



CITY OF SACRAMENTO



DEPARTMENT OF POLICE
HALL OF JUSTICE
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JOHN P. KEARNS
CHIEF OF POLICE

July 16, 1986

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: REQUEST FOR OPPOSITION TO AB 3578 and SB 2467.

SUMMARY:

SB 2467 and AB 3578. These bills would mandate first offense traffic violators attend a licensed traffic violation school.

BACKGROUND:

Under existing law, a court is authorized to order a person convicted of a traffic violation to attend a licensed traffic violator school. The court is also authorized, in lieu of adjudicating a traffic violation, to order a person to attend a licensed traffic violator school, with the consent of that person.

These bills would require the court, upon the request of any person charged with a 1st offense for a traffic violation punishable as a 1st offense infraction, to order that person to attend a licensed traffic violator school or driver improvement school, as the case may be, in lieu of adjudicating the traffic violation. The court would be required to specify that fact on the person's record.

The bill would impose a state-mandated local program by requiring the courts to keep records of persons so ordered to attend a licensed traffic violator school.

RECOMMENDATION:

AB 3578 and SB 2467 will effectively take our local judges' discretion away from our courts on first offenses. The offending drivers will in effect get a first moving citation without penalty. The City will lose revenue as a result of fewer traffic fines, and the main beneficiary in both pieces of legislation is not the general public, but the private traffic school administration.

July 16, 1986

I am thus requesting the Law and Legislation Committee oppose these pieces of self-serving legislation by corresponding with our elected representatives and request they vote against AB 3578 and SB 2467.

Sincerely,



JOHN P. KEARNS
CHIEF OF POLICE

JPK:ema

Ref: 7-55

CC: Michael Ullman, Presiding Judge
Department P

A S S E M B L Y B I L L 3 5 7 8

AMENDED IN SENATE JULY 3, 1986
AMENDED IN SENATE JUNE 9, 1986
AMENDED IN ASSEMBLY APRIL 21, 1986

Introduced by Assembly Member Duffy

February 20, 1986

An act to <amend Sections 23815, 23816, and 23817 of>
<t?B'?siness and Professions Code, and to> add Section
1214.2 to the Penal Code, <relating to government>
regulation> [AND TO ADD SECTION 42005.1 TO THE VEHICLE]
[CODE, RELATING TO VIOLATIONS].

LEGISLATIVE COUNSEL'S DIGEST

AB 3578, as amended, Duffy. <Government regulation>
[PROBATION: FINE AND COLLECTION: INFRACTIONS: TRAFFIC]
[VIOLATOR SCHOOLS].

(1) <Existing law limits the number of premises licensed for>
<the sale of distilled spirits based on the number of>
<inhabitants in a county.>

<This bill would place the same limitations on the number of>
<premises licensed for the sale of beer and wine. The bill>
<would specify that no additional beer and wine license, in>
<excess of the limitations, other than a renewal and transfer of>
<a valid license which is effective on the effective date of>
<this bill, shall be issued after the effective date of this>
<bill.>

<(2)> Under existing law, if a criminal judgment is for a
fine, the judgment may be enforced in the manner provided for the
enforcement of money judgments. Existing law authorizes a judge
in granting probation to impose a fine on the defendant.

This bill would provide that [,] if a defendant is ordered to
pay a fine as a condition of probation, the order to pay a fine
may be enforced during the term of probation in the same manner
as is provided for the enforcement of money judgments.

The bill would also provide that an order to pay a fine as a
condition of probation may be enforced as follows <(1)> [(A)]
with respect to a willful failure to pay during the term of
probation, in the same manner as a violation of the terms and
conditions of probation, and <(2)> [(B)] if any balance remains
unpaid at the end of the term of probation, in the same manner as
a judgment in a civil action.

[(2) UNDER EXISTING LAW, THE DEPARTMENT OF MOTOR VEHICLES IS]
[REQUIRED TO LICENSE TRAFFIC VIOLATOR SCHOOLS THAT MEET]

[SPECIFIED CRITERIA. A COURT MAY ORDER A PERSON TO ATTEND A] [TRAFFIC VIOLATOR SCHOOL FOR INSTRUCTION IN LIEU OF ADJUDICATING] [A TRAFFIC OFFENSE WITH THE CONSENT OF THAT PERSON. A COURT MAY] [ALSO ORDER A PERSON CONVICTED OF A TRAFFIC VIOLATION TO ATTEND] [A TRAFFIC VIOLATOR SCHOOL.]

[THE BILL WOULD REQUIRE THE COURT, UPON THE REQUEST OF ANY] [PERSON CHARGED WITH A 1ST OFFENSE FOR A TRAFFIC VIOLATION] [PUNISHABLE AS A 1ST OFFENSE INFRACTION, AS SPECIFIED, TO ORDER] [THAT PERSON TO ATTEND A LICENSED TRAFFIC VIOLATOR SCHOOL, IN] [LIEU OF ADJUDICATING THE TRAFFIC VIOLATION. THE BILL WOULD] [IMPOSE A STATE-MANDATED LOCAL PROGRAM BY REQUIRING THE COURTS] [TO SPECIFY THAT FACT ON THE PERSON'S RECORD.]

