

Proposed New DUI Laws for 2011

The California Legislature is busy at work again proposing “Tough” new laws to “crack down” on DUI Offenders. The two most ominous are making a third time DUI charge a Felony. Current law only allows a Fourth time DUI (non in jury DUI) to be charges as a felony . This would allow more persons subject to State prison !

Even worse, is the proposal to allow any DUI to have LIFETIME priorability. The California Legislature has steadily increased the term of prior use from 5 years to 7 and currently 10 years. Lifetime, means that if you get a DUI when your 21 and another when your 61, 40 years later that may be considered a second.

These laws make it all more important to hire an experienced DUI attorney to handle any alcohol related charges when driving , from a 1st time DUI, DUI with injuries, multiple offender, probation violation or driving on a suspended license Vehicle Code section 14601.2 because of an DUI conviction.

AB 45 (Hill D) Charter – party carriers of passengers: alcoholic beverages: open containers.

Current Text: Introduced: 12/06/2010

Is Urgency: N

Is Fiscal: Y

Summary: Would expand the application of those alcoholic beverage provisions concerning passengers under the age of 21 years by applying those requirements to the driver of any vehicle used in the transportation of passengers for hire operated by a permitted certificated carrier. The bill would make the 3rd or subsequent violation of the open container prohibition by a driver of any vehicle used in the transportation of passengers for hire operating under a valid certificate or permit, or any officer, director, agent, or employee of a carrier operating vehicles used in the transportation of passengers for hire under such a certificate or permit, a misdemeanor. The bill, by creating a new crime, would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Laws: An act to amend Sections 5384.1 and 5384.5 of the Public Utilities Code, and to add Section 40000.20 to the Vehicle Code, relating to charter-party carriers of passengers.

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AB 1031 (Donnelly R) Vehicles: driving under the influence (DUI): undocumented drivers.

Current Text: Introduced: 2/18/2011

Is Urgency: N

Is Fiscal: Y

Summary: Would in addition, require an arresting authority to report to the United States Immigration and Customs Enforcement the presence of a person if the person is arrested for driving while under the influence of an alcoholic beverage or drug, or the combined influence of an alcoholic beverage and drug and the person fails to provide the arresting authority with appropriate documentation demonstrating his or her legal presence in the United States. This bill contains other related provisions and other existing laws.

For more information, please visit: <http://www.notguiltyduisandiego.com>

Laws: An act to add Section 23153.5 to the Vehicle Code, relating to vehicles.

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AB 1104

(Pan D) Vehicles: driving-under-the-influence (DUI).

Current Text: Introduced: 2/18/2011

Is Urgency: N

Is Fiscal: Y

Summary: Would instead require the court to postpone the revocation or suspension of a person's driving privilege until the term of imprisonment is served, and notify the department of the postponement, if that person was convicted of certain DUI provisions and sentenced to serve any time in a county jail or the state prison.

Laws: An act to amend Section 23665 of the Vehicle Code, relating to vehicles.

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AB 1323

(Gatto D) Vehicles: theft and driving-under-the-influence (DUI) crimes: investigative costs.

Current Text: Introduced: 2/18/2011

Is Urgency: N

Is Fiscal: N

Summary: Would require the court to impose on a person convicted of a felony or misdemeanor of any crime investigated pursuant to these provisions an additional penalty in an amount equal to all reasonable costs incurred by the investigating agency or agencies.

Laws: An act to amend Section 9250.14 of the Vehicle Code, relating to vehicles.

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SB 247

(Wyland R) Minors: fitness hearing.

Current Text: Introduced: 2/10/2011

Is Urgency: N

Is Fiscal: Y

Summary: Would enact Izaiah's Law which would add both vehicular manslaughter while intoxicated and causing great bodily injury while driving intoxicated to those enumerated crimes. The bill would make other technical, nonsubstantive changes.

Laws: An act to amend Section 707 of the Welfare and Institutions Code, relating to minors.

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SB780

(Emmerson R) Vehicles: driving offenses: punishment.

Current Text: Introduced: 2/18/2011

Is Urgency: N

Is Fiscal: Y

Summary: Existing law requires, if a person is convicted of a specified driving-under-the-influence (DUI) offense and the offense occurred within 10 years of 2, or 3 or more prior specified DUI offenses that resulted in a conviction, that the person be punished by enhanced penalties, and that the person's privilege to operate a motor vehicle be revoked by the department for a period of 2, 3, 4 or 5 years, as applicable. This bill would delete the 10-year limitation. In addition the bill would increase the punishment for driving under the influence of alcohol or a drug without causing bodily injury with 2 prior separate convictions for specified

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DUI offenses, from imprisonment in a county jail for not less than 120 days nor more than one year, to imprisonment in the state prison, nor in a county jail for not less than 180 days no more than one year. This bill contains other related provisions and other existing laws.

Laws: An ace to amend Section 20001, 23217, 23540, 23550, 23550.5, 23560 and 23566 of the Vehicle Code, relating to vehicles.

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