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AB-397 Vehicles: driving under the influence. (2019-2020)

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Assembly Bill No. 397

CHAPTER 610

An act to amend Section 23222 of, and to add Section 23155 to, the Vehicle Code, relating to driving under the influence.

[Approved by Governor October 08, 2019. Filed with Secretary of State October 08, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 397, Chau. Vehicles: driving under the influence.

Existing law makes it a crime for a person who is under the influence of a drug to drive a vehicle. Existing law also makes it a crime for a person to drive under the influence and proximately cause bodily harm to another person, as specified.

Existing law requires the superior court to provide a disposition report to the Department of Justice when the court disposes of a case for which an arrest for certain crimes was made and requires that the report contain specified information.

This bill would, commencing January 1, 2022, require the disposition report made by the superior court for a conviction for driving under the influence of cannabis to state that the conviction was due to cannabis.

Existing law makes it an infraction for a person to have in their possession on their person while driving a motor vehicle upon a highway or on specified lands any receptacle containing any cannabis or cannabis products, as defined, which has been opened or has a seal broken, or loose cannabis flower not in a container.

This bill would make technical changes to that provision by updating a cross-reference.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 23155 is added to the Vehicle Code, to read:

23155. Beginning January 1, 2022, when a disposition described in Section 13151 of the Penal Code is a conviction for a violation of subdivision (f) of Section 23152 or subdivision (f) of Section 23153 for which cannabis was the sole drug, the disposition report shall state that the convicted offense was due to cannabis.

SEC. 2. Section 23222 of the Vehicle Code is amended to read:

23222. (a) A person shall not have in their possession on their person, while driving a motor vehicle upon a highway or on lands, as described in subdivision (c) of Section 23220, a bottle, can, or other receptacle, containing an alcoholic beverage which has

been opened, or a seal broken, or the contents of which have been partially removed.

(b) (1) Except as authorized by law, a person who has in their possession on their person, while driving a motor vehicle upon a highway or on lands, as described in subdivision (c) of Section 23220, a receptacle containing cannabis or cannabis products, as defined by Section 11018.1 of the Health and Safety Code, which has been opened or has a seal broken, or loose cannabis flower not in a container, is guilty of an infraction punishable by a fine of not more than one hundred dollars (\$100).

(2) Paragraph (1) does not apply to a person who has a receptacle containing cannabis or cannabis products that has been opened, has a seal broken, or the contents of which have been partially removed, or to a person who has a loose cannabis flower not in a container, if the receptacle or loose cannabis flower not in a container is in the trunk of the vehicle.

(c) Subdivision (b) does not apply to a qualified patient or person with an identification card, as defined in Section 11362.7 of the Health and Safety Code, if both of the following apply:

(1) The person is carrying a current identification card or a physician's recommendation.

(2) The cannabis or cannabis product is contained in a container or receptacle that is either sealed, resealed, or closed.