

AMENDED IN ASSEMBLY APRIL 6, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1127

Introduced by Assembly Member Garcia

February 22, 2005

An act to add and repeal Section 40904 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1127, as amended, Garcia. Two-way teleconferencing testing.

~~Existing~~

(1) *Existing* law allows a court, by rule, to provide for the trial of an alleged infraction, including a violation of the Vehicle Code or an ordinance adopted pursuant to that code.

This bill would require the court in Riverside County, as a pilot program, to receive testimony from a law enforcement officer via two-way teleconferencing, as described, from Palm Springs, Moreno Valley, or Corona upon an alleged infraction, as charged by the citing officer, involving a violation of the Vehicle Code or any local ordinance adopted pursuant to that code, as specified.

Because this *bill* would impose a higher level of service on that county, ~~this~~ *the bill* would impose a state-mandated local program.

These provisions would become inoperative on ~~January 1, 2005~~ *June 30, 2006*, and, as of January 1, ~~2006~~ *2007*, would be repealed, unless a later enacted statute that is enacted before January 1, ~~2006~~ *2007*, deletes or extends the dates on which these provisions becomes inoperative and ~~is~~ *are* repealed.

~~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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

(2) 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:

1 SECTION 1. Section 40904 is added to the Vehicle Code, to
2 read:
3 40904. (a) The court, in Riverside County, as a pilot
4 program, shall receive testimony from a law enforcement officer
5 via two-way teleconferencing from Palm Springs, Moreno
6 Valley, or Corona upon an alleged infraction, as charged by the
7 citing law enforcement officer, involving a violation of this code
8 or a local ordinance adopted pursuant to this code.
9 (b) A court clerk shall be present at the location where the
10 teleconferenced testimony is provided. The clerk shall be
11 directed by the court to receive all exhibits for inclusion and
12 preservation in the court file.
13 (c) Except as set forth in subdivisions (a) and (b), this section
14 does not permit the submission of evidence other than in
15 accordance with the law.
16 (d) As used in subdivision (a), “two-way teleconferencing”
17 shall include the following:
18 (1) The judge and the defendant can observe the demeanor of
19 the officer while testifying.
20 (2) The witness can be shown an exhibit put forth by the
21 defendant.

1 (3) The preparation and use of an exhibit by the law
2 enforcement officer can be observed by both the judge and the
3 defendant.

4 (4) The law enforcement officer may be questioned by either
5 the judge or the defendant.

6 (e) The court shall ascertain that the defendant knowingly and
7 voluntarily waives his or her right to be personally confronted by
8 the witness against him or her.

9 (f) This section shall become inoperative on June 30, 2006,
10 and as of January 1, 2007, is repealed, unless a later enacted
11 statute, that is enacted before January 1, 2007, *deletes or extends*
12 the dates on which it becomes inoperative and is repealed.

13 ~~SEC. 2.— If the Commission on State Mandates determines that~~
14 ~~this act contains costs mandated by the state, reimbursement to~~
15 ~~local agencies and school districts for those costs shall be made~~
16 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
17 ~~4 of Title 2 of the Government Code.~~

18 *SEC. 2. No reimbursement is required by this act pursuant to*
19 *Section 6 of Article XIII B of the California Constitution because*
20 *the only costs that may be incurred by a local agency or school*
21 *district are the result of a program for which legislative authority*
22 *was requested by that local agency or school district, within the*
23 *meaning of Section 17556 of the Government Code and Section 6*
24 *of Article XIII B of the California Constitution.*