[(3) 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 WHICH DO NOT EXCEED \$500,000 STATEWIDE AND OTHER] [PROCEDURES FOR CLAIMS WHOSE STATEWIDE COSTS EXCEED \$500,000.]

[THIS BILL WOULD PROVIDE THAT REIMBURSEMENT FOR COSTS] [MANDATED BY THE BILL SHALL BE MADE PURSUANT TO THOSE STATUTORY] [PROCEDURES AND, IF THE STATEWIDE COST DOES NOT EXCEED \$500,000,] [SHALL BE PAYABLE FROM THE STATE MANDATES CLAIMS FUND.]

Vote: majority. Appropriation: no. Fiscal committee: <no> [YES]. State-mandated local program: <no> [YES].

The people of the State of California do enact as follows:

<SECTION 1. Section 23815 of the Business and Professions Code is amended to read:>

<23815. It is hereby determined that the public welfare and morals require that there be a limitation on the number of premises licensed for the sale of distilled spirits, beer, and wine.>

<SEC. 2. Section 23816 of the Business and Professions Code is amended to read:>

<23816. (a) The number of premises for which an onsale general license and onsale beer and wine license is issued shall be limited to one each for each 2,000, or fraction thereof, inhabitants of the county in which the premises are situated. No additional onsale general licenses or onsale beer and wine license, other than a renewal or transfer or as permitted by Section 23821, shall be issued in any county where the number of all premises for which onsale general licenses or onsale beer and wine license are issued is more than one for each 2,000, or fraction thereof, inhabitants of the county. No onsale general license shall be issued in lieu of or upon the cancellation or surrender of an onsale beer and wine license.>

<(b) No additional onsale beer and wine license, in excess of the number set forth in subdivision (a), other than a renewal or transfer of a valid onsale beer and wine license which is effective on the effective date of this subdivision, shall be issued after the effective date of this subdivision.>

<SEC. 3. Section 23817 of the Business and Professions Code is amended to read:>

<23817. (a) The number of premises for which an offsale
 <general license and an offsale beer and wine license is issued>
 <shall be limited to one each for each 2,500, or fraction>
 <thereof, inhabitants of the county in which the premises are>
 <situated; and no additional offsale general license or offsale>
 <beer and wine license, other than a renewal or transfer or as>
 <perm?R?+? by Section 23821, shall be issued in any county where>
 <the number of premises for which all offsale general licenses>
 <are issued is more than one for each 2,500, or fraction>
 <thereof, inhabitants of the county.>

<(b) No additional offsale beer and wine license, in excess>
 <of the number set forth in subdivision (a), other than a>
 <renewal or transfer of a valid offsale beer and wine license>
 <which is effective on the effective date of this subdivision,>
 <shall be issued after the effective date of this subdivision.>

<SEC. 4.>

[SECTION 1.] Section 1214.2 is added to the Penal Code, to read:

1214.2. (a) <In any case in which> [IF] a defendant is ordered to pay a fine as a condition of probation, the order to pay a fine may be enforced during the term of probation in the same manner as is provided for the enforcement of money judgments.

(b) An order to pay a fine as a condition of probation may also be enforced as follows:

(1) With respect to a willful failure to pay during the term of probation, in the same manner as a violation of the terms and conditions of probation.

(2) If any balance remains unpaid at the end of the term of probation, in the same manner as a judgment in a civil action.

[SEC. 2. SECTION 42005.1 IS ADDED TO THE VEHICLE CODE, TO] [READ:]

[42005.1. (A) NOTWITHSTANDING SECTION 42005, UPON THE] [REQUEST OF A PERSON ISSUED A NOTICE TO APPEAR FOR A FIRST] [OFFENSE FOR A TRAFFIC VIOLATION PUNISHABLE UNDER PARAGRAPH (1)] [OF SUBDIVISION (A) OF SECTION 42001, p?+ COURT SHALL ORDER THAT] [PERSON TO ATTEND A TRAFFIC VIOLATOR SCHOOL LICENSED PURSUANT TO] [CHAPTER 1.5 (COMMENCING WITH SECTION 11200) OF DIVISION 5 IN] [LIEU OF ADJUDICATING A TRAFFIC VIOLATION.]

[[B) WHEN THE COURT ORDERS A PERSON TO ATTEND A TRAFFIC] [VIOLATOR SCHOOL PURSUANT TO SUBDIVISION (A), IT SHALL SPECIFY] [THAT FACT ON THE RECORD OF THE PERSON.]

[SEC. 3. REIMBURSEMENT TO LOCAL AGENCIES AND SCHOOL] [DISTRICTS FOR COSTS MANDATED BY THE STATE PURSUANT TO THIS ACT] [SHALL BE MADE PURSUANT TO PART 7 (COMMENCING WITH SECTION] [17500) OF DIVISION 4 OF TITLE 2 OF THE GOVERNMENT CODE AND, IF] [THE STATEWIDE COST OF THE CLAIM FOR REIMBURSEMENT DOES NOT] [EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000)?%???:??MADE] [FROM THE STATE MANDATES CLAIMS FUND.]

END OF BILL TEXT