

File No. 110445

Committee Item No. \_\_\_\_\_

Board Item No. 21

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Board of Supervisors Meeting

Date April 19, 2011

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input type="checkbox"/>	Introduction Form (for hearings)
<input type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Ethics Form 126
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER

(Use back side if additional space is needed)

<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Assembly Bill 877

Completed by: Andrea Ausberry Date April 14, 2011

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document is in the file.

1 [Supporting California Assembly Bill 877 - Non-Felony Vehicle Code Violations]

2  
3 **Resolution supporting Assembly Bill 877, which would remove one of the major**  
4 **barriers to self sufficiency for formerly incarcerated people by increasing their chances**  
5 **of obtaining a drivers license.**

6  
7 WHEREAS, AB 877, introduced by Assembly Member Skinner, would amend and  
8 expand the California Vehicle Code to allow eligible incarcerated persons and persons  
9 previously incarcerated in county jails, who have non-felony vehicle code violations pending,  
10 the opportunity to obtain or renew a driver's license.

11 WHEREAS, there are approximately 80,000 county jail inmates in the State of  
12 California; and,

13 WHEREAS, existing law requires that a person not be subject to prosecution for any  
14 non-felony vehicle code offense that is pending against him or her at the time of his or her  
15 commitment to state prison; and,

16 WHEREAS, existing law requires that a driver's license shall not be suspended or  
17 revoked or the issuance or renewal of that license be refused as a result of a pending non-  
18 felony offense occurring prior a person being committed to state prison or the Division of  
19 Juvenile Facilities; and,

20 WHEREAS, AB 877 states that it also would apply these provisions to a person upon  
21 completion of his or her sentence of 6 months or longer in a county jail; and,

22 WHEREAS, AB 877 states that it would also apply these provisions and the exemption  
23 from the prosecution to a person who has been incarcerated for 90 or more days in County  
24 Jail in any consecutive 12-month period subsequent to the date of the offense or violation;  
25 and,

1 WHEREAS, AB 877 states that it would require a court that receives a valid request to  
2 search its records for eligible pending matters and dispose of each eligible non-felony offense  
3 pursuant to these provisions, therefore be it

4 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
5 recognizes that one of the surest ways to assist defendants and formerly incarcerated  
6 persons' reintegration into society is to assure they are employable and able to care for  
7 themselves and their families; and, be it further

8 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
9 recognizes that the ability to obtain a drivers license will likely decrease the risk of recidivism  
10 and encourage the formerly incarcerated person to obtain employment legally and safely; and,  
11 be it further

12 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
13 recognizes that Assembly Bill 877 brings consistency to the current law, by making reentry  
14 remedies that are available to individuals sentenced to prison also available to individuals  
15 sentenced to County Jail; and, be it further

16 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
17 fully supports and endorses this legislative piece due to its potential positive impact on the  
18 people and City & County of San Francisco; and, be it further

19 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
20 recognizes that the aforementioned amendment to California State law is necessary for the  
21 betterment of San Francisco when addressing recidivism and reintegration of formerly  
22 incarcerated persons and the rights of currently incarcerated individuals.

AMENDED IN ASSEMBLY MARCH 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 877**

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**Introduced by Assembly Member Skinner**

February 17, 2011

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~~An act relating to expungement. An act to amend Section 41500 of, and to add Section 41500.5 to, the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 877, as amended, Skinner. ~~Expungement. Vehicles: nonfelony offenses and infractions: removal of records.~~

*Existing law requires that a person not be subject to prosecution for any nonfelony offense arising out of the operation of a motor vehicle, or a violation of the Vehicle Code as a pedestrian, that is pending against him or her at the time of his or her commitment to the custody of the Secretary of the Department of Corrections and Rehabilitation or the Division of Juvenile Facilities.*

*Existing law requires, notwithstanding any other law to the contrary, that a driver's license shall not be suspended or revoked or the issuance or renewal of that license be refused as a result of a pending nonfelony offense occurring prior to the time a person was committed to the custody of the Secretary of the Department of Corrections and Rehabilitation or the Division of Juvenile Facilities or as a result of a notice received by the Department of Motor Vehicles from a court, a magistrate, or a clerk of that court if the offense that gave rise to the notice occurred prior to the time that the person was committed to the custody of the Secretary of the Department of Corrections and Rehabilitation or the Division of Juvenile Facilities.*

Existing law also requires the Department of Motor Vehicles to remove from its records any notice received by it from a court, a magistrate, or a clerk of that court upon receipt of satisfactory evidence that a person was committed to the custody of the Secretary of the Department of Corrections and Rehabilitation or the Division of Juvenile Facilities after the offense that gave rise to the notice occurred.

