

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

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**ADP BULLETIN**

Title IMPLEMENTATION OF AB 762 AND SB 1176		Issue Date: May 25, 1999 Expiration Date: When superseded	Issue No. 99-19
Acting Deputy Director Approval JOY A. JARFORS Quality Assurance Division	Function <input type="checkbox"/> Information Management <input checked="" type="checkbox"/> Quality Assurance <input type="checkbox"/> Service Delivery <input type="checkbox"/> Fiscal <input type="checkbox"/> Administration	Supersedes Bulletin/ADP Letter No. 98-59	

PURPOSE

This bulletin is to provide updated information relating to the six-month program requirements contained in AB 762 (Torlakson), Chapter 756, Statutes of 1998, and the mandated participation in educational sessions contained in SB 1176 (Johnson), Chapter 487, Statutes of 1998. The Department will adopt regulations in order to implement the above noted legislation. However, in the interim, the Department suggests following the recommendations contained in this bulletin to ensure a smooth transition. The recommendations resulted from discussions with the DUI Advisory Committee and will serve as the basis for the regulatory requirements. Until regulations are adopted, the Department will monitor for compliance with statutory requirements.

DISCUSSION

Effective July 1, 1999, persons convicted of a first offense DUI with a blood alcohol content of 0.20 or more will be court mandated to enroll in a licensed DUI program for a duration of at least six months. These participants will be required to complete 45 hours of combined group counseling, educational sessions, and individual face-to-face sessions. The statute indicates that all DUI licensees are eligible to provide six-month program services. Until the Department adopts regulations, we ask that licensees require these participants to complete a minimum of 12 hours of educational sessions, 28 hours of group counseling sessions, four 15 minute face-to-face sessions, and four hours of services comprised of any combination of education, group, or face-to-face sessions.

With respect to SB 1176, persons who are convicted of, or plead nolo contendere to, wet and reckless, will be required by the court to attend the educational component of a licensed DUI program. Until the Department adopts regulations, we ask that licensees require these persons to complete 12 hours of alcohol and drug educational sessions.

In order to implement both statutes, licensees must follow the fee approval process as described in Title 9, Section 9878. As a reminder, participant contracts and the fee payment schedules must be amended to reflect the approved fees. In addition, each licensee will need to develop curriculum for this level of service.

The Department's DUI Advisory Committee has been asked to provide regulatory recommendations for implementing both statutes. This bulletin is expected to remain in effect until further regulations are adopted.

REFERENCES

1. Chapter 756, Statutes of 1998, Health and Safety Code Section 11837(c)(2)
2. Chapter 487, Statutes of 1998, Vehicle Code Section 23103.5(e)

HISTORY

Currently, the statute authorizes the court to refer a person convicted of a first offense DUI to a licensed program for six, nine or twelve months. Effective July 1, 1999, the court is compelled to refer a first offender who either refused to take a chemical test or who had a blood alcohol content of 0.20 or more to a licensed DUI program for a period of at least six months consisting of 45 hours of educational and group counseling sessions.

The provision contained in Vehicle Code Section 23103.5(e) requiring a person convicted of wet and reckless driving was developed to provide potential DUI offenders with educational information prior to their being convicted of an actual DUI. This may assist in reducing the rate of DUI recidivism.

QUESTIONS/MAINTENANCE

Any questions or concerns may be directed to your respective DUI program analyst at (916) 322-2964.

EXHIBITS

No exhibits.

DISTRIBUTION

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