus drugs is a positive step toward better targeting treatment programs that may be a condition of conviction, as well as prevention and public awareness campaigns. Currently statewide reports cannot capture this level of detail because all DUI arrests and convictions are made pursuant to a single vehicle code section. By having separate laws for each type of violation, the statewide reports will provide more useful data.

Analyst/Principal P. Abahazi	Date	Program Budget Manager Kristin Shelton	Date
Department Deputy Director		Date	
Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
BILL ANALYSIS			Form DF-43 (Rev 03/95 Buff)

Torres, Norma

05/02/2012

AB 2552

**ANALYSIS**

## 1. Programmatic Analysis

**Existing law:**

- Defines driving under the influence of alcohol, or drugs, or under the combined influence of both, an offense of the law.
- Prohibits a person from driving a vehicle with 0.08 percent or more alcohol in his or her blood.
- Prohibits a person from driving a vehicle if he or she is addicted to the use of any drug.

**This bill would:**

- Make three distinctive offenses of driving under the influence of alcohol, drugs, or the combination of the two.

**Discussion:** Current law does not differentiate between drug or alcohol related DUI violations.

According to CHP, the implementation of the bill would allow law enforcement and other agencies to easily collect statistical data that would help to identify trends in DUI arrests. The author's office states that collecting the actual number of alcohol and drug arrests will help health and safety agencies to make better informed decisions about funding alcohol and drug programs.

Code/Department Agency or Revenue Type	(Fiscal Impact by Fiscal Year)							Fund Code
	SO	LA	CO	PROP	FC	2012-2013 FC	2013-2014 FC	
	RV		98					
0270/Jud Council	SO	No				----- See Fiscal Summary -----		0001
2720/CHP	SO	No				----- No/Minor Fiscal Impact -----		0044
2740/DMV	SO	No	A		950 A	950 A		-- 0044
<u>Fund Code</u>	<u>Title</u>							
0001	General Fund							
0044	Motor Vehicle Account, STF							

SUGGESTED AMENDMENTS

AB 2552 (as amended May 2, 2012)

On page 7, after line 29, add:

SEC. 5. The provisions of this bill shall become operative on January 1, 2014.