

Date of Hearing: April 13, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION
Jim Frazier, Chair
AB 346 (Wilk) – As Introduced February 13, 2015

SUBJECT: Vehicle infractions and misdemeanors: arrests

SUMMARY: Requires a person to show a law enforcement officer an unobstructed view of their full face in order to confirm the identity on a person's driver's license under certain circumstances.

EXISTING LAW: Requires a person that is under a non-custodial arrest for a vehicle-related infraction or misdemeanor to be taken immediately before a court magistrate if they fail to present their driver's license or other satisfactory evidence to a law enforcement officer.

FISCAL EFFECT: Unknown

COMMENTS: The author introduced this bill to address an issue that occurred in his district between a law enforcement officer and a motorcyclist. Upon pulling the motorcyclist over for a moving violation the motorcyclist provided his driver's license but refused to remove his helmet; thus prohibiting the officer from properly identifying the motorcyclist. Because existing law only requires a person to provide a law enforcement officer with sufficient identification when being stopped for a moving violation, the officer issued the motorcyclist a speeding ticket but could not properly confirm that the driver was the same person shown on the driver's license. Because the motorcyclist complied with existing law by providing a driver's license, the court ultimately dismissed the speeding ticket based on a claim by the motorcyclist that he was not operating the motorcycle at the time the ticket was issued.

While existing law authorizes a law enforcement officer to arrest and immediately take a motorist to court if they refuse to provide a driver's license or other sufficient proof of identity, existing law is silent on an officer's ability to then request confirmation of identity if necessary. This bill simply provides clarification to existing law to authorize a law enforcement officer to request that a motorist provide an unobstructed view of their full face, if necessary, when stopped for a moving violation, thus allowing a law enforcement officer to properly confirm the identification of the motorist. The author notes, "this bill will give law enforcement the tools necessary to uphold public safety by allowing an officer to request that the individual show their full face, making sure that it matches their driver's license."

REGISTERED SUPPORT / OPPOSITION:

Support

Association for Los Angeles Deputy Sheriffs
California Peace Officers' Association
California State Lodge, Fraternal Order of Police
Long Beach Police Officers Association
Los Angeles County Professional Peace Officers Association
Los Angeles Police Protective League
Peace Officers Research Association of California

Riverside Sheriffs Association
Sacramento County Deputy Sheriffs' Association
Santa Ana Police Officers Association
Simi Valley Police Officers' Association

Opposition

Legal Services for Prisoners with Children

Analysis Prepared by: Manny Leon / TRANS. / (916) 319-2093