This bill would also apply these provisions and the exemption from prosecution to (1) a person upon completion of his or her sentence of 6 months or longer in a county jail or a drug treatment center or other alternative to incarceration if the person's failure to complete the sentence would result in reincarceration and (2) a person who has been incarcerated for 90 or more days in any consecutive 12-month period subsequent to the date of the offense or violation.

The bill would provide that eligible incarcerated persons and persons previously incarcerated who are eligible under these provisions may request relief directly from the Department of Motor Vehicles or the court. The bill would require a court that receives a valid request to search its records for eligible pending matters and dispose of each eligible nonfelony offense pursuant to these provisions. The bill would also require the court, within 15 days of receipt of the request, to notify the department of the request and the department to remove from its records any notice received by it from any county in the state.

The bill would require the Judicial Council to adopt forms and instructions for use by persons eligible for relief under these provisions and would provide that the use of the forms is recommended, rather than mandatory.

Existing law, if a defendant has fulfilled the conditions of probation for the entire period of probation, has been discharged prior to the termination of the period of probation, or if in the interest of justice, a defendant is authorized to petition the court to have his or her convictions dismissed, as specified, and be released from all penalties and disabilities resulting from the offense of which he or she been convicted, subject to certain exceptions.

This bill would state that it is the intent of the Legislature to streamline this procedure.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

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

1     SECTION 1. Section 41500 of the Vehicle Code is amended to  
2     read:

3     41500. (a) ~~No~~ A person shall *not* be subject to prosecution for  
4     any nonfelony offense arising out of the operation of a motor  
5     vehicle or a violation of this code as a pedestrian ~~which that is~~  
6     pending against him or her at the time of his or her commitment  
7     to the custody of the ~~Director of Corrections or the Department of~~  
8     ~~the Youth Authority~~ *Secretary of the Department of Corrections*  
9     *and Rehabilitation or the Division of Juvenile Facilities, or upon*  
10    *completion of a sentence of six months or longer in a county jail*  
11    *or a drug treatment center or other alternative to incarceration if*  
12    *the person's failure to complete the sentence would result in*  
13    *reincarceration.*

14    (b) Notwithstanding any other provisions of law to the contrary,  
15    ~~no~~ a driver's license shall *not* be suspended or revoked, ~~nor shall~~  
16    ~~or the issuance or renewal of a~~ *that* license be refused as a result  
17    of a pending nonfelony offense occurring prior to the time a person  
18    was committed to the custody of the ~~Director of Corrections or~~  
19    ~~the Department of the Youth Authority~~ *Secretary of the Department*  
20    *of Corrections and Rehabilitation or the Division of Juvenile*  
21    *Facilities* or as a result of a notice received by the department  
22    pursuant to subdivision (a) of Section 40509 ~~when if the offense~~  
23    ~~which that~~ gave rise to the notice occurred prior to the time ~~a the~~  
24    person was committed to the custody of the ~~Director of Corrections~~  
25    ~~or the Department of the Youth Authority~~ *Secretary of the*  
26    *Department of Corrections and Rehabilitation or the Division of*  
27    *Juvenile Facilities.*

28    (c) The department shall remove from its records any notice  
29    received by it pursuant to subdivision (a) of Section 40509 upon  
30    receipt of satisfactory evidence that a person was committed to  
31    the custody of the ~~Director of Corrections or the Department of~~  
32    ~~the Youth Authority~~ *Secretary of the Department of Corrections*  
33    *and Rehabilitation or the Division of Juvenile Facilities* after the  
34    offense ~~which that~~ gave rise to the notice occurred.

