

GENERAL OFFICE MEMORANDUM 21-127

TO: ALL DEPUTY DISTRICT ATTORNEYS

FROM: SHARON L. WOO 
Chief Deputy District Attorney

SUBJECT: TRACKING CANNABIS ONLY DUI CASES PURSUANT TO
CALIFORNIA VEHICLE CODE SECTION 23155

DATE: DECEMBER 21, 2021

Following the Passage of Proposition 64, the California Legislature passed California Vehicle Code section 23155 to better track cannabis related DUIs.

Pursuant to section 23155, when a defendant is convicted of California Vehicle Code section 23152(f)¹ or 23153(f),² and cannabis was the sole impairing substance, the sentencing court is required to report the disposition. In response to this new law, the Los Angeles Superior Court has asked the Los Angeles District Attorney's Office and Los Angeles City Attorney's Office (LACA) for assistance in reporting these convictions. In working with the LACA, a method has been devised in order to assist the courts in tracking this important information.

Beginning January 1, 2022, whenever a misdemeanor or felony complaint is filed with a count of Vehicle Code section 23152(f) or 23153(f), and the sole impairing substance is cannabis, the filing DDA shall write on the face sheet of the complaint "Cannabis Only Pursuant to VC 23155." For any pending case containing a charge of section 23152(f) or 23153(f), wherein the impairing substance is only cannabis, and the defendant is convicted of either charge, the handling DDA shall inform the court at the time of sentencing that the case is a "cannabis only case pursuant to VC 23155."

In those cases where the impairing substance is not known at the time of filing, or it becomes known after filing that the impairing substance is solely cannabis, the court shall be informed at the time of sentencing that the case is a "cannabis only case pursuant to VC 23155."

Please be aware that in order for section 23155 and the provisions of this GOM to be applicable, both of the following must be present: (1) there must be a conviction of Vehicle Code sections 23152(f) or 23153(f), and (2) cannabis must be the sole impairing substance. If cannabis is an impairing substance in combination with another substance(s), or if Vehicle Code section 23152(f) or 23153(f) is charged but there is no conviction on this count, section 23155 and this GOM do not apply.

Please direct any further questions to DTAPS at (213) 974-6757 or DTAPS@da.lacounty.gov.

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¹ It is unlawful for any person who is under the influence of any drug to drive a vehicle. *Cal. Veh. Code § 23152(f)*.

² It is unlawful for a person, while 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. *Cal. Veh. Code § 23153(f)*.