



Roll Call Training Bulletin

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New DUI Laws for 2014 Changes to Sections 23152 and 23153 VC

On September 12, 2013, the Governor signed AB 2552 which becomes effective January 1, 2014.

In the past, law enforcement agencies have not had the ability to accurately track whether an arrest for driving under the influence (DUI) involved the use of alcohol, drugs, or a combination of the two. The legislation amends 23152 and 23153 VC to include specific subsections for violations involving alcohol, drugs, or a combination of both. These changes will allow the SPD to track these violations and get an accurate measure of the type of impairment of the drivers arrested. These changes will affect the charges used at booking and are listed below.

1. Misdemeanor DUI Violations

- a. **23152 (a) VC** will read: *"it is unlawful for a person who is under the influence of any alcoholic beverage to drive a vehicle"* This section is no longer applicable for drug impairment.
- b. **23152 (e) VC** will read: *"it is unlawful for a person who is under the influence of any drug to drive a vehicle"*. This section applies to drug impairment only.
- c. **23152 (f) VC** will read: *"it is unlawful for a person who is under the combined influence of any alcoholic beverage and drug to drive a vehicle"*. This section applies to a driver who is impaired by both alcohol and drugs (the driver does not have to be over .08% BAC with alcohol, just that it is present with the drugs)

2. Felony DUI Violations

- a. **23153 (a) VC** will read: *"it is unlawful for a person who is under the influence of any alcoholic beverage to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver"* This section is no longer applicable for drug impairment and applies to alcohol impairment only.
- b. **23153 (e) VC** will read: *"it is unlawful for a person who is under the influence of any drug to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver"* This section applies to drug impairment only.
- c. **23153 (f) VC** will read: *"it is unlawful for a person who is under the combined influence of any alcoholic beverage and drug to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver"*. This section applies to a driver who is impaired by both alcohol and drugs (the driver does not have to be over .08% BAC with alcohol, just that it is present with the drugs).

If you have questions please contact Sergeant Chris Prince in Metro at 808-6069.