35    (d) ~~The provisions of this~~ *This section shall* does not apply to  
36    ~~any a~~ nonfelony offense ~~wherein if~~ the department is required by  
37    this code to immediately revoke or suspend the privilege of ~~any a~~  
38    person to drive a motor vehicle upon receipt of a duly certified

1 abstract of the record of ~~any~~ a court showing that the person has  
2 been convicted of that nonfelony offense.

3 ~~(e) The provisions of subdivisions~~ Subdivision (a), (b), ~~and or~~  
4 ~~(c) do~~ does not apply to ~~any~~ an offense committed by a person  
5 while he is temporarily released from custody pursuant to law or  
6 while he is on parole.

7 ~~(f) The provisions of subdivisions~~ Subdivision (a), (b), ~~and or~~  
8 ~~(c) do~~ does not apply if the pending offense is a violation of Section  
9 23103, 23152, or 23153.

10 *(g) Eligible incarcerated persons and persons previously*  
11 *incarcerated who are eligible under this section may request relief*  
12 *directly from the department or the court. A court that receives a*  
13 *valid request shall search its records for eligible pending matters*  
14 *and dispose of each eligible nonfelony offense pursuant to this*  
15 *section. The court shall, within 15 days of receipt of the request,*  
16 *notify the department of the request and the department shall*  
17 *remove from its records any notice received by it pursuant to*  
18 *subdivision (a) of Section 40509 from any county in the state.*

19 *(h) The Judicial Council shall adopt forms and instructions for*  
20 *use by persons eligible for relief under this section. Use of the*  
21 *forms is recommended, rather than mandatory.*

22 SEC. 2. Section 41500.5 is added to the Vehicle Code, to read:

23 41500.5. (a) A person shall not be subject to prosecution for  
24 any nonfelony offense arising out of the operation of a motor  
25 vehicle or a violation of this code as a pedestrian that is pending  
26 against him or her once he or she has been incarcerated for 90 or  
27 more days in any consecutive 12-month period subsequent to the  
28 date of the offense or violation.

29 (b) Notwithstanding any other law to the contrary, a driver's  
30 license shall not be suspended or revoked or the issuance or  
31 renewal of that license be refused as a result of a pending  
32 infraction occurring prior to the 90 or more days in any  
33 consecutive 12-month period of incarceration or as a result of a  
34 notice received by the department pursuant to subdivision (a) of  
35 Section 40509 if the offense that gave rise to the notice occurred  
36 prior to the incarceration period of 90 or more days in any  
37 consecutive 12-month period.

38 (c) The department shall remove from its records any notice  
39 received by it pursuant to subdivision (a) of Section 40509 upon  
40 receipt of satisfactory evidence that a person was incarcerated in

## INTRODUCTION FORM

By a member of the Board of Supervisors or the Mayor

Time Stamp or  
Meeting Date

I hereby submit the following item for introduction:

- ☒ 1. For reference to Committee:  
An ordinance, resolution, motion, or charter amendment
- ☒ 2. Request for next printed agenda without reference to Committee
- ☐ 3. Request for Committee hearing on a subject matter
- ☐ 4. Request for letter beginning "Supervisor \_\_\_\_\_ inquires..."
- ☐ 5. City Attorney request
- ☐ 6. Call file from Committee
- ☐ 7. Budget Analyst request (attach written motion).
- ☐ 8. Substitute Legislation File Nos.
- ☐ 9. Request for Closed Session
- ☐ 10. Board to Sit as A Committee of the Whole
- ☐ 11. Question(s) submitted for Mayoral Appearance before the BOS on \_\_\_\_\_

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- |   |  |
|---|--|
| <input type="checkbox"/> Small Business Commission      | <input type="checkbox"/> Youth Commission    |
| <input type="checkbox"/> Ethics Commission              | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Building Inspection Commission |  |

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.]

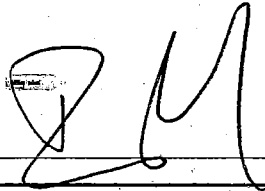
Sponsor(s): Mirkarimi

Resolution supporting AB 877, which allows people formerly  
incarcerated in county jails, to obtain drivers' licenses.

SUBJECT: \_\_\_\_\_

The text is listed below or attached:

Attached

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: