

Introduced by Senator Hill
(Principal coauthor: Assembly Member Low)

December 29, 2016

An act to amend Section 23220 of, and to add Section 23219 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 65, as introduced, Hill. Vehicles: alcohol and marijuana: penalties.

Existing law makes it an infraction to drink any alcoholic beverage while driving a motor vehicle upon any highway or on other specified lands.

This bill would instead make driving or operating a vehicle upon any highway or specified lands, or driving or operating a boat, vessel, or aircraft while drinking any alcoholic beverage, punishable as either an infraction or a misdemeanor. The bill would also make driving or operating a vehicle, boat, vessel, or aircraft while smoking or ingesting marijuana or marijuana products an offense punishable as an infraction or a misdemeanor. The bill would authorize a court to order a defendant to attend drug or alcohol education and counseling classes in addition to those penalties.

By creating new 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:

SECTION 1. Section 23219 is added to the Vehicle Code, to read:

23219. (a) A person shall not drive or operate a vehicle, boat, vessel, or aircraft while smoking or ingesting marijuana or marijuana products.

(b) (1) A violation of subdivision (a) may be punished as an infraction or a misdemeanor.

(2) The court may order a defendant convicted of a misdemeanor and sentenced to a term of imprisonment in a county jail to be imprisoned on days other than days of regular employment for the defendant, as determined by the court.

(c) In addition to the penalties specified in subdivision (b), the court may, in its discretion, order the defendant to attend drug education and counseling classes.

SEC. 2. Section 23220 of the Vehicle Code is amended to read:

23220. (a) ~~No person shall~~ *A person shall not* drink any alcoholic beverage while driving ~~a motor~~ *or operating a boat, vessel, or aircraft, or while driving or operating a vehicle* upon any highway or on any lands described in subdivision (b).

(b) As used in subdivision (a), “lands” means those lands to which the Chappie-Z’berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with Section 38000)) applies as to off-highway motor vehicles, as described in Section 38001.

(c) (1) *A violation of subdivision (a) may be punished as an infraction or a misdemeanor.*

(2) *The court may order a defendant convicted of a misdemeanor and sentenced to a term of imprisonment in a county jail to be imprisoned on days other than days of regular employment for the defendant, as determined by the court.*

(d) *In addition to the penalties specified in subdivision (b), the court may, in its discretion, order the defendant to attend alcohol education and counseling classes.*

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of

1 the Government Code, or changes the definition of a crime within
2 the meaning of Section 6 of Article XIII B of the California
3 Constitution.

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