California State Assembly

PUBLIC SAFETY

NICK SCHULTZ
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AGENDA

Tuesday, March 24, 2026
8:30 a.m. -- State Capitol, Room 126

REGULAR ORDER OF BUSINESS

HEARD IN SIGN-IN ORDER

LIMITED TESTIMONY FOR SUPPORT AND OPPOSITION

TWO WITNESSES - TWO MINUTES EACH

1.	AB 1538	Krell	Crimes: corruption.
2.	AB 1605	Ransom	Driving under the influence: alcohol sales.
3.	AB 1685	Lackey	Driving privilege: points.
4.	AB 1686	Lackey	Vehicles: driving under the influence: felonies.
5.	AB 1687	Lackey	Driver's licenses: revocation.
6.	AB 1739	Ward	PULLED BY THE AUTHOR
7.	AB 1747	Sanchez	Crimes involving vehicles.
8.	AB 1748	Sanchez	License suspension and revocation.
9.	AB 1816	Davies	Probation: duration.
10.	AB 1830	Petrie-Norris	Ignition interlock devices.
11.	AB 1874	Wilson	Vehicles: driver's license suspension and revocation.
12.	AB 1877	Stefani	Domestic violence: protective orders.
13.	AB 1897	Haney	PULLED BY THE AUTHOR
14.	AB 1927	Krell	Bail Consumer Protection Act.
15.	AB 1941	Mark González	Organized metal theft.
16.	AB 2004	Alanis	Peace officers: deputy sheriffs.
17.	AB 2047	Bauer-Kahan	Firearms: 3-dimensional printing blocking technology.

18.	AB 2073	Johnson	Child protection: safe surrender.
19.	AB 2119	Jackson	Criminal procedure: gender bias in sexual assault and domestic violence investigations.
20.	AB 2122	Kalra	Infractions: warrants and penalties.
21.	AB 2217	Zbur	Criminal procedure: alternatives to arrest.
22.	AB 2237	Patterson	Probation: term length.
23.	AB 2259	Ransom	Prisons: mental health.
24.	AB 2378	Gabriel	California Violence Intervention and Prevention Grant Program.
25.	AB 2499	Gipson	Corrections: prison conditions.
26.	AB 2502	Pellerin	Vehicles: driving under the influence: driving automation.
27.	AB 2582	Schultz	Crimes: prostitution.
28.	AB 2584	Flora	Self-defense.
29.	AB 2593	Elhawary	Corrections: treatment of prisoners.

MOTION FOR RECONSIDERATION

30.	AB 1968	Gallagher	Juveniles: transfer to court of criminal jurisdiction: offense.

Date of Hearing: March 24, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1538 (Krell) – As Amended March 17, 2026

SUMMARY: Makes it a crime for an elected or appointed official to retaliate or exert political retribution against any person exercising a state or federal constitutional right. Specifically, **this bill**:

1) Provides that it is unlawful for any elected or appointed official, under color of authority, to retaliate or exert political retribution against any person exercising a state or federal constitutional right, with the intent to suppress another from continuing to exercise a state or federal constitutional right.

2) Provides that the above crime is punishable by forfeiture of office and disqualification from ever holding any public office in California.

3) States that the bill's provisions do not apply to the hiring or personnel decisions of an elected or appointed official relative to an employee or prospective employee of that elected or appointed official. This section does not remove any protection or recourse available for an employee or prospective employee to remedy a wrongful employment action.

4) Defines "retaliation" as intentionally engaging in acts of reprisal, threats, coercion, or similar acts against another, including organizations.

5) Defines "political retribution" as intentionally using governmental or institutional authority to engage in acts of reprisal, threats, coercion, or similar acts against another, including organizations.

EXISTING LAW:

1) States that a person who seeks to influence the vote or action of a member of the Legislature in the member's legislative capacity by bribery, promise of reward, intimidation, or other dishonest means, or a member of the Legislature so influenced, is guilty of a felony. (Cal. Const., Art. IV, § 15.)

2) Prevents a person, whether or not acting under color of law, from committing acts by force or threat of force, that willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of a right or privilege secured by the Constitution or laws of this state or by the Constitution or laws of the United States in whole or in part because of one or more of the actual or perceived characteristics of the victim. (Pen. Code, § 422.6, subd. (a).)

3) States that all persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property

because of political affiliation, or on account of any defined characteristic, or position in a labor dispute, or because another person perceives them to have one or more of those characteristics. (Civ. Code, § 51.7, subd. (b)(1).)

4) Makes every person who gives or offers a bribe to any member of any common council, board of supervisors, or board of trustees of any county, city and county, city, or public corporation, with intent to corruptly influence such member in his action on any matter or subject that could be heard by the body of which he is a member, and every member of any of the bodies mentioned in this section who receives, or offers or agrees to receive any bribe upon any understanding that his official vote, opinion, judgment, or action shall be influenced thereby, upon which he may be required to act in his official capacity, is punishable by imprisonment in the state prison for two, three or four years, and upon conviction shall, in addition to said punishment, forfeit his office, and forever be disfranchised and disqualified from holding any public office or trust. (Pen. Code, § 165.)

5) Provides that an elector has no rights or duties beyond those of a citizen not an elector, except the right and duty of holding office and voting. (Gov. Code, § 274.)

6) Provides that every member of the Legislature convicted of a defined crime, in addition to the punishment prescribed, forfeits his office and is forever disqualified from holding any office in the State. (Gov. Code, § 9055.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "The real danger is that today's shocking abuses of power become routine, permanent parts of tomorrow's political culture. AB 1538 ensures that no official who abuses their office to settle personal scores is allowed to remain. Specifically, AB 1538 would require the removal from office and a ban on holding office for any public official found guilty of using their authority to exert political retribution against a person exercising their constitutional rights."

2) **Effect of the Bill – Potential for Arbitrary Enforcement and Application**: AB 1538 presents potential concerns, including constitutional violations, harm to institutional integrity, and compromising the people's right to elect representatives of their choosing.

   a) Vagueness

   One of the issues presented by AB 1538 is vagueness. AB 1538 purports to expel and exclude a person from public office for acts that retaliate or exert political retribution against a person exercising a state or federal constitutional right. This bill defines retaliation as intentionally engaging in acts of reprisal, threats, coercion, or similar acts against another, including organizations. AB 1538 additionally defines political retribution as intentionally using governmental or institutional authority to engage in acts of reprisal, threats, coercion, or similar acts against another, including organizations. Concerns over vagueness may be mitigated by providing relatively clearly defined terms for the bill's prohibited conduct. Arguably, however, AB 1538 may nevertheless face constitutional challenge.

Void for vagueness is a doctrine generally applied to criminal laws and First Amendment claims. The doctrine arises out of the Fifth Amendment and Fourteenth Amendment guarantees that people's life, liberty, and property will not be deprived without due process of law. (U.S. Const. amends. V & XIV.) Due process requires notice of what conduct is prohibited that is understandable to normal people and sufficiently clear to preclude arbitrary enforcement.[1] Laws voided by the Supreme Court for vagueness commonly include undefined criminal laws. (See, e.g., *City of Chicago v. Morales* (1999) 527 U.S. 41; *Papachristou v. City of Jacksonville* (1972) 405 U.S. 156.) While the Court has found that people occasionally may be bound by an imperfectly defined criminal law or a new application of an existing law, this is only true where fundamentally similar case precedent exists, and the prohibited behavior is readily apparent to the defendant. (*United States v. Lanier* (1957) 520 U.S. 259, 271–72.)

Many of the key terms[2] in AB 1538 have been defined. By defining retaliation and political retribution, AB 1538 helps put individuals on notice about the conduct prohibited under the bill. Terms like "reprisal," "threats," and "coercion" appear to have enough development in statute and case law to provide a generally sufficient understanding of how those terms would be applied under this bill.[3] "Color of authority" generally refers to a public official acting actually or apparently in their official capacity.[4] Also important is the phrase, "exercise of a state or federal constitutionally protected right." This indicates the victim must be exercising, for example, their First Amendment right to free expression or Second Amendment right to carry firearms for the bill's provisions to apply. Therefore, to be subject to punishment under this bill, the accused must be a public official who retaliates or exerts political retribution against a victim, who is exercising a constitutionally protected right, with the intent to suppress the person from exercising their constitutional rights.

Individuals possess numerous state and federal constitutional rights that are exercised in some way every day. There are existing laws that place restrictions on the exercise of those rights. The legal process of challenging government restrictions on individual rights is essential not just to understand the bounds of those rights, but to the overall structure of American government. Applying definitions to the bill's key terms potentially mitigates concerns about constitutional challenges that would void the law for vagueness. Nevertheless, some risk of unintended application remains with the current language.

b) AB 1538 Could Permit Decertification of Peace Officers

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[1] Barnum, C. *The Void-for-Vagueness Doctrine in Criminal Law* (Sep. 17, 2025) United States Congress <https://www.congress.gov/crs-product/IF13091> [as of Mar. 1, 2026].

[2] Hereinafter, the phrase, "key terms" will be used to refer to the words "retaliate," and "political retribution" throughout the analysis.

[3] See, e.g., 18 U.S.C. 1591, Pen. Code, § 236.1, subd. (h), *United States v. Todd* (9th Cir. 2010) 627 F.3d 329, 330, *Consumer Advocacy Group v. Walmart Inc.* (2025) 112 Cal.App.5th 679, 679, *In re D.C.* (2021) 60 Cal.App.5th 915, 920 [coercion defined]; Gov. Code, § 3543.5, subd. (a), *Brown v. City of Inglewood* (2025) 18 Cal.5th 33, 38. *Alliance Marc & Eva Stern Math & Science High School v. Public Employment Relations Bd.* (2024) 107 Cal.App.5th 930, 930 [reprisal defined]; Pen. Code, § 76, *People v. Carron* (1995) 37 Cal.App.4th 1230, 1233, *People v. Barrios* (2008) 163 Cal.App.4th 270, 271 [threat(s) defined].

[4] Lampe, J. *Federal Police Oversight: Criminal Civil Rights Violations Under 18 U.S.C. § 242* (June 15, 2020) United States Congress <https://www.congress.gov/crs-product/LSB10495> [as of Mar. 5, 2026].

Some of the outcomes possible under this bill may be illustrated through hypothetical scenarios. Law enforcement officers are public officials under California law. (Gov. Code, § 7920.535.) So, for example, if the victim can make a case that a law enforcement officer retaliated them for protesting police violence or lawfully carrying a firearm at a protest by conducting what amounts to an illegal seizure or a questionable arrest for trespass, then that law enforcement officer could be thrown off the force and permanently barred from securing any position in California government. In practice, this bill could effectuate a backdoor process for decertifying officers.

The Commission on Peace Officer Standards and Training (POST) offers certification to peace officers.[5] Certain law enforcement officers must secure a Proof of Eligibility and Basic Certificate to be a working officer in California. (Pen. Code, § 13510.1.).[6] POST operates a POST Accountability Division that is empowered to review serious misconduct investigations of a peace officer.[7] The Division reports its findings to the POST Accountability Advisory Board, which will make a recommendation to the POST Commission regarding whether disciplinary action ought to be taken against the officer.[8] The Commission then sends back to the Board its opinion on whether it agrees with the Board's findings.[9] If the Commission agrees with the Board, then the Board holds a hearing to render disciplinary action against the officer.[10] Disciplinary action can include suspension, ineligibility, and revocation.[11] Revocation means the peace officer is permanently decertified.[12] Revocation affords no opportunity to reactivate certification, which means the officer is permanently barred from being a peace officer in California.[13]

Permanent decertification is a severe punishment. The lengthy process for decertification is rigorous and intentional. It is the result of years of consideration and negotiation. Yet, creating a potential alternative mechanism for the decertification of a peace officer could be an unintended consequence of this bill.

c) AB 1538 Could Permit Removal of Judges from the Bench

AB 1538 could lead to judges being removed from the bench for doing their jobs. Imagine a judge issues a valid gag order. These are used in various contexts but have the effect of intentionally suppressing an individual's First Amendment rights. Judges issue gag orders, among other things, to ensure a fair trial, to facilitate efficient administration of justice, and to prevent prejudicial information from reaching a jury pool.[14] Proponents of these orders argue that the harm caused by such disclosures may hinder the fair administration of

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[5] *Peace Officer Certification* (Jan. 9, 2026) State of California Commission on Peace Officer Standards and Training <https://post.ca.gov/Certification> [as of Mar. 4, 2026].
[6] See also *ibid.*
[7] *Ibid.*
[8] *Ibid.*
[9] *Ibid.*
[10] *Ibid.*
[11] *Peace Officer Certification Actions* (Feb. 8, 2026) State of California Commission on Peace Officer Standards and Training <https://post.ca.gov/Certification> [as of Mar. 4, 2026].
[12] *Ibid.*
[13] *Ibid.*
[14] Strickland, R.A. *Gag Orders* (May 1, 2025) Middle Tennessee State University Free Speech Center <https://firstamendment.mtsu.edu/article/gag-orders/> [as of Mar. 19, 2026].

justice.[15] This common judicial process results in a restriction of an individual's constitutional rights. In this hypothetical scenario, punishment was imposed by a public official, under color of authority, and against a person exercising their constitutionally protected rights, which appears to be prohibited under this bill.

What makes the example of judges using gag orders being subject to removal from the bench less clear is that the bill requires an "intent" to stop a person from exercising their constitutional rights. Demonstrating judges are issuing gag orders with the intent to suppress a person from exercising their rights may be challenging to prove. Certainly, an argument can be made that the *intended effect* of the gag order is to prevent an individual exercise of rights, but the intent of issuing the gag order itself is more likely to reflect an intent stated above, like ensuring the fair administration of justice. Ultimately, whether AB 1538 could result in the removal of a judge from the bench is unclear.

d) AB 1538 Could Permit Expulsion and Exclusion of Duly Elected Legislators

AB 1538 additionally could lead to legislators being removed from office. In this case, imagine if a Committee Chair on their official Twitter account insults the spouse of another member of their party in response to the spouse making a controversial political statement. This then leads to the Speaker being pressured by most of the party delegation to strip the member of their Committee Chair position(s). The Speaker responds to the pressure from the party delegation and removes the member as Chair of their committee(s). In this hypothetical scenario, the Speaker would be subject to removal from office and disallowed from ever holding office again for removing a Committee Chair because that Chair exercised their First Amendment rights over their official Twitter account.

Courts have referred to exclusion and expulsion from office as "severe" punishments. (*Trump v. Anderson* (2024) 601 U.S. 100, 109.) So, too, has the United States Congress.[16] By expelling even one member, there is a cogent argument that the people's fundamental right to vote for members of their choosing has been usurped. (*Reynolds v. Sims* (1964) 377 U.S. 533, 55-561.) The area represented by the expelled Member has now effectively had their vote nullified and the effectiveness of their representation compromised. This may be especially true if the people voted for the person because they approved of the member's arguably confrontational and disrespectful approach.

Impeachment arguably results in the same outcome, so banishment from office is not necessarily an offensive or unprecedented penalty. Impeachment, however, is a constitutionally enshrined process that has relatively clear, precedential standards from which members can conform their conduct. Impeachment additionally sets a high bar for execution. (Cal. Const. Art. IV § 18, subd. (a)) ["The Assembly has the sole power of impeachment. Impeachments shall be tried by the Senate. A person may not be convicted unless, by rollcall vote entered in the journal, two thirds of the membership of the Senate concurs."]. Any amendment to the impeachment process then would take a two-thirds vote in the legislature

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[15] *Ibid.*

[16] Title 18 – Crimes and Criminal Procedure, United States Code Sec. 241. Reviser's Note (Mar. 4, 1909) ["There seems to be no reason for imposing [removal from office] in the case of one individual crime, in view of the fact that other crimes do not carry such a severe consequence. The experience of the Department of Justice is that this unusual penalty has been an obstacle to successful prosecutions for violations of the act."].

and confirmation by a majority vote at the next election, or a successful initiative campaign. Both the act of impeachment and amending the Constitution to reform impeachment erect higher bars to removal than what is contemplated in this bill.

Providing clarity through defining the prohibited conduct addresses certain concerns with ambiguity, vagueness, and due process. But, even with those definitions, entrenched in AB 1538 remains the potential for problematic outcomes in particular cases.

3) **Separation of Powers**: Separation of powers refers to cabining different responsibilities and authorities in different branches of government – legislative, executive, and judicial.[17] One branch, therefore, often counteracts and balances the other branches.[18] Locating specific powers in certain branches does not mean there is no overlap among the branches. Where overlap occurs, it often provides an essential additional check on an important power.[19] California followed this model when drafting its Constitution. (See Cal. Const., arts. IV, V & VI.)

a) Judicial Review and the Political Question Doctrine

The jurisdiction of the courts is defined in both the US and California Constitutions. (U.S. Const., art. III, Cal. Const., Art. VI.) No justiciable controversy is presented when the parties seek adjudication of only a political question. (*Flast v. Cohen* (1968) 392 U.S. 83, 94.) Courts may invoke the political question doctrine where they find they are being asked to review a question outside their authority. (*Harman v. City and County of San Francisco* (1972) 7 Cal.3d 150, 160-61.) The doctrine also can be invoked when courts cannot effectively render relief or where there is an absence of judicially manageable standards. (*Zivotofsky v. Clinton* (2012) 566 U.S. 189, 195.) The California Supreme Court held that our Constitution explicitly confers to the Legislature the exclusive power of expulsion, and courts do not have power to review that power. (*French v. Senate of California* (Cal. 1905) 146 Cal. 604.) Judicial review, therefore, may be unavailable in certain cases under this bill because they will present a nonjusticiable political question.

It is unclear how expulsion would be enforced under this bill before any judicial proceedings. Is removal self-executing? Is an affirmative act required of the impacted branch of government? The potential lack of judicial review may create further uncertainty.

b) Impeachment

AB 1538 adds a new provision to the Penal Code that does not provide for the types of punishment common to nearly every criminal law – incarceration, fines, or both. The punishments specified in this bill are more akin to those produced by impeachment. Impeachment, especially as applied to the legislature and certain members of the executive and judiciary, may be a more appropriate mechanism for enforcing this bill's penalties.

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[17] The Federalist No. 47, at p. 301 (James Madison) Bantam Publishing (1982) ("the preservation of liberty [requires that] the three great departments of power should be separate and distinct.").
[18] *Ibid.*
[19] *Youngtown Sheet & Tube Co. v. Sawyer* (1952) 343 U.S. 579, 635 (Jackson, J., concurring) ["While the Constitution diffuses power the better to secure liberty, it also contemplates that practice will integrate the dispersed powers into a workable government . . . ."].

Impeachment requires a majority vote of the Assembly, and a two-thirds vote of the Senate.[20] AB 1538, presumably due to its placement in the Penal Code, would require a conviction in court. In other words, this bill provides for the same punishment as impeachment but uses a much different, lower standard.

Impeachment is a political process but is somewhat commonly used for serious official misconduct. (e.g., treason, insurrection, and taking bribes.) Like California law, federal law also provides for civil and criminal penalties against government actors for deprivation of rights. (See Civ. Code, §§ 51.7 & 52.1; 42 U.S.C. § 1983; and 18 U.S.C. §§ 241-42.) It was noted during the debate amending the federal criminal deprivation of rights statute that inclusion of expulsion as a penalty was too severe a consequence and rendered prosecutions difficult.[21] That is why the federal analogues to AB 1538 provide for fines and imprisonment but have not provided for removal from office for decades. (18 U.S.C. §§ 241-42.)

The author indicates federal officials are engaging in widespread denial of constitutional rights. While there is ample evidence supporting federal overreach and deprivation of rights, enforcement of this state law against federal officials is unlikely to succeed.[22]

c) Speech and Debate and Qualifications Clauses

AB 1538 potentially usurps legislative immunity under the Speech and Debate Clause of the US Constitution. The federal clause affords legislators immunity from prosecution while engaging in legislative acts. (U.S. Const., Art. I, § 6.) California's Constitution has similar, but different protections, as our Constitution more broadly protects speech relative to the First Amendment. (Cal. Const., Art. 1, § 2, subd. (a); see also *Pruneyard Shopping v. Robbins* (1980) 447 U.S. 74.)

The privilege of legislators to be free from legal processes was deemed so essential for the representatives of the people that the clauses establishing legislator immunity were codified in both Articles of Confederation and later into the U.S. Constitution. (See *Tenney v. Brandhove* (1951) 341 U.S. 367, 372.) This immunity is now common. 43 states currently provide legislators with some type of speech and debate immunity.[23]

The US Supreme Court found that *state legislators* had immunity when acting in legitimate legislative spheres like committee work. (*Tenney, supra.*) The Court noted the judiciary was not the place for legislative controversies. (*Ibid.*) Regardless of the merit of a claim, especially in times of political passion, dishonest or vindictive motives are readily attributed to legislative conduct and just as readily believed. (*Ibid.*)

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[20] Cal. Const., Art. IV § 18, subd. (a) ("The Assembly has the sole power of impeachment. Impeachments shall be tried by the Senate. A person may not be convicted unless, by rollcall vote entered in the journal, two thirds of the membership of the Senate concurs.").
[21] *Supra*, note 15.
[22] *Infra,* Comment 5, at **Federalism and Inapplicability to Federal Officials.**
[23] *Separation of Powers: Legislative Immunity* (Nov. 16, 2022) National Conference of State Legislatures <https://www.ncsl.org/about-state-legislatures/separation-of-powers-legislative-immunity> [as of Mar. 4, 2026].

Congress possesses clear constitutional power to judge the "Qualifications of its own Members." (U.S. Const., Art. I, §§ 2-5.) Like the US Constitution, the California Constitution gives legislators strict constitutional authority to determine the qualifications of its members, which the Legislature cannot delegate to the courts. (Cal. Const., Art. IV, § 5, subd. (a); see also *In re McGee* (1951) 36 Cal.2d 592.) The US Supreme Court has ruled that not even Congress has the power to alter or add to the qualifications set forth in the Constitution. (*Powell, supra,* at p. 540.) In one case, the Court found a state congressional term limits measure unconstitutional where it had the effect of indirectly creating additional qualifications. (*Thornton, supra,* at p. 828.) Since federal officers "owe their existence and functions to the united voice of the whole," powers over their election and qualifications must not be delegated to the States. (*Ibid.*)

While Congress is empowered to expel its members, exercise of this constitutional authority has been met with controversy. One committee suggests the expulsion power conflicts with the right of the Member's constituency to choose their representative.[24] Another committee report, however, found support for a limited expulsion power.[25] Furthermore, courts have ruled that the Equal Protection Clause grants a substantive right to voters to participate in the electoral process on an equal basis with other qualified voters. (*Lubin v. Panish* (1974) 415 U.S. 709, 713.) The California Supreme Court has protected the rigid separation between the judiciary and legislature's constitutional powers in this space noting, "the assembly should be the sole and exclusive judge of the eligibility of those whose election is properly certified. For this court to undertake to try the question of eligibility and to deprive the candidate of any chance to be elected, would simply be to usurp the jurisdiction of the assembly." (*McGee, supra,* at p. 594) Therefore, an attempt to apply AB 1538 to state legislators may not even be entertained by the judiciary.

4) **Restriction on Civil Liberties and Political Rights**: Some applications of AB 1538 may produce infringements on civil liberties and political rights. Civil liberties are generally considered those individual rights captured in the Bill of Rights, like freedom of speech.[26] Political rights are generally considered those rights attached to citizenship, like voting and officeholding.[27]

   a) The Right to Vote

   The Court has stated the right to vote is a fundamental concern in a free society. (*Reynolds v. Sims* (1964) 377 U.S. 533, 561.) Included as part of the right to vote is the right to vote freely for the candidate of one's choice. (*Id.* at p. 555.) Legislatures may not enact laws that act as direct burdens on a candidate's ability to run for office or on the voter's ability to voice their

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[24] Garvey, T. *Expulsion of Members of Congress: History and Practice* (Nov. 7, 2023) United States Congress <https://www.congress.gov/crs-product/R45078#ifn72> [as of Mar. 20, 2026] (noting a House report that said Congress expelling its own members potentially "'abuses its high prerogative' . . . and might exceed the just limitations of its constitutional authority by seeking to substitute its standards and ideals for the standards and ideals of the constituency of the Member who had deliberately chosen him to be their Representative.")

[25] *Ibid* ("voting is the essential power that cannot belong to governments in a democratic republic.")

[26] *Civil Rights*, Cornell Law School Legal Information Institute <https://www.law.cornell.edu/wex/civil_rights> [as of Mar. 20, 2026].

[27] Amar, A. *The Privileges or Immunities Clause* (2026) National Constitution Center <https://constitutioncenter.org/the-constitution/amendments/amendment-xiv/clauses/704#the-privileges-or-immunities-clause-americas-lost-clause-by-akhil-reed-amar> [as of Mar. 20, 2026].

preferences for representative government. (*Buckley* v. *Valeo* (1976) 424 U.S. 1, 94.) Any restriction on the right to vote strikes at the heart of representative government. (*Ibid.*)

In California, the legislature and judiciary have acknowledged the fundamental right of citizens to vote and to hold office. (Gov. Code, §§ 274, 275; see also *Carter v. Commission on Qualifications of Judicial Appointments* (1939) 14 Cal.2d 179, 182.) Both high Courts affirmed, "That a person is not compelled to hold public office cannot possibly be an excuse for barring him from office by state-imposed criteria forbidden by the Constitution." (*Fort v. Civil Service Com.* (1964), 61 Cal.2d 331, 334.) Critically, our Supreme Court noted "the right to hold public office, either by election or appointment, is one of the valuable rights of citizenship." (*Carter, supra,* at p. 182.) AB 1538 may not directly implicate the right to vote, but statutory authority to remove a duly elected legislator from office arguably violates the people's right to vote for a candidate of their choice.

b) The Right to Free Expression

The First Amendment rights of free speech, a free press, and freedom of assembly depend on no election's outcome. (*West Virginia State Board of Education v. Barnette* (1943) 319 U.S. 624.) Like the U.S. Constitution, California's Constitution establishes the rights to vote and free expression. (Cal. Const., Art. I, § 2; Cal. Const., Art. II, §§ 1-3.) The right to have one's voice heard and one's views considered by the appropriate governmental authority is core to the First Amendment. (*Williams v. Rhodes* (1968) 393 U.S. 23, 38-39.)

This bill arguably violates expressive rights because it could be used to chill speech and political participation. For example, would it be retaliation under this bill if one public official directing mean-spirited, but otherwise lawful, speech at an elected official causes previously supportive public officials to rescind endorsements, work to kill their bills, or vote for opposing candidates? Even if the intent of the speech was retaliatory or retributive, expelling the offending speaker would have the effect of chilling speech.

5) **Federalism and Inapplicability to Federal Officials:** The Constitution gives the federal government specifically enumerated powers, while intending to leave other powers to the states, or to the people.[28] This was an intentional construct for government aimed to unite the country and create checks on each government's exercise of power.[29] Can the Tenth Amendment offer a source of constitutional authority to enforce AB 1538? The Framers certainly envisioned the States retaining a healthy reserve of powers under the Constitution.[30] One of those powers is the police power. The police power is generally considered broad in scope but extends only to such measures as are "reasonable in their application and tend . . .

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[28] Sutton, J. (Hon.), *Federalism.* National Constitution Center <https://constitutioncenter.org/essays/federalism> [as of Mar. 1, 2026].

[29] See, e.g., U.S. Const.. Amend. X; *United States Term Limits, Inc. v. Thornton* (1995) 514 U.S. 779, 838 ["the Framers 'split the atom of sovereignty' in an effort to unite thirteen disparate colonies and unleash a new government."]; The Federalist No. 51, at p. 320 (James Madison) Bantam Publishing (1982) ["ambition must be made to counteract ambition."].

[30] Reese, E.A. *Or to the People: Popular Sovereignty and the Power to Choose a Government* (2023) 39.6 Cardozo L. Rev. 2051, 2051-52 <https://cardozolawreview.com/popular-sovereignty-tenth-amendment-reese/> [as of Mar. 20, 2026].

to promote, protect, or preserve the public health, morals, safety, or the general welfare." (*Ex parte Quarg* (1906) 149 Cal. 79, 81.)

The States' reserved powers under the Tenth Amendment likely do not extend into voting, elections, and most regulation of federal officeholders. Despite being included as one of the Bill of Rights, the Tenth Amendment formally changed nothing in the Constitution.[31] In a rare case where the Tenth Amendment was implicated, the Court wrote, "Our conclusion that States lack the power to impose qualifications vindicates the same fundamental principle that we recognized in *Powell,* namely, that the people should choose whom they please to govern them." (*Thornton, supra,* at p. 793.)

Criminal law is one of the public safety powers that predominantly resides with states.[32] While states have authority to legislate broadly in the public safety space, that authority neither 1) arises through the Tenth Amendment, nor 2) permits most regulation of federal officeholders.

a) The Supremacy Clause

Generally, the Supremacy Clause means that federal laws supersede contrary state laws. (U.S. Const., Art. VI) ["the Laws of the United States . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."]. A significant concern for the Framers with the new government was states becoming too powerful.[33] While in 2026 it often feels like it is the states serving as protectors against unlawful federal overreach, the federal government occasionally has exercised its authority to check state government abuses.[34] The Court interprets the Supremacy Clause broadly. (*McCulloch v. Maryland* (1819) 417 U.S. (4 Wheat.) 316, 427.) "States have no power . . . to retard, impede, burden, or in any manner control . . . the powers vested in the general government." (*Id.* at p. 436.)

Courts have held that states have limited authority to regulate the conduct of federal officeholders. (*Ibid.*) Courts support federal officials being subject to state criminal laws like murder, burglary, and the like while *outside* the scope of their official duties.[35] Perhaps states may burden congressional authority, but only if they are exercising their sovereign power over their own state offices. (*Anderson, supra*, at p. 112.) The Constitution though nowhere affirmatively delegates to states the authority to impose burdens on congressional power. (*Id.*

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[31] *Ibid.*
[32] Lawson, G. & Schapiro, R. Tenth Amendment: Common Interpretation (2026) National Constitution Center <https://constitutioncenter.org/the-constitution/amendments/amendment-x/interpretations/129> [as of Mar. 20, 2026].
[33] The Federalist No. 28, at p. 159 (Alexander Hamilton) Bantam Publishing (1982) ["Power being almost always the rival of power, the government will at times stand ready to check the usurpations of state governments."].
[34] See, e.g., *The Kennedys and the Civil Rights Movement,* National Park Service <https://www.nps.gov/articles/000/the-kennedys-and-civil-rights.htm>; Voting Rights Act (1965) National Archives < https://www.archives.gov/milestone-documents/voting-rights-act>;
Brown v. Board of Education (1954) National Archives <Brown v. Board of Education (1954) | National Archives> [as of Mar. 2, 2026].
[35] Godar, B. *Explainer: Can States Prosecute Federal Officials?* (July 17, 2025) University of Wisconsin State Democracy Research Initiative <https://statedemocracy.law.wisc.edu/featured/2025/explainer-can-states-prosecute-federal-officials/> [as of Mar. 1, 2026].

at p.113.) The form of immunity afforded to federal officeholders is referred to as Supremacy Clause immunity.

Supremacy Clause immunity as applied to federal officers facing state law criminal penalties does not appear to be commonly challenged over the past century. The first significant US Supreme Court case evaluating this form of Supremacy Clause immunity occurred towards the end of the nineteenth century, while the most recent occurred in the 1920's. (*In re Neagle* (1890) 135 U.S. 1; see also *Johnson v. Maryland* (1920) 254 U.S. 51.) The most commonly cited case is *In re Neagle*, where the Supreme Court held that a US Marshal guarding a traveling Justice, who defended the Justice from attack by killing the attacker, was not subject to California criminal law penalties. (*Neagle*, *supra*.) The Court has consistently reaffirmed that where federal officers are engaging in official conduct that is "necessary and proper" to their positions, federal officers are protected from state criminal prosecution by the Supremacy Clause of the US Constitution. (See *Johnson, supra*, at pp. 56-57.)

Of course, courts have found exceptions to this form of federal officer immunity, but in rare and highly particularized cases. One of those cases involved military officers on a military base who killed a person stealing items from the base. (*United States ex rel Drury v. Lewis* (1906) 200 U.S. 1.) The shooting occurred under such questionable circumstances the Court found it constitutional to subject the officers to state criminal charges. (*Ibid.*) Another federal district court case found a Department of Agriculture employee not protected by Supremacy Clause immunity where the employee used the authority in his job as a means of settling a personal dispute that at least initially unfolded while he was not on the job. (*Arizona v. Files* (D. Ariz. 2014) 36 F.Supp. 3d 873.) The employee essentially orchestrated the situation so that he could use his professional authority to settle a personal dispute then claim immunity, which the court would not conclude were "necessary and proper" acts of his job. (*Ibid.*) These exceptions, while illustrative, are unlikely to be a common set of facts in Supremacy Clause immunity cases or cases arising under AB 1538.

Insofar as AB 1538 attempts to assert authority to, for example, expel or exclude duly elected Congressmembers from office, the bill is unlikely able to effectuate this outcome. The same likely applies to any federal officer on the job, provided the officer is engaging in necessary and proper acts of employment. The power to expel Members of Congress clearly would interfere with the operation of Congress. Moreover, cases against any federal official under AB 1538 would be removed to federal court. (28 U.S.C. § 1446.) A federal judge is probably less likely to hold that state law can expel or exclude duly elected Representatives from their seats in Congress or subject federal officers to state criminal penalties. The US Constitution and federal law contain few sources of authority that allow states to regulate federally elected officials. Thus, AB 1538 almost certainly would not apply to federal officeholders.

b) State Authority to Regulate the Times, Places, and Manners of Federal Elections

States have one explicit constitutional source of authority that allows them to regulate federal elections. (U.S. Const., Art. I, § 4.) Here, states may regulate the "'times, places and manner' of elections" for Congress. (*Ibid.*) Congress, however, retains explicit constitutional authority to 1) override state time, place, and manner laws, and 2) decide who holds sufficient qualifications for Congress. (U.S. Const., Art. I, §§ 4-5; see also *Thornton, supra,* at p. 779.)

States' inability to regulate federal officeholding is an inescapable conclusion. (See *Powell v. McCormack* (1969) 395 U.S. 486, 540.) Allowing individual states to enact their own qualifications for Members of Congress would damage the constitutional structure created by the Framers to "'form a more perfect union.'" (*Thornton, supra,* at p. 838.) State authority to regulate federal elections simply means providing "notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices," but does not extend to state legislatures being permitted to ignore constitutional restraints or abridging fundamental rights. (*Tashjian v. Republican Party of Conn.* (1986) 479 U.S. 208, 217.)

It is unlikely, but ultimately unclear, whether a state law can authorize expulsion or exclusion of public officials from *state* office. Attempting to do the same to federal officials, however, would almost certainly run afoul of Congress' constitutional right to control its membership.

6) **Potential Redistribution of Power**: AB 1538 provides for expulsion and exclusion of public officials from public office, where those public officials use their authority to retaliate or exert political retribution against a person for exercising a constitutionally protected right. By providing a potential means of expelling or banishing duly elected individuals from office, this bill could have an impact on the people's right to democratically elect representatives of their choosing. There is a risk the law could be weaponized to accomplish outcomes that otherwise would be sought at the ballot box.

   Assuming the law would be enforced like most criminal laws, county district attorneys and the California Department of Justice would wield extraordinary, unprecedented power. Empowering county district attorneys to try a case where the outcome causes removal of a state officeholder would result in a substantial redistribution of power. Perverse incentives could be created in these cases where a county district attorney could take the case of an officeholder to trial whose office they are currently seeking. Prosecutorial discretion essentially could carry the same weight as the people's vote. Another effect of AB 1538 could be to create an unusual and significant redistribution of power in California government.

7) **Argument in Support**: According to *California Civil Liberties Advocacy,* "On behalf of California Civil Liberties Advocacy (CCLA), I write to express our strong support for AB 1538, which would prohibit elected and appointed officials from retaliating against individuals for exercising their constitutionally protected rights.

   "The foundation of any constitutional democracy is the principle that individuals may exercise their rights—whether speech, petition, association, religion, or other protected liberties—without fear of government retaliation. When public officials use the power of their office to punish critics, whistleblowers, activists, or ordinary citizens for exercising those rights, the result is a chilling effect that undermines democratic participation and erodes trust in government.

   "AB 1538 addresses this problem directly by establishing a clear statutory prohibition against political retribution carried out under color of authority. While federal civil rights laws provide civil remedies in some circumstances, those mechanisms are often slow, expensive, and inaccessible to many victims of government retaliation. By creating a clear state-level criminal prohibition, your bill reinforces the principle that public office is a public trust, not a tool for personal or political vengeance.

"This measure is also consistent with longstanding constitutional jurisprudence recognizing that government may not condition benefits, opportunities, or protections on a citizen's willingness to refrain from exercising their rights. The U.S. Supreme Court has repeatedly held that retaliation against individuals for exercising First Amendment rights is itself a constitutional violation. AB 1538 strengthens California's commitment to those principles by ensuring that officials who abuse their authority in this manner face meaningful accountability.

"Importantly, the bill helps restore public confidence that government institutions operate within the bounds of the Constitution. Californians should never have to worry that speaking out against a public official, criticizing government policy, or asserting their legal rights will result in retaliation from those in power."

8) **Argument in Opposition**: According to *American Civil Liberties Union California Action*, "The American Civil Liberties Union California Action must regretfully oppose AB 1538, which would make it illegal for elected or appointed officials to use their authority to retaliate against individuals for exercising their constitutional rights.

"Our organization was founded in the aftermath of what is often referred to as the "Palmer Raids," in which former U.S. Attorney General Mitchell Palmer began rounding up and deporting people who were anti-war suspected to be communists believed to be undermining U.S. stability during the First Red Scare following the aftermath of World War I. Thousands of people were arrested without warrants and without regard to constitutional protections against unlawful search and seizure. Those arrested were brutally treated and held in horrible conditions.

"Since our founding, we have been dedicated to our mission of ensuring the promise of the Bill of Rights and to expand its reach to people historically denied its protections. In our first year, we fought the harassment and deportation of immigrants whose activism put them at odds with the authorities. In 1939, we won in the Supreme Court the right for unions to organize. We stood almost alone in 1942 in denouncing our government's round-up and internment in concentration camps of more than 110,000 Japanese-Americans. And at times in our history when frightened civilians have been willing to give up some of their freedoms and rights in the name of national security, the ACLU has been the bulwark for liberty.

"While we understand the intent behind this bill, the current language is so sweeping that virtually any elected official may be disqualified from holding office for who we sue in the ordinary course of challenging an unconstitutional law, simply because we contend that the official is responsible for enforcing it. For example, the measure would permit disqualification if an official "punished" someone for exercising a constitutionally protected right. But it does not define "punished."

"An official who cites or arrests someone engaged in what is ultimately determined to be lawful protest — a constitutionally protected activity — could be accused of having "punished' protected conduct and therefore be subject to disqualification. That interpretation would transform standard constitutional litigation into a mechanism for removing officeholders throughout the state.

"Establishing general qualifications to run for elected office or be appointed has been a longstanding practice in our representative democracy. Our position is to assess any new limitations and the government's rationale for those limitations. Therefore, we encourage the author to explain the government's rationale for removing public officials in the bill with a legislative declarations and findings.

"The impact of this bill is extraordinary and can have sweeping consequences that would essentially disqualify elected officials and appointees who are sued for enforcing an ordinance or law that a court considers unconstitutional."

9) **Related Legislation**:

a) AB 1535 (Davies) would include felonies motivated by the victim's political affiliation as a discretionary circumstance in aggravation that courts may consider in sentencing. AB 1535 is pending hearing the Assembly Appropriations Committee.

b) AB 1545 (Krell) would, among other things, provide enhanced penalties for the commission of an offense that is a targeted attack on a person who is reasonably identifiable as a journalist, as defined. AB 1545 is pending hearing in the Assembly Public Safety Committee.

10) **Prior Legislation**:

a) SB 1044 (Durazo), Chapter 829, Statutes of 2022, prohibited an employer, in the event of an emergency condition from taking or threatening adverse action against any employee for refusing to report to, or leaving, a workplace or worksite within the affected area because the employee has a reasonable belief that the workplace or worksite is unsafe.

b) SB 238 (Melendez), of the 2021-2022 Legislative Session, would have prohibited an employer from taking adverse employment action against an employee or applicant for employment based on their political affiliation or lack of political affiliation or their membership or association with a political organization. SB 238 failed passage in the Senate Judiciary Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Civil Liberties Advocacy
California District Attorneys Association
California News Publishers Association
California State Council of Service Employees International Union (seiu California)
Peace Officers Research Association of California (PORAC)
3 Private Individuals

Oppose

ACLU California Action
Riverside County Sheriff's Office
San Bernardino County Sheriff's Department

Analysis Prepared by: Dustin Weber / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1605 (Ransom) – As Amended March 16, 2026

SUMMARY: Requires a person convicted of specified impaired driving offenses, who is granted probation, to be prohibited from purchasing alcohol for a period of at least one year, as a condition of probation. Specifically, **this bill**:

1) Requires every person who sells, furnishes, gives away, or causes to be sold, furnished, or given away any alcoholic beverage to request and review a form of written identification issued by this state or another state, and makes a violation of this requirement a misdemeanor punishable by a $1,000 fine, no part of which shall be suspended, and the person shall be required to perform at least 24 hours of community service during hours when the person is not employed and is not attending school.

2) Makes it a misdemeanor, commencing January 1, 2028, to sell, furnish, give away, or cause to be sold, furnished, or given away any alcoholic beverage to a person who provides an identification card or driver's license issued by the DMV that contains the words "NO ALCOHOL SALES" or another appropriate designation (hereafter no-alcohol-sales-license), as specified.

3) Requires, rather than permits, a licensee, their agent, or employee to refuse to sell or serve alcoholic beverages to a person who is unable to produce adequate written evidence that the person is 21 years of age, for the purposes of preventing a violation of the misdemeanor of selling, furnishing, or giving an alcoholic beverage to a person under 21 years of age.

4) Requires, commencing January 1, 2028, a licensee, their agent, or employee to refuse to sell or serve alcoholic beverages to a person who provides a no-alcohol-sales-license, for the purpose of preventing this bill's proposed new misdemeanor of selling or giving an alcoholic beverage to a person who provides a no-alcohol-sales-license.

5) Requires, commencing January 1, 2028, the DMV to issue an identification card or a driver's license with the words "NO ALCOHOL SALES" or another appropriate designation on the face of the identification card or driver's license for an individual who has submitted an application and for whom the court department has received an abstract of the record of a court showing that the court has issued an order prohibiting that person from purchasing alcohol, as specified below.

6) Requires, commencing January 1, 2028, a person convicted of driving under the influence (DUI),[1] DUI causing bodily injury, a wet reckless offense,[2] or intoxicated vehicular manslaughter, as specified, who is granted probation to be prohibited from purchasing alcohol for a period of at least one year to the entire probationary period as a term and condition of probation, except in the interests of justice, if the underlying conviction involved any of the following:

   a) The person had .16 percent or more, by weight, of alcohol (BAC) in their blood.

   b) The offense occurred within three years of a separate violation of any of these offenses, which resulted in a conviction.

   c) The offense involved damage to the property of another greater than $1,000, or great bodily injury (GBI), as defined, or death of another.

7) Specifies, commencing January 1, 2028, that after issuing an order pursuant to the above, a court shall ensure that the physical copies of the person's driver's license or identification card are forfeited or surrendered to law enforcement.

8) Requires, commencing January 1, 2028, the court to impose a fee to cover the costs of the DMV in issuing a replacement identification card or driver's license, and specifies that an individual with an income of less than 200 percent of the official federal poverty level is eligible to pay this fee on a payment plan.

9) Requires, commencing January 1, 2028, that the Judicial Council shall work with the DMV regarding the implementation of this section.

EXISTING LAW:

1) Prohibits the sale of alcohol to a person under 21 years of age, as follows:

   a) Makes it a misdemeanor to sell, furnish, give, or cause to be sold, furnished, or given away any alcoholic beverage to any person under 21 years, as specified. (Bus. & Prof. Code, § 25658, subd. (a).)

   b) Authorizes, for the purpose of preventing a violation of selling an alcoholic beverage to a person under 21 years old, as specified, any licensee, or their agent or employee, to refuse to sell or serve alcoholic beverages to any person unable to produce adequate written evidence that they are over the age of 21 years. (Bus. & Prof. Code, § 25659.)

2) Makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has a BAC of 0.08 percent or more, to drive a vehicle (DUI). (Veh. Code, § 23152 subds. (a), (b) (f), & (g).)

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[1] For purposes of this analysis, a "DUI" refers to a DUI punishable under Vehicle Code section 23152 that does not cause bodily injury. "A DUI causing bodily injury" to another is punished separately under Vehicle Code section 23153.
[2] A wet reckless conviction occurs where the prosecution agrees to a plea to a charge of reckless driving under Vehicle Code 23103, in satisfaction of, or as a substitute for, an original DUI charge, as specified. (Veh. Code, § 23103.5.)

3) Punishes a DUI as follows:

   a) DUI is a misdemeanor punishable by imprisonment for four days to six months in county jail, or if given probation, possibly two days to six months in jail,[3] a fine of $390 to $1,000, an order to install a functioning, certified IID on any vehicle that person operates for up to six months,[4] at the court's discretion, a six-month license suspension or a 10-month suspension if probation is given and a 9-month DUI program is ordered, and completion of a three-month (30-hour) DUI program; or, if given probation, a nine-month (60-hour) program if the person's BAC was .20 percent or more, or they refused to take a chemical test. (Veh. Code, §§ 13352, subd. (a)(1); 13352.1, subd. (a); 23536, subds. (a) & (c); 23538, subds. (a) & (b); 23575.3, subd. (h)(1)(A)(i).)

   b) DUI with one prior[5] is a misdemeanor punishable by imprisonment for three months to one year in county jail, or if given probation, 10 days to one year, or four days to one year, a fine of $390 to $1,000, a one-year IID installation mandate, a two-year license suspension, and completion of an 18-month or 30-month DUI program, as specified, if given probation. (Veh. Code, §§ 13352, subd. (a)(3); 23540, subd. (a); 23542, subds. (a) & (b); 23575.3, subd. (h)(1)(B).)

   c) DUI with two priors is a misdemeanor punishable by imprisonment for four months to one year in county jail or 30 days to one year if given probation and ordered to complete a 30-month DUI program, a fine of $390 to $1,000, a two-year IID installation mandate, a three-year license revocation, and three-year designation as a habitual traffic offender, and an 18- or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352, subd. (a)(5); 23546; 23548, subds. (a) & (b); 23575.3, subd. (h)(1)(C).)

   d) DUI with three or more priors is an alternate felony-misdemeanor (hereafter wobbler) punishable by imprisonment for six months to one year in jail, or as a felony punishable by incarceration by 16 months or two or three years, or 30 days to one year if given probation and ordered to complete a 30-month DUI program, a fine of $390 to $1,000, a three-year IID installation mandate, a four-year license revocation, and three-year designation as a habitual traffic offender, and an 18 or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352, subd. (a)(7); 23550; 23552, subds. (a) & (b); 23575.3, subd. (h)(1)(D).)

4) Makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or the combined influence of the two, or who has a BAC of .08 or more, to drive a vehicle, and concurrently do any act forbidden by law or neglect any duty imposed by law in driving the vehicle, which proximately causes bodily injury to any person other than the driver (hereafter DUI causing bodily injury.) (Veh. Code, § 23153 subds. (a), (f), & (g).)

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[3] In addition to DUI-specific probation conditions and any other terms and conditions imposed by the court.
[4] Only if the offense involved alcohol.
[5] For purposes of this analysis and unless otherwise specified, a "prior" means a separate DUI conviction under Vehicle Code sections 23152 (DUI), 23153 (DUI causing bodily injury), or a "wet reckless" conviction under 23103.5 (plea to reckless driving in satisfaction of an original DUI charge) that occurred within 10 years of the current violation.

5) Punishes a DUI causing bodily injury, as follows:

   a) DUI causing bodily injury is a wobbler punishable by imprisonment for three months to one year in county jail or 16 months, or two or three years in state prison or if given probation, five days to one year in county jail, a fine of $390 to $1,000, a one-year IID installation mandate, a one-year license suspension, and completion of a three-month (30-hour) DUI treatment program; or, if given probation, a nine-month (60-hour) program if the person's BAC was .20 percent or more or they refused to take a chemical test. (Veh. Code, §§ 13352 subd. (a)(2); 23554; 23556, subds. (a) & (b); 23575.3, subd. (h)(2)(A).)

   b) DUI causing bodily injury with one prior is a wobbler punishable by imprisonment for four months to one year in county jail or 16 months, or two or three years in state prison, or if given probation, four months in jail, or 30 days to one year in jail, a fine of $390 to $5,000, a two-year IID installation mandate, a three-year license revocation, and an 18- or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352 subd. (a)(4); 23560; 23562, subds. (a) & (b); 23575.3, subd. (h)(2)(B).)

   c) DUI causing bodily injury with two or more priors is a felony punishable by imprisonment in state prison by two, three, or four years, or if given probation, either a minimum of one year in county jail, or 30 days to one year in county jail if ordered to complete an 18 or 30-month DUI program, a fine of $1,015 to $5,000, a three-year IID installation mandate, a five-year license revocation and three-year designation as a habitual traffic offender, and an 18- or 30-month DUI program, as specified, if given probation. (Veh. Code, §§ 13352 subd. (a)(6); 23566; 23568, subds. (a) & (b); 23575.3, subd. (h)(2)(C.)

   d) Punishes a person convicted of a DUI causing bodily injury, where the violation proximately causes GBI to any person other than the driver, and the offense occurred within 10 years of two or more priors, as a felony by imprisonment for two, three, or four years in state prison, a $1,015 to $5,000 fine, and a five-year license revocation (Veh. Code, §§ 23566, subd. (b); 13352 subd. (a)(6).)

6) Makes any DUI or DUI causing bodily injury a wobbler if that person has previously been convicted of certain impaired driving crimes:

   a) Punishes a person convicted of any DUI within 10 years of specified felonies – a DUI with three or more priors, a DUI causing bodily injury, or gross vehicular manslaughter – as a wobbler with a $390 to $1,000 fine, a four- or five-year license revocation (including a three-year designation as a habitual traffic offender), and a three- or four-year IID mandate. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (a), (c) & (d); 23575.3, subd. (h)(1)-(2).)

   b) Punishes a person convicted of any DUI, who has a prior conviction for felony intoxicated vehicular manslaughter, as a wobbler with a fine of $390 to $1,000, a four- or five-year license revocation, and a three- or four-year IID mandate. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (b), (c) & (d); 23575.3, subd. (h)(1)-(2).)

7) Establishes probation conditions for DUI and DUI causing bodily injury, as follows:

a) Specifies that if a person is convicted of DUI or DUI causing bodily injury, the court shall not stay or suspend sentencing and shall pronounce sentence in conjunction with the conviction in a reasonable time, including time for receipt of any presentence investigation report, as specified. (Veh. Code, § 23600, subd. (a).)

b) Specifies that if a person is convicted of DUI or DUI causing bodily injury and is granted probation, the terms and conditions of probation shall include, but not be limited to:

   i) A period of probation not less than three nor more than five years, as specified.

   ii) A requirement that the person shall not drive a vehicle with any measurable amount of alcohol in their blood.

   iii) A requirement that the person, if arrested for a violation of a DUI or DUI causing bodily injury, shall not refuse to submit to a chemical test, as specified.

   iv) A requirement that the person shall not commit any criminal offense. (Veh. Code, § 23600, subd. (b).)

c) Prohibits a court from absolving a person convicted of DUI or DUI causing bodily injury from spending the minimum time in confinement, if any, or of paying the minimum fine. (Veh. Code, § 23600, subd. (c).)

d) Specifies that if any person violates the prohibition against driving with any measurable amount of alcohol in their blood or refusing to submit to a chemical test, and the person had a BAC over 0.04 percent, as specified, the court shall revoke probation and only grant a new term of probation of up to five years on the condition that the person be confined in the jail for not less than 48 hours for each probation violation, except in unusual cases where this is not in the interests of justice. (Veh. Code, § 23600, subd. (d).)

e) Makes a willful failure to pay any fine, restitution, or assessment during probation a violation of the terms and conditions of probation. (Veh. Code, § 23601, subd. (b).)

f) Provides, except as otherwise provided, if a person has been convicted of DUI or DUI causing bodily injury and the court has suspended the sentence and has granted probation, and during probation, the person violates a required term or condition of probation, the court shall revoke the suspension of sentence, terminate probation, and may pronounce judgement for any time within the longest period for which the person might have been sentenced, as specified. (Veh. Code, § 23602; Pen. Code, § 1203.2, subd. (c).)

g) Generally requires a person convicted of DUI or DUI causing bodily injury, who is given probation, to complete a specified DUI program. (Veh. Code, §§ 23540, 23548, 23552, 23556, 23562; 23568.)

h) Requires a court to revoke the probation of a person convicted of DUI or DUI causing bodily injury if they fail to enroll in, participate in, or complete a specified DUI program, except for good cause shown. (Veh. Code, §§ 23538, subd. (c)(1); 23556, subd. (c)(1).)

i) Makes it unlawful for a person on probation for DUI or DUI causing bodily injury to operate a motor vehicle with a BAC of .01 percent or greater, as specified. (Veh. Code, § 23154, subd. (c)(1).)

j) Provides that a person on probation for DUI or DUI causing bodily injury who drives a vehicle is deemed to have given their consent to alcohol screening tests or chemical tests, if lawfully detained for an alleged impaired driving violation. (Veh. Code, § 23154, subd. (c)(1).)

k) Requires a person on probation for DUI or DUI causing bodily injury to be told that failure to submit to an alcohol screening test or other chemical test as requested will result in the suspension or revocation of that person's driving privileges for a period of one to three years. (Veh. Code, § 23154, subd. (c)(3).)

8) Requires a court, if a person is convicted of a DUI or a DUI causing bodily injury, to consider a BAC of .15 percent or more or a person's refusal to take a breath or urine test as a special factor that may justify enhancing the penalties in sentencing, in determining whether to grant probation, and, if probation is granted, in determining additional or enhanced terms and conditions of probation. (Veh. Code, § 23578.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Driving under the influence is not a mistake, it is a reckless and dangerous crime that puts everyone on our roads at risk. When someone repeatedly drives impaired, it signals a serious public safety threat and often a deeper issue with alcohol misuse. My bill, AB 1605, gives judges a common-sense tool to help break that cycle by allowing them to place a "No Alcohol Sale" designation on the licenses of repeat and serious DUI offenders, preventing them from purchasing alcohol. In 2023, nearly 1,500 people were killed in alcohol-involved crashes in California, accounting for about one-third of all traffic deaths, according to the California Office of Traffic Safety. AB 1605 is a targeted measure that focuses on prevention and accountability by limiting alcohol access for individuals who have demonstrated they cannot use it responsibly, helping reduce repeat offenses and save lives."

2) **California's DUI Framework:** Existing law makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has a BAC of 0.08 percent or more, to drive a vehicle. (Veh. Code, § 23152 subds. (a), (b), (f), & (g).) This is California's primary DUI statute that establishes the crime of a DUI that does not cause bodily injury. DUIs that cause bodily injury or death are punished separately and more severely. The punishment for a DUI generally depends on the defendant's number of separate "priors" within 10 years of the current offense. (Veh. Code, § 23540.) Convictions that are considered "priors" are a DUI under Vehicle Code section 23152, a DUI causing bodily injury under Vehicle Code section 23153, and a "wet reckless" conviction under Vehicle Code section 23103.5. (*Ibid.*) A wet reckless conviction occurs where the prosecution agrees to a plea to a charge of reckless driving under Vehicle Code 23103, in satisfaction of, or as a substitute for, an original DUI charge, as specified. (Veh. Code, § 23103.5.)

A first, a second, and a third DUI within ten years of the current offense are all misdemeanor offenses. (Veh. Code, §§ 23536; 23540; 23546.) However, the amount of minimum jail time, license suspension length, and IID installation term all increase with each prior. (Veh. Code, §§ 13352, subd. (a)(1)-(5); 23536; 23540; 23546; 23575.3, subd. (h)(1)(A)-(C).)

Specifically, a first-time DUI is punishable by imprisonment for four days to six months in county jail, a fine of $390 to $1,000, a possible six-month IID installation order, a six- to 10-month suspension, and, if given probation, completion of a three- or nine-month DUI program. (Veh. Code, §§ 13352, subd. (a)(1); 13352.1, subd. (a); 23536, subds. (a) & (c); 23538, subds. (a) & (b); 23575.3, subd. (h)(1)(A)(i).) A DUI with one prior is punishable by imprisonment for three months to one year in county jail, a $390 to $1,000 fine, a one-year IID mandate, a two-year license suspension, and, if given probation, completion of an 18 or 30-month DUI program. (Veh. Code, §§ 13352, subd. (a)(3); 23540, subd. (a); 23542, subds. (a) & (b); 23575.3, subd. (h)(1)(B).) A DUI with two priors is punishable by imprisonment for four months to one year in county jail, a $390 to $1,000 fine, a two-year IID mandate, a three-year license revocation, and, if given probation, a possible 18 or 30-month DUI program. (Veh. Code, §§ 13352, subd. (a)(5); 23546; 23548, subds. (a) & (b); 23575.3, subd. (h)(1)(C).) A DUI with three or more priors is a wobbler, punishable by imprisonment for six months to one year in county jail, or as a jail-eligible felony by 16 months, or two or three years. (Veh. Code, § 23550.) Additionally, this offense is subject to a $390 to $1,000 fine, a three-year IID mandate, a four-year license revocation, and, if given probation, a possible 18- or 30-month DUI program. (Veh. Code, §§ 13352, subd. (a)(7); 23550; 23552, subds. (a) & (b); 23575.3, subd. (h)(1)(D).) Similar provisions exist for DUI causing bodily injury, although that offense is punished more severely and typically results in longer IID installation terms and license revocation periods. (Veh. Code, §§ 23554; 23560; 23566.)

As noted above, a person granted probation for a DUI or DUI causing bodily injury is typically required to enroll and complete specified DUI programs. (Veh. Code, §§ 23540, 23548, 23552, 23556, 23562.) In addition, existing law establishes several DUI-specific mandatory conditions of probation. If probation is granted to an individual convicted of DUI or DUI causing bodily injury, the period of probation must be at least three years but no more than five years. (Veh. Code, § 23600, subd. (b)(1).) Primarily, terms and conditions of probation must prohibit a person from: 1) driving a vehicle with any measurable amount of alcohol in their blood; 2) refusing a chemical test if arrested for a DUI or DUI causing bodily injury; and 3) committing any criminal offense. (Veh. Code, § 23600, subd. (b).) If a person violates the prohibition against driving with any measurable alcohol in their blood or refusing a chemical test, and their BAC was over .04 percent, the court shall revoke their probation and only grant a new term of probation for up to five years, conditioned on the person being confined for at least 48 hours for each probation violation, except in unusual cases where this is not the interests of justice. (Veh. Code, § 23600, subd. (d).) Any willful failure to pay a fine or restitution during probation is a violation of the terms of probation. (Veh. Code, § 23601, subd. (b).) Further, a court is required to revoke probation if a person fails to enroll in, participate in, or complete a specified DUI program, except for good cause shown. (Veh. Code, §§ 23538, subd. (c)(1); 23556, subd. (c)(1).) Finally, if a person is convicted of a DUI or DUI causing bodily injury, a court grants probation, and the person violates a term or condition of probation, the court must revoke the suspension of sentence, terminate probation, and may pronounce judgement for any time within the longest period for which

the person might have been sentenced, as specified. (Veh. Code, § 23602; Pen. Code, § 1203.2, subd. (c).)

3) **Effect of this Bill:** This bill makes several distinct changes to California law. First, this bill creates new misdemeanors and obligations relating to the sale of alcohol. Currently, it is a misdemeanor to sell, furnish, or give an alcoholic beverage to any person under 21 years, as specified. (Bus. & Prof. Code, § 25658, subd. (a) & (e)(2).) This bill would also make it a misdemeanor for a person to sell, furnish, or give away an alcoholic beverage without requesting and reviewing a written form of identification. The criminal penalty would apply irrespective of the purchaser's actual age. This would subject a retail cashier who sells a bottle of wine to a 70-year-old man, without requesting written identification, to a misdemeanor. Similarly, a bartender who brings a beer to any person, without requesting their identification, would be subject to a misdemeanor. This bill also makes it a misdemeanor, commencing January 1, 2028, to sell, furnish, or give away an alcoholic beverage to a person who provides the type of no-alcohol-sales license that this bill authorizes, and similarly requires a licensee, their agent, or employee, to refuse to sell or serve alcoholic beverages to a person who provides a no-alcohol-sales license. Finally, under current law, a licensee or their agent may refuse to sell alcohol to a person unable to produce written evidence that the person is 21 years of age. This bill would make this mandatory, rather than discretionary.

   Second, this bill requires, commencing January 1, 2028, a person convicted of specified impaired driving crimes who is granted probation to be prohibited from purchasing alcohol for a period of at least one year to the entire probationary period as a term and condition of probation, except in the interests of justice. This prohibition applies to a person convicted of a DUI, DUI causing bodily injury, a wet reckless offense, or intoxicated vehicular manslaughter, where the person had a BAC of .16 percent or more, the offense occurred within three years of a prior conviction for any of these offenses, where the offense involved greater than $1,000 in damage to another's property, or where the offense involved great bodily injury or death.

   Upon the issuance of such a prohibition, this bill requires the court and the DMV, commencing January 1, 2028, to take certain actions. Specifically, it requires the DMV to issue an identification card or a driver's license with the words "NO ALCOHOL SALES" or another appropriate designation on the face of the identification card or driver's license for an individual who has submitted an application and for whom the court department has received an abstract of the record of a court showing that the court has issued an order prohibiting that person from purchasing alcohol. The court must ensure that physical copies of the person's driver's license are forfeited or surrendered to law enforcement. This bill additionally requires a court to impose a fee to cover the costs of the DMV in issuing a replacement identification card or driver's license, and specifies that an individual with an income of less than 200 percent of the official federal poverty level is eligible to pay this fee on a payment plan. Finally, it requires the Judicial Council to work with the DMV regarding implementing the requirements of this bill.

   The scope and impact of this bill may be significant. First, this alcohol purchase prohibition is largely a mandate – requiring courts to prohibit specified impaired driving offenders from

purchasing alcohol for at least one year as a term and condition of probation, except in the interests of justice. Probation is the most common court sanction for DUI offenders.[6] In 2020, 94.3 percent of convicted DUI offenders received probation.[7] Given the significant portion of DUI offenders that receive probation, and that the prohibition against purchasing alcohol is structured as a mandatory condition of probation, unless the interests of justice demand differently, this alcohol purchase prohibition can be expected to apply to a substantial portion of DUI offenders.

Second, this bill will likely apply to a substantial portion of first-time misdemeanor DUI offenders. The most recent annual data from the DMV shows there were 81,248 DUI convictions in 2021.[8] First-time DUI offenders make up the bulk of DUI offenses. In 2020, 74.7% of DUI convictions were for first-time DUIs, 19.2% for second-time DUIs, 4.6% for third-time DUIs, and 1.4% for fourth or subsequent DUIs.[9] The mean BAC level for convicted DUI offenders arrested in 2020 was .175 percent, and the midpoint or median BAC level was similarly .17 percent.[10] The minimum one-year alcohol purchase prohibition created by this bill applies to a person convicted of a specified impaired driving offense, such as DUI, where the underlying conviction involved a BAC of .16 percent or more. If average BAC levels for DUIs remain steady, this bill, based on this .16 BAC trigger alone, can be expected to apply to roughly half of DUI offenders. Moreover, this bill also applies to a person convicted of a DUI that results in damage to another's property that is greater than $1,000. This may encompass a significant number of misdemeanor DUIs that result in traffic accidents, even if no injury occurs. For example, a person who drives impaired and gets into a minor fender bender that causes a crack in the other driver's rear frame, the replacement of which would cost over $1,000, could be subject to this bill's alcohol prohibition. In sum, given the significant number of annual DUI convictions and this bill's application to DUIs involving average BAC levels and low-level property damage, this bill may apply to tens of thousands of DUI offenders annually.

Third, this bill could subject numerous DUI offenders to very lengthy prohibitions against purchasing alcohol. This bill specifies that the prohibition against purchasing alcohol must be for at least one year and up to the entire probationary period. The period of probation for a DUI or DUI must be at least three years but no more than five years. (Veh. Code, § 23600, subd. (b).) Accordingly, a person convicted of a DUI or DUI causing bodily injury could be subject to a five-year prohibition against purchasing alcohol.

4) **Practical Considerations:** This bill raises several practical questions and implementation issues. First, this prohibition against purchasing alcohol can be triggered by DUIs where the underlying offense involved drugs and not alcohol. Other DUI sanctions that are specifically tailored to alcohol-related DUIs, such as the ignition interlock devices, largely apply to DUI offenses involving alcohol. (Veh. Code, § 23575.3, subd. (h)(1)(A)(i).) Given that this bill

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[6] DMV, 32nd Annual Report of the California Dui Management Information System (2025), at p. 32, available at: https://www.dmv.ca.gov/portal/uploads/2025/10/32nd-Annual-Report-of-the-California-DUI-Managment-Information-System.pdf

[7] *Ibid.*

[8] State of California DMV, *DUI Summary Statistics* (accessed February 3, 2026), available at: https://www.dmv.ca.gov/portal/dmv-research-reports/research-development-data-dashboards/dui-management-information-system-dashboards/dui-summary-statistics/.

[9] 32nd Annual Report of the California Dui Management Information System, *supra*, at p. 30.

[10] *Id.* at p. 21.

specifically pertains to prohibiting specified offenders from purchasing alcohol, the need to apply this prohibition to DUI offenses that only involve drug use is unclear.

Second, this bill requires the DMV, for a person subject to this bill, to issue an identification card or driver's license that specifies that the individual is prohibited from purchasing alcohol, and similarly prohibits a person from selling or giving alcohol to a person who presents such a no-alcohol-sales-license. However, a person can establish their age, in order to purchase alcohol, by utilizing other types of identification, such as a passport or any other government-issued document that contains the name, date of birth, description, and picture of the person. (Bus. & Prof. Code, § 25660, subd. (a).) Accordingly, an individual who is issued a no-alcohol-sales license may easily avoid the prohibition on purchasing alcohol by simply presenting alternate forms of identification.

Third, this bill requires the DMV to issue a no-sale license "for an individual who has submitted an application and for whom the court department has received an abstract of the record of a court showing that the court has issued [an order prohibiting a person from purchasing alcohol.]" It is unclear what type of application this bill is referring to. This suggests that the DMV must issue such a no-alcohol-sale license after an individual has applied to the DMV for such a license, but as drafted, it is unclear what this application is, how a person would apply for such a license, and what procedures govern this process. It is also unclear whether "court department" is referring to the court or to the DMV.

Fourth, this bill requires a court, after issuing an order prohibiting a person from purchasing alcohol, to ensure that the person's driver's license or identification card is forfeited or surrendered to law enforcement. The need for such driver's licenses to be transferred to law enforcement is unclear. Further, the bill does not establish procedures as to how this transfer must take place, and what procedures must be followed once law enforcement receives such driver's licenses.

Additionally, this bill authorizes a court to impose a fee to cover DMV costs in issuing a no-alcohol-sale license. It is unclear how authorizing a court fee to cover the costs of a separate government agency would work in practice. Finally, this bill specifies that the Judicial Council shall work with the DMV in implementing the provisions of this bill. The author may wish to clarify and expand upon what type of collaboration must take place.

5) **Argument in Support**: According to the *California Police Chiefs Association*, "AB 1605 takes a proactive, prevention-focused approach to public safety. By authorizing courts to prohibit individuals convicted of serious or repeat DUI offenses from purchasing alcohol—and requiring a clear designation on their identification—this bill directly targets the underlying behavior that leads to impaired driving. Rather than waiting for another offense to occur, this policy intervenes early to disrupt the cycle of repeated alcohol abuse and impaired driving.

"The need for this type of intervention is clear. California continues to face a significant DUI crisis, with more than 1,300 people killed annually in alcohol-related crashes and roadway deaths increasing in recent years. CalMatters reporting has highlighted that repeat offenders make up a substantial share of DUI incidents, underscoring that existing penalties alone are not sufficient to deter high-risk individuals. AB 1605 appropriately focuses on these repeat

and high-BAC (blood-alchohol-content) offenders—those who pose the greatest threat to public safety.

"Importantly, AB 1605 reflects a growing national best practice. Utah has already enacted a similar law that requires certain DUI offenders to carry identification marked to prohibit alcohol sales. This policy recognizes that chronic impaired driving is not solely a driving issue, but also an alcohol access issue, and provides a practical, enforceable mechanism to reduce recidivism.

"From a law enforcement perspective, this bill offers a clear, targeted, and enforceable tool that complements existing DUI enforcement strategies. It enhances accountability for the most dangerous offenders while maintaining judicial discretion and focusing on individuals who have demonstrated a pattern of high-risk behavior. By involving alcohol retailers in prevention, AB 1605 creates a shared responsibility framework that extends beyond traditional enforcement."

6) **Argument in Opposition**: According to the *Western Center on Law and Poverty*, "AB 1605 "raises significant civil rights and equity concerns that warrant careful reconsideration… First, marking a person's driver's license in this way risks discriminatory impact and long-term stigma. A driver's license is not used only for alcohol purchases. It is routinely required for employment applications, housing applications, financial transactions, travel, and access to government services. A visible "NO ALCOHOL SALE" designation effectively advertises a criminal conviction far beyond the scope of the court's intended probation condition.

"For many Californians, particularly low-income individuals this could compound barriers to economic stability. Employers may draw conclusions about reliability or liability. Landlords may view the marking as a red flag and deny housing. Financial institutions and service providers may treat individuals differently. Even if discrimination is not explicit, the practical stigma could follow someone long after they have completed probation.

"The bill also raises equity concerns. Although payment plans are contemplated, defendants would bear the costs associated with license reissuance and compliance. Low income individuals would shoulder additional financial burdens while also facing increased employment and housing instability due to the visible marking. Those with resources are more likely to weather these barriers. Those without may face cascading consequences that increase recidivism risk rather than reduce it.

"The measure may actually create safety concerns in practice. A visible license marking tied to a serious DUI offense could expose individuals to harassment or profiling when presenting identification in everyday settings. It could also disincentivize compliance if individuals avoid lawful identification use due to stigma.

"Utah's model is sometimes cited in support of similar policies, but California's size, diversity, and existing reentry challenges demand a careful analysis of how such a visible marking would function here. The Legislature should require rigorous evidence that this approach meaningfully reduces impaired driving without imposing disproportionate collateral harm. To date, such evidence has not been demonstrated.

"Additionally, AB 1605 is drafted so broadly that it appears to apply to anyone who not only sells but gives away alcohol. As written, the bill would require people to check identification every time they provide alcohol to another person even in informal or social settings such as hosting friends at home, offering a glass of wine at a dinner party, or sharing alcohol at a family gathering. Because the bill makes failure to review identification a misdemeanor, it could unintentionally expose ordinary people to criminal liability for everyday social behavior. This sweeping approach raises serious concerns about overcriminalization and enforceability- turning routine social interactions into potential misdemeanor offenses risks.

"Finally, with the ubiquitous nature and availability of alcohol in the United States, there is no reason to believe that AB 1605 would even achieve it's intended purpose of limiting access to alcohol."

7) **Related Legislation**:

a) AB 1867 (Tangipa) would require a person convicted of specified impaired driving offenses that occurred within 10 years of two prior impaired driving offenses, and who is sentenced to state prison, to be prohibited from purchasing alcoholic beverages for life. AB 1867 is pending a hearing in this Committee.

8) **Prior Legislation**:

a) SB 421 (Bradford), of the 2021-2022 Legislative Session, would have established a pretrial diversion scheme with specific conditions for misdemeanor DUI violations. SB 421 was held in Senate Appropriations.

b) AB 401 (Flora), of the 2019-2020 Legislative Session, would have made a DUI conviction that occurs within 10 years after four or more previous specified convictions, only punishable as a felony, among other changes. AB 401 failed passage in this Committee.

c) AB 2690 (Mullin) Chapter 590, Statutes of 2014, changed the term "prior violations" to "separate violations" in a statute that authorizes enhanced penalties if the current offense occurred within 10 years of a specified felony DUI offense.

d) AB 1657 (Runner), of the 2007-2008 Legislative Session, would have made it a wobbler to purchase alcohol for a person the provider knew or reasonably should have known to be under the age of 21 years, and the person under the age of 21 consumes the alcohol and thereby proximately causes great bodily injury or death to themselves or others and the provider should have known of the danger. AB 1657 failed passage in the Senate Public Safety Committee.

e) AB 2605 (Bogh), of the 2005-2006 Legislative Session, would have increased the penalty for a person convicted of a third DUI offense within 10 years from a misdemeanor to an alternative misdemeanor/felony, among other changes. AB 2605 failed passage in this Committee.

f) SB 1694 (Torlakson), Chapter 550, Statutes of 2004, increased, from seven to 10 years, the "washout" period in which a person convicted of DUI would no longer be subject to increased penalties for having a prior specified DUI.

g) AB 1777 (Cunneen), of the 1999-2000 Legislative Session, would have made it unlawful for a person to drive a vehicle in violation of the condition of probation requiring that the person not drive a vehicle with any measurable amount of alcohol in their blood. This bill failed passage in this Committee.

REGISTERED SUPPORT / OPPOSITION:

Support
Alcohol Justice
Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Safety and Advocacy for Empowerment (SAFE)

Opposition
ACLU California Action
California Federation of Labor Unions, Afl-cio
Debt Free Justice California
Initiate Justice
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
Local 148 Los Angeles County Public Defender's Union
Smart Justice California, a Project of Beyond Impact
Teamsters California

Unite Here, Afl-cio
United Food and Commercial Workers, Western States Council
Western Center on Law & Poverty, INC.

Analysis Prepared by: Ilan Zur / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1685 (Lackey) – As Introduced February 2, 2026

As Proposed to be Amended in Committee

SUMMARY: Increases the number of points that must be added to a person's driving record, from two to three, for the crimes of gross vehicular manslaughter and vehicular manslaughter for financial gain.

EXISTING LAW:

1) Establishes the crime of gross vehicular manslaughter as follows:

   a) Defines this offense to mean driving a vehicle in the commission of an unlawful act, not amounting to a felony, and with gross negligence, or driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence. (Pen. Code, § 192, subd. (c)(1).)

   b) Makes this crime an alternate felony-misdemeanor (hereafter, "wobbler"), punishable by imprisonment in a county jail for up to one year or by imprisonment in state prison for two, four, or six years, and by a three-year license revocation. (Pen. Code, § 193, subd. (c)(1); Veh. Code, § 13351, subd. (a)(1).)

2) Establishes the crime of vehicular manslaughter for financial gain, as follows:

   a) Defines this offense as driving a vehicle in connection with a violation of knowingly causing or participating in a vehicular collision for the purpose of presenting any false or fraudulent claim, where the collision was knowingly caused for financial gain and proximately resulted in the death of any person. (Pen. Code, § 192, subd. (c)(3).)

   b) Makes this crime a felony punishable by four, six, or 10 years in state prison, and by a three-year license revocation. (Pen. Code, § 193, subd. (c)(3); Veh. Code, § 13351, subd. (a)(1).)

3) Establishes the crime of vehicular manslaughter without gross negligence, as follows:

   a) Defines this offense to mean driving a vehicle in the commission of an unlawful act, not amounting to a felony, but without gross negligence, or driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence. (Pen. Code, § 192, subd. (c)(2).)

   b) Makes this crime a misdemeanor punishable by up to one year in a county jail, and up to a six or 12-month license suspension, as specified, at the discretion of the Department of

Motor Vehicles (DMV). (Pen. Code, § 193, subd. (c)(2); Veh. Code, §§ 13361, subd. (c); 13556, subd. (a).)

4) Authorizes the DMV to suspend, revoke, or refuse to issue a driver's license if a person accumulates a certain number of points on their driving record, as follows:

   a) Provides that a person whose driving record shows a violation point count of four or more points in 12 months, six or more points in 24 months, or eight or more points in 36 months shall be prima facie presumed to be a negligent operator of a motor vehicle, except as otherwise specified. (Veh. Code, § 12810.5, subds. (a) & (b).)

   b) Requires the DMV, in making a negligent operator determination, to give due consideration to the amount of use or mileage traveled in the operation of a vehicle if the person requests and appears at a DMV hearing. (Veh. Code, § 12810.5, subd. (a).)

   c) Authorizes the DMV to require a negligent operator whose driving privilege is suspended or revoked to submit proof of financial responsibility, as specified. (Veh. Code, § 12810.5, subd. (c).)

   d) Authorizes the DMV to suspend or revoke the privilege of any person to operate a vehicle upon any grounds that authorizes the refusal to issue a license, including when a person is deemed a negligent operator. (Veh. Code, §§ 13359, 12809, subd. (e).)

   e) Authorizes the DMV to refuse to issue or renew a driver's license if the DMV determines the applicant is a negligent or incompetent operator of a vehicle. (Veh. Code, § 12809, subd. (e).)

   f) Provides that whenever the DMV has discretionary authority to suspend or revoke the privilege of a person to operate a vehicle, the DMV may in lieu of suspension or revocation, place the person on probation, as specified, and issue a restricted driver's license as a condition of probation where that person is presumed to be a negligent operator. (Veh. Code, §§ 14250, 12812.)

   g) Provides that the point count, for purposes of determining if a driver is a negligent operator, is determined as follows:

      i) Violations that receive one point:

         (1) Any traffic conviction involving the safe operation of a vehicle upon the highway, except as specified. (Veh. Code, § 12810, subd. (f).)

         (2) A traffic accident in which the DMV deems the operator responsible. (Veh. Code, § 12810, subd. (g).)

         (3) A conviction for failing to properly secure a child under eight years old in a rear seat in an appropriate child passenger restraint system, as specified. (Veh. Code, § 12810, subd. (h).)

(4) A conviction for transporting a child between eight and 16 years old, without properly securing that child in an appropriate child passenger restraint system, as specified. (Veh. Code, § 12810, subd. (h).)

ii) Convictions that receive two points:

(1) Intoxicated vehicular manslaughter, without gross negligence. (Veh. Code, § 12810, subd. (d)(1).)

(2) Vehicular manslaughter, with or without gross negligence, and vehicular manslaughter for financial gain. (Veh. Code, § 12810, subd. (d)(1).)

(3) A hit and run resulting in only property damage, or a hit and run resulting in injury or death to another person. (Veh. Code, § 12810, subd. (a).)

(4) Driving under the influence (DUI), DUI causing bodily injury to another, or driving a vehicle with a blood alcohol content (BAC) of .05 or more, for a person under the age of 21, even where a chemical test was not made to determine that person's BAC, as specified. (Veh. Code, § 12810, subds. (b) & (d)(2).)

(5) Reckless driving. (Veh. Code, § 12810, subd. (c).)

(6) Fleeing or attempting to elude a peace officer where the pursued vehicle is driven in willful or wanton disregard for the safety of persons or property, including where this offense causes serious bodily injury or death. (Veh. Code, § 12810, subd. (d)(1).)

(7) Driving a vehicle upon a highway, except to the right of an intermittent barrier or dividing section which separates two or more lanes of opposing traffic. (Veh. Code, § 12810, subd. (d)(1).)

(8) Driving a vehicle on a highway at a speed greater than 100 miles per hour. (Veh. Code, § 12810, subd. (d)(1).)

(9) Engaging in a motor vehicle speed contest or exhibition of speed or aiding and abetting a motor vehicle exhibition of speed. (Veh. Code, § 12810, subd. (d)(1).)

(10) Engaging in a motor vehicle speed contest that proximately causes specified injuries to another person. (Veh. Code, § 12810, subd. (d)(1).)

(11) Driving on a highway for the purpose of transporting explosives, except as specified. (Veh. Code, § 12810, subd. (d)(1).)

(12) Driving on a suspended or revoked license, driving on a license that was suspended or revoked due to a DUI, DUI causing bodily injury, reckless driving, or refusal or failure to complete a chemical test or alcohol screening test, or accumulating a driving record that results from driving when a person has a suspended or revoked license. (Veh. Code, § 12810, subd. (e).)

iii) Provides that a conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count. (Veh. Code, § 12810, subd. (j).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "As a CHP officer, I have stood on the side of the road with families who have just lost loved ones to drunk drivers. Those scenes will never leave me. We owe it to those families to hold repeat offenders accountable. AB 1685 does this by increasing the points for vehicular manslaughter and vehicular manslaughter while intoxicated from two to three points, bringing repeat offenders one step closer to license suspension."

2) **Driving Record Points and Related Sanctions:** If a driver accumulates four or more points in 12 months, six or more points in 24 months, or eight or more points in 36 months, they shall be prima facie presumed to be a negligent operator of a vehicle. (Veh. Code, § 12810.5, subds. (a) & (b).) This authorizes the DMV to suspend or revoke the negligent operator's driving privilege or refuse to issue or renew their driver's license. (Veh. Code, §§ 12809, subd. (e), 13359). The DMV may, instead of suspension or revocation, place the person on probation, as specified, and issue a restricted driver's license as a condition of probation. (Veh. Code, §§ 14250, 12812.) Whether a negligent operator's license will be suspended, and for how long, is primarily determined by the DMV, not by statute. In practice, a driver who accumulates the point levels described above will typically be subject to a one-year probationary period that includes a six-month suspension.[1]

   According to the DMV, if a person is deemed a negligent operator, there are four levels of Negligent Operator Treatment System (NOTS) actions.[2] Level I – if a person receives two points within 12 months, four within 24 months, or six within 36 months, they will receive a warning letter.[3] Level II – if a person receives three or more points within 12 months, five or more within 24 months, or seven or more within 36 months, they will receive a notice of intent to suspend their license.[4] Level III is the point total that establishes a person as a prima facie negligent operator pursuant to Vehicle Code 12810.5. Here, if a person receives four points within 12 months, six within 24 months, or eight within 36 months, that person will receive a one-year probation that includes a six-month license suspension.[5] The action is effective 34 days from the date the order is mailed.[6] Additionally, under Level IV, if a person who is on NOTS probation receives a violation while operating a vehicle or is involved in a collision, regardless of fault, then an additional six-month suspension shall be imposed, and the probation will be extended for one year from the violation of probation.[7]

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[1] DMV, *Negligent Operator Actions* <https://www.dmv.ca.gov/portal/driver-education-and-safety/dmv-safety-guidelines-actions/negligence/negligent-operator-actions/> [as of Feb. 19, 2026].
[2] *Ibid.*
[3] *Ibid.*
[4] *Ibid.*
[5] *Ibid.*
[6] *Ibid.*
[7] *Ibid.*

Certain traffic violations and crimes add points to a person's driving record, which can lead to that person being deemed a negligent operator. More minor offenses, such as a traffic conviction involving the safe operation of a vehicle, a traffic accident in which the DMV deems that person responsible, or failing to properly secure a child in a child passenger restraint system, receive one point. (Veh. Code, § 12810, subds. (f), (g) & (h).) More serious traffic offenses, such as any vehicular manslaughter offense, intoxicated vehicular manslaughter without gross negligence, a hit and run, DUI, DUI causing bodily injury, reckless driving, engaging in a speed contest, and driving in excess of 100 miles per hour, among others, result in two points. (Veh. Code, § 12810, subds. (a)-(d).)

Negligent operator-based suspensions are administrative in nature, are imposed at the discretion of the DMV, and are distinct from the criminal license suspensions or revocations that can result from a vehicle-related conviction. Certain criminal license revocations require the DMV to revoke a person's driver's license for one year or three years, depending on the nature of the conviction. (Veh. Code, §§ 13350, 13351.) Other convictions, such as those for a DUI or a DUI causing bodily injury, result in progressively longer license suspensions or revocations depending on the person's number of prior DUIs. (Veh. Code, § 13352.)

Many of the offenses that add points to a person's driving record carry separate, lengthier license suspensions or revocations. This is true for the offenses singled out by this bill. Gross vehicular manslaughter and vehicular manslaughter for financial gain both require a three-year license revocation. (Veh. Code, § 13351, subd. (a)(1).) These suspensions and revocations apply irrespective of the number of points on the defendant's record.

3) **Effect of this Bill:** Currently, the crimes impacted by this bill – gross vehicular manslaughter and vehicular manslaughter for financial gain – add two points to a person's driving record. (Veh. Code, § 12810, subd. (d)(1).) This bill increases, from two to three, the points that must be added to a person's driving record for these offenses.

Vehicle offenses that require points to be added to a person's driving record pursuant to Vehicle Code section 12810 are divided into two categories: offenses that generate one point and those that generate two points. (Veh. Code, § 12810, subds. (a)-(h).) The need to create a third category of three points is unclear. This is particularly true given that the offenses impacted by this bill already carry separate and lengthier license suspensions and revocations.

Further, this bill may create some inconsistency in the law by singling out certain crimes to receive three points, whereas other offenses that are punished similarly would continue to receive two points. Committee amendments partially remedy this issue by limiting the offenses that receive three points to some of the most severely punished offenses listed in Vehicle Code section 12810.

As previously noted, whether a traffic violation or conviction adds one or two points to a person's driving record largely depends upon the severity of the offense. (Veh. Code, § 12810.) More minor offenses, such as a traffic accident where a person was responsible, receive one point, while convictions for more serious offenses, such as a DUI, manslaughter offenses, and a hit-and-run, among others, receive two points. (Veh. Code, § 12810, subds. (a)-(h).) Gross vehicular manslaughter is a wobbler, punishable by county jail or by imprisonment in state prison for two, four, or six years. (Pen. Code, § 193, subd. (c)(1).

Vehicular manslaughter for financial gain is a felony punishable by four, six, or 10 years in state prison. (Pen. Code, § 193, subd. (c)(3).)

The list of convictions that add two points to a person's driving record includes many crimes that may be charged as felonies. This includes numerous wobblers such as: 1) a hit and run resulting in injury or death; 2) a fourth or subsequent DUI; 3) a DUI causing bodily injury; 4) fleeing or attempting to elude a peace officer, as specified; 5) fleeing or attempting to elude a peace officer which causes serious bodily injury; 6) driving a vehicle upon a highway, except to the right of an intermittent barrier or dividing section which separates two or more lanes of opposing traffic, resulting in injury or death; and 7) engaging in a motor vehicle speed contest that proximately causes specified injuries to another person. (Veh. Code, § 12810, subds. (a)-(e).) It also includes some straight felonies, such as fleeing a peace officer that proximately causes death or a DUI causing injury to another with two or more priors. (Veh. Code, §§ 2800.3, subd. (b); 12810, subds. (b) & (d)(1); 23566.)

Notably, some of the crimes that add two points to a person's driving record are punished more severely than gross vehicular manslaughter and are punished similarly to vehicular manslaughter for financial gain. Willfully fleeing or attempting to elude a peace officer that proximately causes serious bodily injury is a wobbler punishable by up to three, five, or seven years in state prison. (Veh. Code, §§ 2800.3, subd. (a); 12810, subd. (d)(1).) If this offense proximately causes death, it is a felony punishable by four, six, or 10 years in state prison. (Veh. Code, §§ 2800.3, subd. (b); 12810, subd. (d)(1).)

Currently, under Vehicle Code section 12810, all specified convictions that may result in felony charges require the addition of two driving record points. (Veh. Code, § 12810, subds. (a)-(d).) The need to single out certain crimes to receive three points, while other crimes that are punished similarly, or more severely, would still receive two points, is unclear. This may create inconsistent treatment across comparably similar crimes.

4) **Argument in Support**: According to the *California District Attorneys Association*, AB 1685 "would amend Section 12810 of the California Vehicle Code to increase the violation points from two to three for convictions related to vehicular manslaughter while intoxicated or vehicular manslaughter.

"According to an ongoing CalMatters investigation, over the past decade nearly 40,000 people have died and more than 2 million have been injured on California roads. Since 2010, California has seen more than a 60% increase in traffic fatalities. Impaired driving, distracted driving, chronic speeders, and overall recklessness behind the wheel have all contributed to this disturbing increase in traffic fatalities and accidents. AB 1685 helps reverse this trend by increasing the violation points for those impaired or negligent drivers that kill behind the wheel.

"Under existing law, two violation points are imposed for those convicted of driving under the influence, reckless driving, or a hit and run. Surprisingly, however, if your impaired or reckless driving results in a fatality the penalty is the same. AB 1685 rightly recognizes that the devastation of a fatal accident warrants an escalation in violation points for those convicted of vehicular manslaughter. By increasing the violation points from two to three, AB 1685 better reflects the severity of the crime, will help accelerate license suspensions for those who pose a real and present danger on the road, and will make our roads safer."

5) **Argument in Opposition**: According to the *Western Center on Law & Poverty,* "If AB 1685 is passed, people convicted of vehicular manslaughter will receive three points on their driving record, as opposed to two points. The additional point is a duplicative administrative penalty, which does not get at the root cause of unsafe driving in California.

"In California, accumulating points on one's driving record can result in license suspension, increased insurance costs, and other administrative hurdles. A person's license may be suspended if they accumulate four points in twelve months, six months in 24 months, or eight points in 36 months. Courts and the DMV may also suspend a person's driving record for receiving a conviction for a number of offenses, including vehicular manslaughter. Assessing an additional point on a person's driving record for a conviction of vehicular manslaughter is therefore duplicative.

"Further, the assessment of points and the suspension of driver's licenses do not get at the root causes of unsafe driving. In-car safety mechanisms, such as pedestrian-crash avoidance systems and in-car speed limit warnings, and road design changes, are all proven to provide lower instances of car crashes and fewer fatalities.

"Receiving points on a driving record can have devastating consequences to low-income Californians and their families, including increased costs of insurance and even the loss of a driver's license. The loss of a driver's license is a major threat to economic security, particularly for low-income Californians and their families:

"Numerous studies have found a direct correlation between driving and employment. A task force report to the Governor of New Jersey cited a survey of suspended drivers conducted by Rutgers University researchers, which found that following a license suspension, 42% of people lost their jobs as a result of the suspension. Of those who lost their jobs, 45% could not find another job, and this effect was most pronounced for seniors and low-income people. Of those who were able to find new employment, 88% reported decreased wages.

"Finally, this legislative session there are numerous efforts to reform and update DUI laws in California. We strongly believe that a broader discussion on existing DUI statutes should take place among key legislators and a wide array of stakeholders in order to possibly identify a more comprehensive and balanced approach to the larger policy issue. We encourage this author and others to help bring us together for this convening."

6) **Related Legislation**:

a) AB 1662 (Wilson) provides that if a court dismisses a defendant's case because the defendant completes court-initiated misdemeanor diversion, and the case includes a specified violation, which, ordinarily, requires points to be added to the defendant's driving record, then DMV shall nonetheless assess points on the defendant's driving record. AB 1662 is pending in the Assembly Appropriations Committee.

b) SB 953 (Niello) would require a violation for vehicular manslaughter to be given a value of two driving record points, even if the defendant's case is dismissed because they completed court-initiated misdemeanor diversion. SB 953 is pending a hearing in the Senate Transportation Committee.

c) AB 1747 (Sanchez) increases the punishment for intoxicated vehicular manslaughter without gross negligence from a wobbler to a straight felony. AB 1747 is being heard in this Committee today.

7) **Prior Legislation**:

a) AB 1087 (Patterson), Chapter 180, Statutes of 2025, increases the term of probation from two years to three to five years for a person convicted of vehicular manslaughter while intoxicated or gross vehicular manslaughter while intoxicated.

b) AB 2823 (Patterson), of the 2023-2024 Legislative Session, was substantially similar to AB 1087. AB 2823 was never heard.

c) AB 74 (Muratsuchi), of the 2023-2024 Legislative Session, would have added the proposed crime of knowingly attending, participating, or aiding and abetting the commission of a vehicle sideshow or street takeover to the list of convictions that require two points to be added to the defendant's driving record. AB 74 was never heard.

d) AB 1699 (Maienschein), of the 2021-2022 Legislative Session, would have added organized retail theft involving the use or acquisition of a vehicle to the list of convictions that require one point to be added to the defendant's driving record, among other changes. AB 1699 was never heard.

e) AB 711 (Patterson), of the 2021-2022 Legislative Session, would have added failing to provide evidence of financial responsibility for a vehicle, when demanded by a peace officer, to the list of convictions that require one point to be added to the defendant's driving record. AB 711 was never heard.

f) AB 47 (Daly), Chapter 603, Statutes of 2019, removed the prohibition on the DMV assessing a point on a driver's license if they are convicted of a violation of operating a handheld wireless or communication device while driving and required DMV to assess a point for a second violation in three years occurring after January 1, 2021.

g) AB 1462 (Mendoza), of the 2011-2012 Legislative Session, would have reduced worktime credits and imposed minimum mandatory fines for those convicted of specified vehicular manslaughter offenses. AB 1462 failed passage in this Committee.

h) AB 303 (Spitzer), of the 2007-2008 Legislative Session, would have increased the penalty for vehicular manslaughter while intoxicated from a wobbler to a straight felony. AB 303 was held in the Assembly Appropriations Committee.

i) AB 430 (Benoit), Chapter 682, Statutes of 2007, added a speed contest with specified serious injuries to the list of convictions that require two points to be added to the defendant's driving record, among other changes.

j) AB 2669 (Krekorian), of the 2007-2008 Legislative Session, would have assigned a value of two violation points for a conviction for driving a vehicle 26 or more miles per hour

over the speed limit on a highway. AB 1669 was vetoed.

REGISTERED SUPPORT / OPPOSITION:

Support

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of Drinking Driver Treatment Programs
California Association of Highway Patrolmen
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Consortium of Addiction Programs and Professionals
California District Attorneys Association
California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
California State Sheriffs' Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Los Angeles County Sheriff's Department
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Mothers Against Drunk Driving
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Assocation
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Safety and Advocacy for Empowerment (SAFE)
San Bernardino County
San Diego County District Attorney's Office
Streets are for Everyone Inland Empire
The River's Edge Ranch
We Save Lives
1 Private Individual

Opposition

ACLU California Action
Center on Juvenile and Criminal Justice
Debt Free Justice California

Ella Baker Center for Human Rights
Initiate Justice
Justice2jobs Coalition
LA Defensa
Local 148 Los Angeles County Public Defender's Union
Western Center on Law & Poverty, INC.

Analysis Prepared by: Ilan Zur / PUB. S. / (916) 319-3744

Amended Mock-up for 2025-2026 AB-1685 (Lackey (A) , Petrie-Norris (A))

Mock-up based on Version Number 99 - Introduced 2/2/26
Submitted by: Staff Name, Office Name

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12810 of the Vehicle Code is amended to read:

12810. In determining the violation point count, the following shall apply:

(a) A conviction of failure to stop in the event of an accident in violation of Section 20001 or 20002 shall be given a value of two points.

(b) A conviction of a violation of Section 23152 or 23153 shall be given a value of two points.

(c) A conviction of reckless driving shall be given a value of two points.

(d) (1) A conviction of a violation of **subdivision (b) of Section 191.5 or subdivision (c) paragraph (2) of Section 192 of the Penal Code, or of** Section 2800.2 or 2800.3, subdivision (b) of Section 21651, subdivision (b) of Section 22348, subdivision (a) or (c) of Section 23109, Section 23109.1, or Section 31602 of this code, shall be given a value of two points.

(2) A conviction of a violation of subdivision (a) or (b) of Section 23140 shall be given a value of two points.

(3) A conviction of a violation of ~~**subdivision (b) of Section 191.5 or**~~ subdivision (c) **paragraph (1) or (3)** of Section 192 of the Penal Code shall be given a value of three points.

(e) A conviction of a violation of Section 14601, 14601.1, 14601.2, 14601.3, or 14601.5 shall be given a value of two points.

(f) Except as provided in subdivision (i), any other traffic conviction involving the safe operation of a motor vehicle upon the highway shall be given a value of one point.

(g) A traffic accident in which the operator is deemed by the department to be responsible shall be given a value of one point.

(h) A conviction of a violation of Section 27360 or 27360.5 shall be given a value of one point.

(i) (1) A violation of paragraph (1), (2), (3), or (5) of subdivision (b) of Section 40001 shall not result in a violation point count being given to the driver if the driver is not the owner of the vehicle.

(2) A conviction of a violation of paragraph (1) or (2) of subdivision (b) of Section 12814.6, subdivision (a) of Section 21116, Section 21207.5, 21708, 21710, 21716, 23120, 24800, or 26707 shall not be given a violation point count.

(3) A violation of subdivision (d) of Section 21712 shall not result in a violation point count.

(4) A violation of Section 23136 shall not result in a violation point count.

(5) A violation of Section 38301, 38301.3, 38301.5, 38304.1, or 38504.1 shall not result in a violation point count.

(j) A conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count for the purposes of this section.

Date of Hearing: March 24, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1686 (Lackey) – As Introduced February 2, 2026

SUMMARY: Increases the punishment for driving under the influence (DUI) with one or two priors from a misdemeanor to an alternate felony-misdemeanor, and increases the minimum jail time for these offenses. Specifically, **this bill**:

1) Increases the punishment for a DUI[1] with one prior[2] from a misdemeanor, punishable by 90 days to one year in county jail, to an alternate felony-misdemeanor (wobbler), punishable either as a misdemeanor by 180 days to one year in county jail, or as a jail-eligible felony by 16 months, or two or three years.

2) Increases the punishment for a person convicted of a DUI with two priors from a misdemeanor, punishable by 120 days to one year in county jail, to a wobbler, punishable either as a misdemeanor by 180 days to one year in county jail, or as a jail-eligible felony by 16 months, or two or three years.

EXISTING LAW:

1) Makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has 0.08 percent or more, by weight, of alcohol (BAC) in their blood, to drive a vehicle (hereafter DUI). (Veh. Code, § 23152 subds. (a), (b) (f), & (g).)

2) Punishes a DUI as follows:

   a) First DUI:

      i) A misdemeanor punishable by imprisonment for four days to six months in county jail (two days must be continuous), or if given probation, possibly two days to six months in jail.

      ii) A fine of $390 to $1,000, plus penalty assessments.

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[1] For purposes of this analysis, a "DUI" refers to a DUI punishable under Vehicle Code section 23152 that does not cause bodily injury. "A DUI causing bodily injury" to another is punished separately under Vehicle Code section 23153.
[2] [2] For purposes of this analysis and unless otherwise specified, a "prior" means a separate DUI conviction under Vehicle Code sections 23152 (DUI), 23153 (DUI causing bodily injury), or a "wet reckless" conviction under 23103.5 (plea to reckless driving in satisfaction of an original DUI charge) that occurred within 10 years of the current violation.

iii) An order to install a functioning, certified ignition interlock device (IID) on any vehicle that person operates for up to six months (if the offense involved alcohol), at the court's discretion.

iv) Six-month license suspension or a 10-month suspension if probation is given and a 9-month DUI program is ordered; and,

v) In counties with approved programs, completion of a three-month (30-hour) DUI program, or a nine-month (60-hour) program if the person's BAC was .20% or more, or they refused to take a chemical test, if given probation. (Veh. Code, §§ 13352, subd. (a)(1); 13352.1, subd. (a); 23536, subds. (a) & (c); 23538, subds. (a) & (b); 23575.3, subd. (h)(1)(A)(i).)

b) DUI with one prior:

i) A misdemeanor punishable by imprisonment for three months to one year in county jail, or if given probation, 10 days to one year, or four days to one year, as specified.

ii) A fine of $390 to $1,000, plus penalty assessments.

iii) One-year IID installation mandate (if the offense involved alcohol).

iv) Two-year license suspension.

v) Completion of an 18-month or 30-month DUI program, as specified, if given probation. (Veh. Code, §§ 13352, subd. (a)(3); 23540, subd. (a); 23542, subds. (a) & (b); 23575.3, subd. (h)(1)(B).)

c) DUI with two priors:

i) A misdemeanor punishable by imprisonment for four months to one year in county jail, or 30 days to one year if given probation and ordered to complete a 30-month DUI program.

ii) A fine of $390 to $1,000, plus penalty assessments.

iii) Two-year IID installation mandate (if the offense involved alcohol).

iv) Three-year license revocation, and 3-year designation as a habitual traffic offender.

v) An 18- or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352, subd. (a)(5); 23546; 23548, subds. (a) & (b); 23575.3, subd. (h)(1)(C).)

vi) 10-year license revocation, at the court's discretion, if a person has been convicted of three or more DUIs or DUIs causing bodily injury, the last of which was punishable as a DUI or DUI causing bodily injury with two priors, a DUI with three or more priors, or as a wobbler because of a prior specified felony. (Veh. Code, § 23597, subd. (a).)

d) DUI with three or more priors:

i) A wobbler punishable by imprisonment for six months to one year in jail, or as a jail-eligible felony by 16 months, or two or three years, or 30 days to one year if given probation and ordered to complete a 30-month DUI program.

ii) A fine of $390 to $1,000, plus penalty assessments.

iii) Three-year IID installation mandate (if the offense involved alcohol).

iv) Four-year license revocation, and three-year designation as a habitual traffic offender.

v) An 18- or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352, subd. (a)(7); 23550; 23552, subds. (a) & (b); 23575.3, subd. (h)(1)(D).)

3) Makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or the combined influence of the two, or who has a BAC of .08 or more, to drive a vehicle, and concurrently do any act forbidden by law or neglect any duty imposed by law in driving the vehicle, which proximately causes bodily injury to any person other than the driver (hereafter DUI causing bodily injury.) (Veh. Code, § 23153 subds. (a), (f), & (g).)

4) Punishes a DUI causing bodily injury, as follows:

a) First DUI causing bodily injury,

i) A wobbler punishable by imprisonment for three months to one year in county jail or 16 months, or two or three years in state prison, or if given probation, five days to one year in county jail.

ii) A fine of $390 to $1,000, plus penalty assessments.

iii) One-year IID installation mandate (if the offense involved alcohol).

iv) One-year license suspension.

v) In counties with approved programs, completion of a three-month (30-hour) DUI treatment program, or a nine-month (60-hour) program if the person's BAC was .20% or more or they refused to take a chemical test, if given probation. (Veh. Code, §§ 13352 subd. (a)(2), 23554; 23556, subds. (a) & (b); 23575.3, subd. (h)(2)(A).)

b) DUI causing bodily injury with one prior:

i) A wobbler punishable by imprisonment for four months to one year in county jail or 16 months, or two or three years in state prison, or if given probation, four months in jail, or 30 days to one year in jail.

ii) A fine of $390 to $5,000 fine, plus penalty assessments, or $390 to $1,000 if given probation as specified.

iii) Two-year IID installation mandate (if the offense involved alcohol).

iv) Three-year license revocation.

v) An 18- or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352 subd. (a)(4); 23560; 23562, subds. (a) & (b); 23575.3, subd. (h)(2)(B).)

c) DUI causing bodily injury with two or more priors:

i) A felony punishable by imprisonment in state prison for two, three, or four years, or if given probation, either a minimum of one year in county jail, or 30 days to one year in county jail if ordered to complete an 18 or 30-month DUI program.

ii) A fine of $1,015 to $5,000, or $390 to $5,000 if given probation, and a requirement to make restitution or reparation.

iii) Three-year IID installation mandate (if offense involved alcohol).

iv) Five-year license revocation, and three-year designation as a habitual traffic offender.

v) An 18- or 30-month DUI program, as specified, if given probation. (Veh. Code, §§ 13352 subd. (a)(6); 23566; 23568, subds. (a) & (b); 23575.3, subd. (h)(2)(C.)

d) Provides that a person who is convicted of a DUI causing bodily injury, which proximately causes bodily injury or death to more than one victim and results in a felony conviction, shall receive a one-year sentence enhancement in state prison for each additional victim injured (maximum of three). (Veh. Code, § 23558.)

e) Punishes a person convicted of a DUI causing bodily injury, where the violation proximately causes great bodily injury (GBI) to any person other than the driver, and the offense occurred within 10 years of two or more priors, as a felony by imprisonment for two, three, or four years in state prison, a $1,015 to $5,000 fine, and a five-year license revocation. (Veh. Code, §§ 23566, subd. (b); 13352 subd. (a)(6).)

f) Provides that if a person is convicted for the above offense, and the underlying offense occurred within 10 years of four or more priors, there shall be an additional punishment of three years in state prison, which shall be served in addition and consecutive to the sentence imposed above. (Veh. Code, § 23566, subd. (c).)

5) Makes any DUI or DUI causing bodily injury (hereafter any DUI) a wobbler if that person has previously been convicted of certain impaired driving crimes:

a) Punishes a person convicted of any DUI within 10 years of specified felonies – a DUI with three or more priors, a DUI causing bodily injury, or gross vehicular manslaughter – as a wobbler with a $390 to $1,000 fine, a four- or five-year license revocation (including

a three-year designation as a habitual traffic offender), and a three- or four-year IID mandate.[3] (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (a), (c) & (d); 23575.3, subd. (h)(1)-(2).)

b) Punishes a person convicted of any DUI, who has a prior conviction for felony intoxicated vehicular manslaughter, as a wobbler with a fine of $390 to $1,000, a four- or five-year license revocation, and a three- or four-year IID mandate. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (b), (c) & (d); 23575.3, subd. (h)(1)-(2).)

6) Requires a court to advise a person convicted of a DUI or a DUI causing bodily injury, or who pleads to a reckless driving conviction in satisfaction of, or as a substitute for an original DUI charge, of the following: "You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder." (Veh. Code, § 23593, subd. (a).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "As a CHP officer, I have stood on the side of the road with families who have just lost loved ones to drunk drivers. Those scenes will never leave me. We owe it to those families to hold repeat offenders accountable. AB 1686 does this by making a second DUI a wobbler."

2) **Statewide Increase in Traffic Fatalities, Including DUI Fatalities.** There has been a substantial increase in crash fatalities in California in the last decade. Traffic fatalities can result from a variety of factors, including impaired driving, speeding, distracted driving, unsecured passengers, and unhelmeted motorcyclists, among others.[4] According to data published by the California Office of Traffic Safety (OTS), total crash fatalities across the state increased by about 31 percent, from 3,107 to 4,061, from 2013 to 2023.[5] This has been driven by an increase in almost all of the major crash fatality categories. According to OTS data, from 2013 to 2023, there was an approximate 54% increase in alcohol-impaired fatalities,[6] a 51% increase in unrestrained occupant fatalities,[7] a 51% increase in pedestrian fatalities,[8] a 31% increase in speeding-related fatalities,[9] and a 26% increase in motorcycle

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[3] If the conviction is for a DUI, it is a three-year IID term. (Veh. Code, §23575.3, subd. (h)(1)D). If it is for a DUI causing bodily injury, then a four-year IID term. (Veh. Code, §23575.3, subd. (h)(2)D).

[4] OTS, *California Annual Report: Fiscal Year 2024*, p. 30, (2024), available at: https://www.ots.ca.gov/wp-content/uploads/sites/67/2025/09/FY-2024-Annual-Report-Final-7.31-ALT-TEXT.pdf

[5] OTS, *California's Annual Report 2018*, p. 11, (2018), available at: https://www.ots.ca.gov/wp-content/uploads/sites/67/2019/06/2018-Annual-Report.pdf; OTS, *California Traffic Safety Quick Stats* (accessed February 4, 2026), available at: https://www.ots.ca.gov/ots-and-traffic-safety/score-card/

[6] OTS, *California's Annual Report 2018*, at p. 11; OTS, *2025 Traffic Safety Fact Sheet: Alcohol-Impaired and Alcohol-Involved Driving* (2025), available at: https://safetrec.berkeley.edu/2025-safetrec-traffic-safety-facts-alcohol-impaired-and-alcohol-involved-driving

[7] OTS, *California's Annual Report 2018*, at p. 11; OTS, *2025 Traffic Safety Fact Sheet: Occupant Protection and Child Passenger Safety* (2025), https://safetrec.berkeley.edu/2025-safetrec-traffic-safety-facts-occupant-protection-and-child-passenger-safety.

[8] OTS, *California's Annual Report 2018*, at p. 11; OTS, *2025 Traffic Safety Fact Sheet: Pedestrian Safety* (2025), available at: https://safetrec.berkeley.edu/2025-safetrec-traffic-safety-facts-pedestrian-safety

[9] OTS, *California's Annual Report 2018*, at p. 11; OTS, *2025 Traffic Safety Fact Sheet: Speeding-Related and Other Crashes* (2025), available at: https://safetrec.berkeley.edu/2025-safetrec-traffic-safety-facts-speeding-related-and-other-crashes

fatalities.[10] However, the latest data suggests this trend may be reversing. Total traffic fatalities decreased by 1.9% from 2021 to 2022,[11] and again by 11% from 2022 to 2023.[12] Alcohol-impaired driving fatalities similarly decreased by 4.5% from 2022 to 2023.[13]

For context, alcohol and drug-involved crash fatalities (hereinafter, "DUI crash fatalities"), which have historically comprised a significant portion of total crash fatalities, peaked at 2,065 in 2005, before declining to a multi-decade low of 1,416 in 2010.[14] DUI crash fatalities have steadily increased since then, reaching 1,644 in 2015 and 1,868 in 2021; an increase of about 32% from 2010 to 2021.[15] While DUI crash fatalities have increased in the last decade, they comprise an increasingly lower proportion of total crash fatalities. In 2013, DUI crash fatalities were responsible for 54.7% of all crash fatalities; in 2021, 41.7%.[16] That is the lowest proportion of total crash fatalities since 2001.[17] Further, non-alcohol-involved crash fatalities increased from 2010 to 2021 by an alarming 88% percent, from 1,667 to 3,133.[18] This indicates that vehicle safety factors, other than alcohol-involved impaired driving, are playing a significant role in driving California's increase in crash fatalities.

3) **Reduced Enforcement of DUI Laws:** The increase in DUI fatalities has coincided with a significant decline in DUI arrests and convictions. In 2010, when impaired fatalities were at a multi-decade low, there were 195,879 DUI arrests and 148,042 DUI convictions in California.[19] From 2010 to 2015, DUI arrests and convictions both decreased by approximately 28%.[20] Arrests and convictions have continued to steadily decrease since then, reaching 110,017 arrests and 81,248 convictions in 2021.[21] In sum, between 2010 and 2021, DUI arrests and convictions decreased by approximately 44% and 45%, respectively.[22] Unsurprisingly, from 2011 to 2021, the DUI arrest rate per 100,000 licensed drivers decreased from 752 to 401.[23] This decrease in DUI arrests and convictions, considered alongside the significant increase in DUI fatalities, suggests a substantial reduction in the enforcement of California's DUI laws.

4) **California's DUI Framework:** Existing law makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has 0.08 percent or more, by weight, of BAC in their blood, to drive a vehicle. (Veh. Code, § 23152 subds. (a), (b) (f), & (g).) This is California's primary DUI statute that establishes the crime of DUI that does not cause bodily injury. DUIs that cause bodily injury or death are punished separately and more severely. The punishment for a DUI generally depends on the defendant's number of separate "priors" within 10 years

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[10] OTS, *California's Annual Report 2018*, at p. 11; OTS, *2025 Traffic Safety Fact Sheet: Motorcycle Safety* (2025), available at: https://safetrec.berkeley.edu/2025-safetrec-traffic-safety-facts-motorcycle-safety
[11] OTS, *California Annual Report: Fiscal Year 2024*, at p. 8
[12] OTS, *California Traffic Safety Quick Stats* (accessed February 4, 2026), available at: https://www.ots.ca.gov/ots-and-traffic-safety/score-card/
[13] *Ibid.*
[14] State of California DMV, *DUI Summary Statistics* (accessed February 3, 2026), available at: https://www.dmv.ca.gov/portal/dmv-research-reports/research-development-data-dashboards/dui-management-information-system-dashboards/dui-summary-statistics/.
[15] *Ibid.*
[16] *Ibid.*
[17] *Ibid.*
[18] *Ibid.*
[19] State of California DMV, *DUI Summary Statistics* (accessed February 3, 2026), available at: https://www.dmv.ca.gov/portal/dmv-research-reports/research-development-data-dashboards/dui-management-information-system-dashboards/dui-summary-statistics/.
[20] *Ibid.*
[21] *Ibid.*
[22] *Ibid.*
[23] DMV, 32nd Annual Report of the California Dui Management Information System (2025), at p. 6, available at: https://www.dmv.ca.gov/portal/uploads/2025/10/32nd-Annual-Report-of-the-California-DUI-Managment-Information-System.pdf

of the current offense. (Veh. Code, § 23540.) Convictions that are considered "priors" are a DUI under Vehicle Code section 23152, a DUI causing bodily injury under Vehicle Code section 23153, and a "wet reckless" conviction under Vehicle Code section 23103.5. (*Ibid.*) A wet reckless conviction occurs where the prosecution agrees to a plea to a charge of reckless driving under Vehicle Code 23103, in satisfaction of, or as a substitute for, an original DUI charge, as specified. (Veh. Code, § 23103.5.)

A first, a second, and a third DUI within ten years of the current offense are all misdemeanor offenses. (Veh. Code, §§ 23536; 23540; 23546.) However, as noted below, the amount of minimum jail time, license suspension length, and IID installation term all increase with each prior. (Veh. Code, §§ 13352, subd. (a)(1)-(5); 23536; 23540; 23546; 23575.3, subd. (h)(1)(A)-(C).) Currently, only a DUI with three or more priors can be prosecuted as a felony. (Veh. Code, § 23550.)

Specifically, a first-time DUI is punishable by imprisonment for four days to six months in county jail, a fine of $390 to $1,000, a possible six-month IID installation order, a six- to 10-month suspension, and, if given probation, completion of a three- or nine-month DUI program. (Veh. Code, §§ 13352, subd. (a)(1); 13352.1, subd. (a); 23536, subds. (a) & (c); 23538, subds. (a) & (b); 23575.3, subd. (h)(1)(A)(i).) A DUI with one prior is punishable by imprisonment for three months to one year in county jail, a $390 to $1,000 fine, a one-year IID mandate, a two-year license suspension, and, if given probation, completion of an 18- or 30-month DUI program. (Veh. Code, §§ 13352, subd. (a)(3); 23540, subd. (a); 23542, subds. (a) & (b); 23575.3, subd. (h)(1)(B).) A DUI with two priors is punishable by imprisonment for four months to one year in county jail, a $390 to $1,000 fine, a two-year IID mandate, a three-year license revocation, and, if given probation, a possible 18- or 30-month DUI program. (Veh. Code, §§ 13352, subd. (a)(5); 23546; 23548, subds. (a) & (b); 23575.3, subd. (h)(1)(C).) A DUI with three or more priors is a wobbler, punishable by imprisonment for six months to one year in county jail, or as a jail-eligible felony by 16 months, or two or three years. (Veh. Code, § 23550.) Additionally, this offense is subject to a $390 to $1,000 fine, a three-year IID mandate, a four-year license revocation, and, if given probation, a possible 18- or 30-month DUI program. (Veh. Code, §§ 13352, subd. (a)(7); 23550; 23552, subds. (a) & (b); 23575.3, subd. (h)(1)(D).)

5) **Effect of this Bill:** This bill gives prosecutors discretion to charge a DUI with one prior and a DUI with two priors as a felony. These offenses are currently misdemeanors. It additionally increases the minimum jail time for these offenses if they are prosecuted as a misdemeanor. Specifically, it increases the punishment for a DUI with one prior from a misdemeanor, punishable by 90 days to one year in county jail, to a wobbler, punishable either as a misdemeanor by 180 days to one year in county jail, or as a jail-eligible felony by 16 months, or two or three years. It similarly increases the punishment for a DUI with two priors from a misdemeanor, punishable by 120 days to one year in county jail, to a wobbler, punishable either as a misdemeanor by 180 days to one year in county jail, or as a jail-eligible felony by 16 months, or two or three years.

This bill is distinct from AB 1546 (Schultz), which this Committee passed out on March 3, 2026. That bill increases penalties for a narrower category of serious repeat DUI offenders: DUI offenders with two priors and DUI offenders with four or more priors. Here, while this bill similarly makes a DUI with two priors a wobbler, it also authorizes felony charges for a DUI with just one prior. While first-time DUI offenders make up the bulk of DUI offenses,

second-time DUI offenders are the next most common offender category. Together, second and third-time DUI offenders – the category of offenders impacted by this bill – typically comprise approximately a quarter of total DUI convictions. In 2020, 74.7% of DUI convictions were for first-time DUIs, 19.2% for second-time DUIs, 4.6% for third-time DUIs, and 1.4% for fourth or subsequent DUIs.[24] In 2019, the conviction numbers for a second-time and third-time DUI were similarly 20.2% and 5.3%, respectively.[25] In 2018, 20.5% and 5.3%, respectively.[26] The most recent annual data from the DMV shows there were 81,248 DUI convictions in 2021.[27] If these conviction numbers remain steady, let alone increase to levels seen in prior years, this bill could authorize tens of thousands of new felony charges annually, which could place a significant strain on California's county jails.

6) **Existing Penalties for Conduct Prohibited by this Bill:** A recent series of reporting by Cal Matters, titled "License to Kill,"[28] highlighted the significant increase in DUI-related fatalities in California. This reporting identified some troubling gaps in California's DUI framework, such as communication failures between courts and the DMV.[29] A frequently repeated claim from this reporting series is that "California has some of the weakest DUI laws in the country."[30] Whether this is in fact true is unclear. California's impaired driving criminal laws are extensive and address conduct far beyond the specific crime of a DUI that does not cause injury under Vehicle Code section 23152. In addition to this particular crime, there are numerous criminal penalties, including felony crimes and sentence enhancements, that can be leveraged against impaired drivers. Available penalties include the following:

   a) Felony DUI Causing Bodily Injury

   A first-time DUI that causes bodily injury to another can be prosecuted as a felony. Existing law makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or the combined influence of the two, or who has a BAC of .08 or more, to drive a vehicle, and concurrently do any act forbidden by law or neglect any duty imposed by law in driving the vehicle, which proximately causes bodily injury to any person other than the driver. (Veh. Code, § 23153 subds. (a), (f), & (g).) A first offense is a wobbler punishable by imprisonment for 90 days to one year in jail or 16 months, or two or three years in state prison. (Veh. Code, § 23554.) A DUI causing bodily injury with one prior is also a wobbler, while a DUI causing bodily injury with two priors is a straight felony punishable in state prison by imprisonment for two, three, or four years. (Veh. Code, §§ 13352 subd. (a)(6); 23560; 23566; 23568, subds. (a) & (b); 23575.3, subd. (h)(2)(C.)

   b) Felony DUI Crimes Due to Specified Priors or GBI

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[24] DMV, 32nd Annual Report of the California Dui Management Information System (2025), at p. 30, available at: https://www.dmv.ca.gov/portal/uploads/2025/10/32nd-Annual-Report-of-the-California-DUI-Managment-Information-System.pdf
[25] DMV, Annual Report of the California DUI Management Information System (2023), at p. 29, available at: https://www.dmv.ca.gov/portal/uploads/2023/09/2022-DUI-MIS-Report.pdf
[26] DMV, 2021 Annual Report of the California DUI Management Information System (2022), at p. 29, available at: https://www.dmv.ca.gov/portal/uploads/2022/05/2021-DUI-MIS-Report-Update-11.3.22.pdf
[27] State of California DMV, *DUI Summary Statistics* (accessed February 3, 2026), available at: https://www.dmv.ca.gov/portal/dmv-research-reports/research-development-data-dashboards/dui-management-information-system-dashboards/dui-summary-statistics/.
[28] Cal Matters, *License to Kill* (accessed Feb. 13, 2026), available at: https://calmatters.org/series/license-to-kill/
[29] Lauren Hepler and Robet Lewis, *They were convicted of killing with their cars. No one told the California DMV*, Cal Matters (June 25, 2025), available at: https://calmatters.org/investigation/2025/06/california-courts-dmv/?series=license-to-kill
[30] Robert Lewis and Lauren Hepler, *15 DUIs, still driving: California's failure to take repeat drunk drivers off the road* (Oct. 30, 2025), available at: https://calmatters.org/investigation/2025/10/california-dui-failure/?series=license-to-kill; Robert Lewis and Lauren Hepler, *40,000 people died on California roads. State leaders looked away* (Dec. 11, 2025), available at: https://calmatters.org/investigation/2025/12/california-roadway-deaths-inaction/?series=license-to-kill

In addition to the crimes of a DUI or a DUI causing bodily injury, whereby the severity of punishment increases in accordance with that person's number of priors, any DUI can be punished as a felony if that person has previously been convicted of certain impaired driving offenses or if the DUI causes certain injury. (Veh. Code, § 23550.5, subds. (a), (c) & (d).)

First, any DUI within 10 years of a conviction for a specified felony – a DUI with three or more priors, a DUI causing bodily injury, or gross vehicular manslaughter – is punishable as a wobbler with a $390 to $1,000 fine, a four or five year license revocation (including designation as a habitual traffic offender for three years), and a three- or four-year IID mandate. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (a), (c) & (d); 23575.3, subd. (h)(1)-(2).) Accordingly, a DUI offender who was previously convicted of a felony DUI causing bodily injury can be subject to felony, rather than misdemeanor charges.

Second, a person convicted of any DUI who has previously been convicted of felony vehicular manslaughter while intoxicated can also face felony charges. This crime is punishable as a wobbler with a fine of $390 to $1,000, a four- or five-year license revocation, and a three- or four-year IID mandate. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (b), (c) & (d); 23575.3, subd. (h)(1)-(2).) Notably, this offense does not have a 10-year washout period. A person convicted of felony vehicular manslaughter while intoxicated who subsequently is convicted of a DUI 20 years later may be charged with a felony.

Third, a DUI causing bodily injury, where the violation proximately causes GBI to a person other than the driver, and the offense occurred within 10 years of two or more priors, is punishable as a straight felony by imprisonment for two, three, or four years in state prison, a $1,015 to $5,000 fine, and a five-year license revocation (Veh. Code, §§ 23566, subd. (b); 13352 subd. (a)(6).)

c) *Impaired Driving Involving Death*

A person who kills someone while driving impaired may be subject to several additional felonies.

First, a person who kills someone while impaired by alcohol or drugs can be prosecuted with implied malice, second-degree murder, punishable by 15 years-to-life in state prison. (Pen. Code, § 187; 190, subd. (a); 1 CALCRIM 520 (2026); *People v. Watson* (1981) 30 Cal.3d 290, 300.) Notably, a person convicted of a DUI is required to be advised of the dangers of driving under the influence, and that they may be charged with murder if they continue to drink and drive and kill someone as a result. (Veh. Code, § 23593, subd. (a).)

Second, a person who kills someone while driving impaired and with gross negligence may be convicted of the crime of "gross vehicular manslaughter while intoxicated." This is defined as the unlawful killing of a person without malice while driving a vehicle while intoxicated, and the killing was either a proximate result of an unlawful act, not amounting to a felony, and with gross negligence, or the proximate result of a lawful act that might produce death, in an unlawful manner, and with gross negligence. (Pen. Code, § 191.5, subds. (a) & (c)(1).) Gross vehicular manslaughter while intoxicated is a felony punishable by imprisonment for four, six, or 10 years in state prison. (Pen. Code, § 191.5, subd. (c)(1).) If this offense does not involve gross negligence, the offense becomes "vehicular

manslaughter while intoxicated," which is punishable as a wobbler with a heightened felony option of imprisonment for 16 months, or two or four years. (Pen. Code, § 191.5, subd. (c)(2).)

Additionally, a person who is convicted of gross vehicular manslaughter while intoxicated, who has previously been convicted of any DUI, among other offenses, may be punished by a state prison term of 15 years-to-life. (Pen. Code, § 191.5, subd. (d).)

d) *Sentence Enhancements*

Impaired drivers may be subject to multiple types of sentence enhancements.

First, a person who is convicted of a DUI causing bodily injury, which proximately causes bodily injury or death to more than one victim and results in a felony conviction, shall receive a one-year sentence enhancement in state prison for each additional victim injured (maximum of three victims). (Veh. Code, § 23558.) Consider a person who drives impaired and causes a car crash that injures three people in the other car. That person may be charged with a felony DUI causing bodily injury, punishable by up to three years in state prison, and an enhancement of two years for the two additional injured victims. (Veh. Code, §§ 23554; 23558.)

Second, where a person is convicted of the felony crime of DUI causing bodily injury that proximately causes GBI and that occurred within 10 years of two or more priors, if the underlying offense occurred within 10 years of four or more priors that person shall be subject to an additional three-year prison enhancement, which shall be served in addition to and consecutive to the base term. (Veh. Code, § 23566, subds. (b) & (c).) For example, if a person is convicted of a DUI that causes GBI with four or more priors under this sentence enhancement, they may be punished by up to four years in state prison, and an additional three-year sentence enhancement. (*Ibid.*)

Third, a person convicted of a felony DUI may be subject to an additional three-year sentence enhancement if they personally inflicted GBI in the commission of the felony DUI. (Pen. Code, § 12022.7, subds. (a) & (g).) For example, if a person is convicted of a felony DUI causing bodily injury, and the defendant personally inflicted GBI during the offense, that person can face up to three years for the offense, and an additional three-year enhancement. (Pen. Code, § 23554; *See e.g., People v. Wilson* (2003) 114 Cal.App.4th 953, 956; *People v. Sainz* (1999) 74 Cal.App.4th 565, 576.) This does not apply where GBI is an element of the offense and is inapplicable to murder or manslaughter. (Pen. Code, § 12022.7, subds. (a) & (g).)

e) Minimum Mandatory Terms and Jail Enhancements

A DUI can result in substantial jail time, even when prosecuted as a misdemeanor. A DUI conviction mandates minimum jail time as follows: first DUI (four days); second DUI (three months); third DUI (four months); and fourth or subsequent DUI (six months if prosecuted as a misdemeanor). (Veh. Code, §§ 23536; 23540; 23546; 23550.) Although probation, which is frequently granted, results in less minimum jail time.

In addition, existing law mandates additional jail time under certain circumstances. Generally, these jail enhancements apply regardless of whether probation was granted.

First, existing law mandates additional jail time if the DUI offense involved excessive speeding. Specifically, it requires an additional and consecutive term of two months in county jail if a person, during the commission of a DUI drives 30 miles per hour or more over the speed limit on a freeway, or 20 miles per hour over the posted speed limit on any other street or highway, in a manner that constitutes reckless driving (Veh. Code, § 23582, subd. (a).) Accordingly, a person convicted of a DUI with one prior while driving recklessly over 20 miles per hour over the speed limit on a highway may receive a minimum of five months of jail time; three months for their second DUI, and an additional two months for speeding.

Second, a person convicted of a DUI, where a minor under 14 years old was a passenger at the time of the offense, is subject to additional jail time as follows: first DUI (48 continuous hours); second DUI (10 days); third DUI (30 days); and fourth or subsequent DUI (three months). (Veh. Code, § 23572, subd. (a).)

Third, existing law also requires additional jail time for a person convicted of a DUI who, at the time of arrest, willfully failed to submit to or complete a breath or urine test, regardless of whether probation is granted. Additional jail time is mandated as follows: first DUI (heightened probation conditions); first DUI causing bodily injury (additional 48 continuous hours jail); any DUI with one prior (four days); DUI with two priors (10 days); and a DUI with three priors or a DUI with a prior specified felony (18 days). (Veh. Code, § 23577, subd. (a).)

f) Vehicle Impoundment

A person convicted of a DUI may also have their vehicle impounded, and possibly even sold. Currently, courts have discretion to impound a DUI offender's vehicle for up to 30 days for a first offense, where the vehicle was used in the commission of the offense, or up to 90 days if the offense occurs within five years of two or more prior DUIs. (Veh. Code, § 23594, subds. (a) & (b).) The impoundment must be ordered at the registered owner's expense, except for unusual cases where the interests of justice would be best served by not ordering impoundment. (*Ibid.*) Additionally, a court may declare a defendant-owner's vehicle to be a nuisance and subject the vehicle to sale if the defendant is convicted of any of the following: 1) a DUI within seven years of two or more prior DUI or intoxicated vehicular manslaughter convictions; 2) a DUI causing bodily injury within seven years of a prior DUI or intoxicated vehicular manslaughter conviction; or 3) intoxicated vehicular manslaughter. (Veh. Code, § 23596, subds. (a) & (b).)

Additionally, a court may impound the vehicle of a vehicle owner for up to six months upon a conviction for driving with a suspended or revoked license and up to one year for a second or subsequent violation for that same offense. (Veh. Code, § 23592, subd. (a).)

7) **Increased Penalties and Lack of Deterrent Effect:** According to the National Institute of Justice (NIJ), "Laws and policies designed to deter crime by focusing mainly on increasing the severity of punishment are ineffective partly because criminals know little about the sanctions for specific crimes. More severe punishments do not 'chasten' individuals

convicted of crimes, and prisons may exacerbate recidivism."[31] Rather than penalty increases, the NIJ emphasizes the need for policies that "increase[] the perception that criminals will be caught and punished" because "[t]he *certainty* of being caught is a vastly more powerful deterrent than the punishment." [32]

In a 2014 report, the Little Hoover Commission similarly addressed the disconnect between science and sentencing – that is, "put[ting] away offenders for increasingly longer periods of time, with no evidence that lengthy incarceration, for many, brings any additional public safety benefit."[33] Accordingly, while this bill guarantees greater punishment for second and third-time DUI offenders, it is less clear whether it will effectively deter impaired driving behavior.

8) **Argument in Support**: According to the *Safe California Roads Coalition*, "The Safe California Roads Coalition strongly supports AB 1686, which would allow repeat DUI offenses within a 10-year period to be charged as either a misdemeanor or a felony. This bill is a critical step toward holding drivers who repeatedly endanger lives accountable for their actions. AB 1686 ensures that our laws reflect the serious harm caused by impaired driving and the need to protect all Californians on our roads.

"California's current DUI laws treat a second or third offense within 10 years as a misdemeanor, even though these drivers have demonstrated a pattern of dangerous behavior. AB 1686 corrects this gap by providing prosecutors the ability to pursue felony charges when appropriate. The Safe California Roads Coalition supports this bill as a vital part of our mission to reduce DUI-related deaths and injuries. Strengthening accountability for repeat offenders helps prevent future crashes, protects families, and ensures that California's roads are safer for everyone."

9) **Argument in Opposition**: According to *California Attorneys for Criminal Justice (CACJ)*, AB 1646 "expands felony exposure by making a second or third DUI offense without injuries within ten years a "wobbler." This proposal focuses on increased punishment rather than prevention and addresses only a narrow subset of cases. By making both second and third offenses punishable as felonies and imposing the same mandatory minimum jail sentence for each, the bill collapses California's graduated penalty structure for repeat DUI offenses and eliminates the meaningful distinction between escalating levels of culpability.

"Nothing in this bill distinguishes between cases where the priors are close to the current offense versus cases when there have been many years in between. Nor does this bill focus on high b.a.c. cases and could include cases where someone had a "wet" and were borderline of the b.a.c. limits.

"Data from the California Department of Motor Vehicles (DMV) and the National Highway Traffic Safety Administration (NHTSA) show that roughly three-quarters of individuals

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[31] National Institute of Justice, U.S. Department of Justice, *Five Things about Deterrence* (June 5, 2016) https://nij.ojp.gov/topics/articles/five-things-about-deterrence.
[32] *Ibid.*
[33] Little Hoover Commission, *Sensible Sentencing for a Safer California* (Feb. 2014) at p. 4, https://lhc.ca.gov/wp-content/uploads/Reports/219/Report219.pdf

arrested for a first DUI are never rearrested for another DUI within ten years, meaning most impaired-driving cases involve individuals who do not become repeat offenders.

"The most effective way to reduce impaired driving is to prevent first-time offenders from becoming repeat offenders. Preventing repeat offenses therefore requires addressing underlying substance-use disorders. Research consistently shows that treatment-based interventions reduce recidivism. Studies of court-mandated mental-health and substance-use treatment programs demonstrate meaningful reductions in reoffending among individuals who participate in treatment. Rather than expanding felony punishment for the small fraction of cases involving multiple repeat offenses, the Legislature should prioritize treatment-based diversion programs that address the root causes of impaired driving and thereby make California's roadways safer.

"California's existing DUI penalties are not lenient. In the most serious DUI fatality cases, prosecutors in California may pursue second-degree murder charges, exposing a defendant to a sentence of fifteen years to life. Despite the possibility of life imprisonment, a minority of drivers with a prior DUI conviction do reoffend because of substance-use disorders. This reality underscores that impaired driving is often driven by addiction and behavioral health issues, not by a lack of severe criminal penalties. Individuals who decide to drive while intoxicated are, by definition, impaired at the time of the decision, which limits the deterrent effect of harsher statutory penalties.

"This year the California Legislature has introduced at least a dozen DUI bills. CACJ urges the Legislature to convene broad stakeholder working groups to identify a []holistic approach to reform as needed. This would increase the likelihood of an efficient balanced resolution to any amendments."

10) **Related Legislation**:

a) AB 1546 (Schultz) increases the punishment for a DUI with two priors from a misdemeanor to a wobbler and increases the punishment for a DUI with four or more priors from a wobbler to a straight felony. AB 1546 is pending a hearing in the Assembly Appropriations Committee.

b) SB 907 (Archuleta) adds intoxicated vehicular manslaughter and gross vehicular manslaughter to the violent felonies list and subjects a person convicted of specified vehicle offenses, including a felony DUI, to a three-year sentence enhancement for each prior conviction for specified vehicle offenses, among other changes. SB 907 is pending a hearing in the Senate Public Safety Committee.

c) AB 1748 (Sanchez) lengthens the license suspension and revocation periods for first-time and repeat DUI offenders, among other changes. AB 1748 is being heard in this Committee today.

d) AB 1830 (Petrie-Norris) requires courts to order first-time DUI offenders to install, maintain, and service an IID for up to six months on every vehicle they operate. AB 1830 is being heard in this Committee today.

e) AB 1687 (Lackey) punishes a person convicted of three or more specified vehicle offenses, including a DUI or a DUI causing bodily injury, among others, with an eight-year license revocation. AB 1687 is being heard in this Committee today.

f) AB 1814 (Alanis) requires specified officers assigned to traffic enforcement to complete a course of training on detecting and apprehending impaired drivers within one year of their assignment to traffic enforcement, and every two years thereafter. AB 1814 is pending a hearing in this Committee.

11) **Prior Legislation**:

a) SB 421 (Bradford) of the 2021-2022 Legislative Session would have established a pretrial diversion scheme with specific conditions for misdemeanor DUI violations. SB 421 was held in Senate Appropriations.

b) SB 783 (Bradford) of the 2021-2022 Legislative Session was substantially similar to SB 421. SB 783 was never heard.

c) AB 401 (Flora) of the 2019-2020 Legislative Session would have made a DUI conviction that occurs within 10 years after four or more previous specified convictions, only punishable as a felony, among other changes. AB 401 failed passage in this Committee.

d) AB 2690 (Mullin) Chapter 590, Statutes of 2014, changed the term "prior violations" to "separate violations" in a statute that authorizes enhanced penalties if the current offense occurred within 10 years of a specified felony DUI offense.

e) AB 2605 (Bogh) of the 2005-2006 Legislative Session would have increased the penalty for a person convicted of a third DUI offense within 10 years from a misdemeanor to an alternative misdemeanor/felony, among other changes. AB 2605 failed passage in this Committee.

f) SB 1694 (Torlakson), Chapter 550, Statutes of 2004, increased, from seven to 10 years, the "washout" period in which a person convicted of DUI would no longer be subject to increased penalties for having a prior specified DUI.

REGISTERED SUPPORT / OPPOSITION:

Support

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of Drinking Driver Treatment Programs
California Association of Highway Patrolmen
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California District Attorneys Association

California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
California State Sheriffs' Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Los Angeles County Sheriff's Department
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Mothers Against Drunk Driving
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Assocation
Pomona Police Officers' Association
Riverside County Sheriff's Office
Riverside Police Officers Association
Riverside Sheriffs' Association
Safety and Advocacy for Empowerment (SAFE)
San Bernardino County
Streets are for Everyone Inland Empire
Streets for All
The River's Edge Ranch
We Save Lives
3 Private Individuals

Opposition

ACLU California Action
California Attorneys for Criminal Justice
California Public Defenders Association
Californians United for a Responsible Budget
Center on Juvenile and Criminal Justice
Ella Baker Center for Human Rights
Initiate Justice
Justice2jobs Coalition
LA Defensa
Local 148 Los Angeles County Public Defender's Union
San Francisco Public Defender
Smart Justice California, a Project of Beyond Impact

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Date of Hearing: March 24, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1687 (Lackey) – As Introduced February 2, 2026

As Proposed to be Amended in Committee

SUMMARY: Authorizes the Department of Motor Vehicles (DMV) to revoke a person's driver's license for eight years if they are convicted of three or more specified impaired driving offenses within a ten-year period. Specifically, **this bill**:

1) Authorizes the DMV to immediately revoke the privilege of a person to drive a motor vehicle upon receipt of a duly certified abstract of the record of a court showing that the person has been convicted of three or more of the following violations, or a combination of three or more of these violations, where each of the three or more violations occurred within a 10-year period:

   a) Driving under the influence (DUI)[1] with two priors.[2]

   b) A DUI with three or more priors.

   c) A DUI causing bodily injury with two or more priors.

   d) A DUI or DUI causing bodily injury within 10 years of the following felonies: a DUI with three or more priors, a DUI causing bodily injury, or gross vehicular manslaughter.

   e) A DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter or intoxicated vehicular manslaughter while operating a vessel.

   f) A DUI causing bodily injury, where the violation proximately causes great bodily injury (GBI) to another person, and the offense occurred within 10 years of two or more priors.

   g) Gross vehicular manslaughter while intoxicated.

   h) Vehicular manslaughter while intoxicated, without gross negligence, within seven years of two or more priors.

   i) Intoxicated vehicular manslaughter while operating a vessel and with gross negligence, as specified.

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[1] For purposes of this analysis, a "DUI" refers to a DUI punishable under Vehicle Code section 23152 that does not cause bodily injury. A DUI causing bodily injury is punished separately under Vehicle Code section 23153.
[2] For purposes of this analysis and unless otherwise specified, a "prior" means a separate DUI conviction under Vehicle Code sections 23152 (DUI), 23153 (DUI causing bodily injury), or a "wet reckless" conviction under 23103.5 (plea to reckless driving in satisfaction of an original DUI charge) that occurred within 10 years of the current violation.

2) Specifies that if the DMV revokes the privileges of a person to drive a motor vehicle pursuant to the above, the DMV shall not reinstate the privilege revoked until the expiration of eight years after the date of revocation and until the person whose privilege was revoked gives proof of financial responsibility, as defined, except as specified below.

3) Authorizes, four years from the date of the last conviction of an offense specified above, a person whose license was revoked pursuant to the above to apply to the DMV to have their privilege to operate a motor vehicle reinstated, subject to the condition that the person submits an ignition interlock device (IID) "Verification of Installation" form and agrees to install and maintain an IID, as specified.

4) Requires the IID to remain on the person's motor vehicle for two years following the reinstatement of the person's driving privilege pursuant to this bill.

5) Requires the DMV to reinstate the person's license pursuant to the above, if the person satisfies all of the following conditions:

   a) The person was not convicted of any drug- or alcohol-related offenses under state law, during the driver's license revocation period.

   b) The person successfully completed a specified licensed DUI program, following the date of the last conviction of an offense specified above, if such a program is required.

   c) The person was not convicted of violating specified prohibitions against driving a vehicle on a suspended or revoked license, including driving on a suspended or revoked license because of a DUI conviction, during the revocation period.

6) Requires the DMV to immediately terminate the restriction issued pursuant to the above and immediately revoke the privilege to operate a motor vehicle of a person who attempts to remove, bypass, or tamper with the IID, who has the device removed prior to the termination date of the restriction, or who fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device, and specifies that the privilege shall remain revoked for the remaining period of the original revocation and until all reinstatement requirements are met.

EXISTING LAW:

1) Makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has 0.08 percent or more, by weight, of alcohol (BAC) in their blood, to drive a vehicle (generally referred to as a DUI). (Veh. Code, § 23152 subds. (a), (b) (f), & (g).)

2) Punishes a DUI as follows:

   a) A first DUI is a misdemeanor punishable by imprisonment for four days to six months in county jail, a fine of $390 to $1,000, an order to install a functioning, certified IID on any

vehicle that person operates for up to six months,[3] at the court's discretion, a six-month license suspension or a 10-month suspension if probation is given and a 9-month DUI program is ordered, and completion of a three-month (30-hour) DUI program, or a nine-month (60-hour) program if the person's BAC was .20% or more, or they refused to take a chemical test, if given probation. (Veh. Code, §§ 13352, subd. (a)(1); 13352.1, subd. (a); 23536, subds. (a) & (c); 23538, subds. (a) & (b); 23575.3, subd. (h)(1)(A)(i).)

b) A DUI with one prior is a misdemeanor punishable by imprisonment for three months to one year in county jail, a fine of $390 to $1,000, a one-year IID installation mandate, a two-year license suspension, and completion of an 18-month or 30-month DUI program, as specified, if given probation. (Veh. Code, §§ 13352, subd. (a)(3); 23540, subd. (a); 23542, subds. (a) & (b); 23575.3, subd. (h)(1)(B).)

c) A DUI with two priors is a misdemeanor punishable by imprisonment for four months to one year in county jail, a fine of $390 to $1,000, a two-year IID installation mandate, a three-year license revocation, and three-year designation as a habitual traffic offender, and an 18- or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352, subd. (a)(5); 23546; 23548, subds. (a) & (b); 23575.3, subd. (h)(1)(C).)

d) A DUI with three or more priors is an alternate felony-misdemeanor (hereafter, "wobbler") punishable by imprisonment for six months to one year in jail, or as a jail-eligible felony by 16 months, or two or three years, a fine of $390 to $1,000, a three-year IID installation mandate, a four-year license revocation, and three-year designation as a habitual traffic offender, and an 18- or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352, subd. (a)(7); 23550; 23552, subds. (a) & (b); 23575.3, subd. (h)(1)(D).)

3) Makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or the combined influence of the two, or who has a BAC of .08 or more, to drive a vehicle, and concurrently do any act forbidden by law or neglect any duty imposed by law in driving the vehicle, which proximately causes bodily injury to any person other than the driver (generally referred to as a DUI causing bodily injury.) (Veh. Code, § 23153 subds. (a), (f), & (g).)

4) Punishes a DUI causing bodily injury, as follows:

a) A first DUI causing bodily injury is a wobbler punishable by imprisonment for three months to one year in county jail or 16 months, or two or three years in state prison, a fine of $390 to $1,000, a one-year IID installation mandate, a one-year license suspension, and completion of a three-month (30-hour) DUI treatment program, or a nine-month (60-hour) program if the person's BAC was .20% or more or they refused to take a chemical test, if given probation. (Veh. Code, §§ 13352 subd. (a)(2), 23554; 23556, subds. (a) & (b); 23575.3, subd. (h)(2)(A).)

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[3] Only if the offense involved alcohol.

b) A DUI causing bodily injury with one prior is a wobbler punishable by imprisonment for four months to one year in county jail or 16 months, or two or three years in state prison, a fine of $390 to $5,000, a two-year IID installation mandate, a three-year license revocation, and an 18- or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352 subd. (a)(4); 23560; 23562, subds. (a) & (b); 23575.3, subd. (h)(2)(B).)

c) A DUI causing bodily injury with two or more priors is a felony punishable by imprisonment in state prison by two, three, or four years, a fine of $1,015 to $5,000, a three-year IID installation mandate, a five-year license revocation and three-year designation as a habitual traffic offender, and an 18- or 30-month DUI program, as specified, if given probation. (Veh. Code, §§ 13352 subd. (a)(6); 23566; 23568, subds. (a) & (b); 23575.3, subd. (h)(2)(C.)

5) Punishes a DUI with specified prior felonies, or those that cause certain injury, as follows:

a) Punishes a person convicted of a DUI causing bodily injury, where the violation proximately causes great bodily injury (GBI) to another person, and the offense occurred within 10 years of two or more priors, as a felony with a five-year license revocation, and a three-year IID installation mandate. (Veh. Code, §§ 23566, subd. (b); 13352 subd. (a)(6).)

b) Punishes a person convicted of any DUI within 10 years of specified felonies – a DUI with three or more priors, a DUI causing bodily injury, or gross vehicular manslaughter – as a wobbler with a four or five-year license revocation and a three or four-year IID mandate. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (a), (c) & (d).)

c) Punishes a person convicted of any DUI who has a prior conviction for felony intoxicated vehicular manslaughter or intoxicated vehicular manslaughter while operating a vessel as a wobbler with a four or five-year license revocation and a three or four-year IID mandate. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (b), (c) & (d).)

6) Authorizes a court, notwithstanding the above, to order a 10-year license revocation if a person has been convicted of three or more separate DUIs or DUIs causing bodily injury, the last of which was punishable as a DUI with two priors, a DUI with three or more priors, a DUI causing bodily injury with two or more priors, a DUI or DUI causing bodily injury with a prior specified felony, a DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter, as specified, or a DUI causing bodily injury, where the violation proximately caused GBI and occurred within 10 years of two or more priors. (Veh. Code, § 23597, subd. (a).)

7) Prohibits a DUI license suspension or revocation from being reinstated until the person gives proof of financial responsibility and of successful completion of their DUI program. (Veh. Code, § 13352, subds. (a)(1)(A).)

8) Authorizes the DMV to issue a restricted license to a person convicted of a DUI or DUI causing bodily injury, contingent on that person installing an IID, as follows:

a) Requires, generally, the DMV to advise the person that they may apply for a restricted license if they meet certain requirements: 1) the conviction was not only for drugs (for first-time offenders); 2) they provide proof of enrollment or completion of a DUI program; 3) they agree to continue satisfactory participation in the program; 4) they verify that they installed an IID, agree to maintain the IID for the required installation period, and comply with associated IID requirements 5) they provide proof of financial responsibility; and 6) they pay specified fees. (Veh. Code, § 13352, subds. (a)(1)(A), (a)(2)(A), (a)(3)(A), (a)(4)(A), (a)(5)(A), (a)(6)(A), (a)(7)(A).)

b) Specifies that if a person was convicted of a DUI other than their firstDUI offense, and the conviction was only for drugs, they must complete 12 months of the suspension period. (Veh. Code, § 13352, subds. (a)(3)(A)(i).)

c) Provides that the restricted driving privilege shall become effective when the DMV receives all required documents and fees, and shall remain in effect until all reinstatement requirements are satisfied, except the DMV must terminate the privilege if the person fails to comply with their DUI program's requirements or attempts to remove, bypass, or tamper with their mandated IID, or fails three or more time to maintain their IID, as specified. (Veh. Code, § 13352, subd. (e.)

d) Provides that, irrespective of the above, if a person maintains an IID for the mandatory required term, the DMV shall reinstate the person's privilege to operate a vehicle at the time the other reinstatement requirements are satisfied. (Veh. Code, § 13352, subd. (f).)

9) Requires the DMV to administratively suspend the driving privileges of drivers who exceed the legal BAC limit or who fail or refuse to complete a chemical or alcohol screening test, before any criminal conviction, as specified. (Veh. Code, §§ 13353.2; 13353.3.)

10) Provides that if a person is convicted of a DUI, DUI causing bodily injury, or a hit and run, and is sentenced to one year in jail or more than one year in state prison under specified DUI sentencing statutes, the court may postpone the revocation or suspension of the person's driving privilege until the term of imprisonment is served. (Veh. Code, § 23665, subd. (a).)

11) Establishes a mandatory one-year criminal license revocation for the following convictions: 1) failure of a driver involved in an accident resulting in injury or death to stop and perform specified duties; 2) a felony in the commission of which a motor vehicle is used, except as specified; 3) reckless driving causing bodily injury. (Veh. Code, § 13350, subds. (a) & (b).)

12) Establishes a mandatory three-year license revocation for the following convictions: 1) manslaughter (except for misdemeanor vehicular manslaughter; 2) three or more specified hit and run or reckless driving violations within 12 months; and 3) gross vehicular manslaughter while intoxicated, intoxicated vehicular manslaughter while operating a vessel, or fleeing or attempting to elude a peace officer, causing serious bodily injury, as specified. (Veh. Code, § 13351, subds. (a) & (b).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "As a CHP officer, I have stood on the side of the road with families who have just lost loved ones to drunk drivers. Those scenes will never leave me. We owe it to those families to hold repeat offenders accountable. AB 1687 will help by increasing the revocation period for a third DUI conviction from three years to eight years. This stronger deterrent reduces the likelihood of repeat offenses, keeps high-risk drivers off the road, and helps prevent alcohol-related injuries and fatalities, ultimately improving public safety across the state."

2) **License Suspensions and Revocations for DUIs:** Existing law makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has 0.08 percent or more, by weight, of alcohol (BAC) in their blood, to drive a vehicle. (Veh. Code, § 23152 subds. (a), (b) (f), & (g).) This establishes the crime of a DUI that does not cause bodily injury. California also makes it unlawful to drive impaired while concurrently doing an act forbidden by law or neglecting a duty imposed by law, which proximately causes bodily injury to another. (Veh. Code, § 23153 subds. (a), (f), & (g).) This is the crime of a DUI causing bodily injury. The punishment for a DUI or DUI causing bodily injury generally depends on the defendant's number of separate "priors" within 10 years of the current offense. (Veh. Code, § 23540.) Convictions that are considered "priors" are a DUI under Vehicle Code section 23152, a DUI causing bodily injury under Vehicle Code section 23153, and a "wet reckless" conviction under Vehicle Code section 23103.5. (*Ibid.*) A wet reckless occurs where the prosecution agrees to a plea to a charge of reckless driving under Vehicle Code 23103, in satisfaction of, or as a substitute for, an original DUI charge, as specified. (Veh. Code, § 23103.5.)

   A person convicted of a DUI or DUI causing bodily injury is subject to numerous criminal penalties, including jail or prison time, specified fines, participation in a DUI program, installation and maintenance of an IID mandate, and license suspensions or revocations. This bill pertains to criminal license revocations, meaning those sanctions that are imposed after a person's *conviction* for a DUI. These license sanctions are distinct from pre-conviction administrative suspensions that the DMV may impose on individuals who drive in violation of the legal BAC threshold or who fail or refuse to complete a chemical or alcohol screening test, as discussed more below (Veh. Code, §§ 13353; 13353.1; 13353.2; 13353.3)

   The duration of a criminal DUI license suspension or revocation increases with each prior offense. (Veh. Code, §§ 13352, subd. (a)(1)-(7).) A first DUI is subject to a six-month license suspension or a 10-month suspension if probation is given and a 9-month DUI program is ordered. (Veh. Code, §§ 13352, subd. (a)(1); 13352.1, subd. (a).) A DUI with one prior is subject to a two-year license suspension, a DUI with two priors results in a three-year license revocation, and a DUI with three or more priors results in a four-year license revocation. (Veh. Code, §§ 13352, subd. (a)(1), (3), (5) & (7).) License suspensions and revocations for a DUI causing bodily injury are even longer. A first-time DUI causing bodily injury is subject to a one-year license suspension, a DUI causing bodily injury with one prior receives a three-year license revocation, and a DUI causing bodily injury with two or more priors is subject to a five-year license revocation. (Veh. Code, §§ 13352, subd. (a)(2), (4), (6) & (7).) Courts may postpone the commencement of a license revocation or suspension arising from a DUI conviction until the term of imprisonment is served, for individuals sentenced to one year in county jail or to more than one year in state prison. (Veh. Code, § 23665, subd. (a).)

Additional license revocations apply to DUIs where the person has specified prior impaired driving felonies, DUIs that cause certain injuries, and to serious repeat DUI offenders. First, a person convicted of a DUI causing bodily injury that proximately causes GBI to another person that occurs 10 years of two or more priors is subject to a five-year license revocation. (Veh. Code, §§ 23566, subd. (b); 13352 subd. (a)(6).) Second, an individual convicted of any DUI within 10 years of specified impaired driving felonies is subject to a four or five-year license revocation. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (a), (c) & (d).) Third, a person convicted of any DUI who has a prior conviction for felony intoxicated vehicular manslaughter or intoxicated vehicular manslaughter while operating a vessel is subject to a four or five-year license revocation. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (b), (c) & (d).)

Finally, courts have discretion to order a 10-year license revocation if a person has been convicted of three or more separate DUIs or DUIs causing bodily injury. (Veh. Code, § 23597, subd. (a).) This only applies if the last offense was punishable as a DUI with two priors, a DUI with three or more priors, a DUI causing bodily injury with two or more priors, a DUI or DUI causing bodily injury within 10 years of a prior specified felony, a DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter, or a DUI causing bodily injury, where the violation proximately caused GBI and occurred within 10 years of two or more priors. (Veh. Code, § 23597, subd. (a).) This license sanction doesn't have a washout period; however, most of the last triggering convictions require multiple impaired driving offenses within 10 years. (Veh. Code, §§ 23566; 23550.5.) In determining whether to issue a 10-year revocation, the court shall consider the person's level of remorse, the time between the previous convictions, BAC at the time of violation, participation in an alcohol treatment program, risk to traffic or public safety, and the person's ability to install an IID. (Veh. Code, § 23597, subd. (a).) A person may apply to have their driving privileges reinstated, contingent on the installation of an IID, five years from the date of the last conviction. (Veh. Code, § 23597, subd. (c)(1).)

Notably, DUI criminal license sanctions do not completely prohibit the defendant from driving. Generally, a person convicted of a DUI can apply to the DMV for a restricted license. (Veh. Code, § 13352, subds. (a)(1)(A).) To obtain such a license, the defendant must meet several requirements, including installing and maintaining an IID on every vehicle they operate for a specified period. (Veh. Code, § 13352, subds. (a)(1)(A).) Additionally, the underlying conviction cannot have been only for drugs (for first-time offenders), and they must provide proof of enrollment or completion of a specified DUI program, agree to continue satisfactory participation in the DUI program, provide proof of financial responsibility, and pay specified fees. (*Ibid.*) If the DUI was not that person's first offense and the underlying conviction was only for drugs, the defendant must complete 12 months of the suspension period. (Veh. Code, § 13352, subds. (a)(3)(A)(i).) If the person meets these requirements, they may receive a restricted license, which shall remain in effect until all reinstatement requirements are satisfied. (Veh. Code, § 13352, subd. (e)(1). However, if a person maintains their IID for the mandatory term, the DMV shall reinstate their driving privileges at the time the other reinstatement requirements are satisfied. (Veh. Code, § 13352, subd. (f).) Given that the duration of IID mandates are generally shorter than license suspension or revocation periods, this can permit a person who has completed their mandated IID installation term, and who has otherwise met all their reinstatement requirements to return to driving, without an IID, before the original license sanction date expires.

First-time DUI offenders have an additional avenue to receive a restricted license without having to install an IID. Specifically, the DMV must issue a restricted driver's license to a person convicted of their first DUI upon proof of enrollment in a DUI program, proof of financial responsibility, and payment of fees. (Veh. Code, §§ 13352.4, subd. (a).) This permits the person to engage in limited driving to and from their work and their DUI program. (Veh. Code, §§ 13352.4, subd. (c).) However, a court may disallow the issuance of a restricted license if it finds that the person would present a traffic safety or public safety risk if authorized to operate a motor vehicle. (Veh. Code, §§ 13352.4, subd. (h); 23536, subd. (d).)

3) **Effect of this Bill:** This bill authorizes the DMV to revoke a person's driver's license for eight years if they are convicted of three or more specified impaired driving offenses. Specifically, it authorizes the DMV to revoke a person's driving privileges for eight years if they are convicted of three or more of the following offenses, or any combination thereof, where each of the three or more violations occurred within 10 years: 1) gross vehicular manslaughter while intoxicated, 2) vehicular manslaughter while intoxicated, without gross negligence, within seven years of two or more priors; 3) intoxicated vehicular manslaughter while operating a vessel; 4) a DUI with two priors; 5) a DUI with three or more priors; 6) a DUI causing bodily injury with two or more priors; 7) a DUI or DUI causing bodily injury within 10 years of certain impaired driving felonies; and 8) a DUI causing bodily injury, where the violation proximately causes GBI and occurred within 10 years of two or more priors. If a revocation is ordered, the DMV is prohibited from reinstating the person's driving privileges until the expiration of eight years after the date of revocation and until the person provides proof of financial responsibility, except as specified below.

   Similar to existing DUI license suspensions and revocations, and particularly, the existing 10-year revocation option, this bill authorizes a person to apply for a restricted license. Specifically, it authorizes a person subject to an above revocation to apply to have their driving privileges reinstated four years from the date of the last conviction of an offense specified above, conditioned on the requirement that the person submits an IID "Verification of Installation" form and agrees to install and maintain an IID. The IID must remain on the person's motor vehicle for two years following reinstatement. The DMV is required to reinstate a person's license if: 1) the person was not convicted of any drug- or alcohol-related offenses during the revocation period; 2) the person completed a specified licensed DUI program, if such a program is required; and 3) the person was not convicted of violating specified prohibitions against driving a vehicle on a suspended or revoked license during the revocation period. The DMV must immediately terminate the restriction issued pursuant to the above and revoke the privilege to operate a vehicle of a person who attempts to remove, bypass, or tamper with the IID, who has the device removed prior to the termination date of the restriction, or who fails three or more times to comply with any requirement for the maintenance or calibration of the IID. The privilege shall remain revoked for the remaining period of the original revocation and until all reinstatement requirements are met.

   The need for this bill is somewhat unclear. First, the offenses this bill applies to already receive independent license revocations. Indeed, most of the convictions encompassed by this bill already receive either a four or five-year license revocation. Offenses that can result in a four-year license revocation include a DUI with three or more priors, a DUI or DUI causing bodily injury with a prior felony intoxicated vehicular manslaughter conviction, or a DUI within 10 years of specified impaired driving felonies. (Veh. Code, §§ 13352, subds.

(a)(7); 23550; 23550.5, subds. (b), (c) & (d).) Offenses subject to a five-year license revocation include a DUI causing bodily injury with two or more priors, a DUI causing bodily injury, where the violation proximately causes GBI to another and occurred within 10 years of two or more priors, a DUI causing bodily injury with a prior felony intoxicated vehicular manslaughter conviction, or a DUI causing bodily injury within 10 years of a specified felony. (Veh. Code, §§ 13352 subd. (a)(6); 23550.5; 23566, subd. (b).) A conviction for gross vehicular manslaughter results in a three-year license revocation. (Veh. Code, § 13351, subds. (a) & (b).) This bill may increase the length of the license revocation for a conviction for any of these offenses to eight years, instead of the existing applicable revocation term, if the defendant has committed at least two other of the above-listed impaired driving offenses, where each offense occurred within a 10-year period.

Second, existing law already gives courts discretion to order a 10-year license revocation for serial repeat DUI offenders. Specifically, Vehicle Code section 23597 authorizes a 10-year license revocation for individuals convicted of three or more DUIs, with specific requirements as to the last offense. (Veh. Code, § 23597, subd. (a).) Similar to the provisions of this bill, a person subject to a ten-year license revocation may apply for a restricted license, conditioned on the installation of an IID on that person's vehicle, five years from the date of their last conviction. (Veh. Code, § 23597, subd. (c)(1).)

4) **Benefits of Swift and Certain License Sanctions:** Individuals are less likely to commit driving offenses when they believe sanctions will be swift and certain.[4] According to the National Highway Traffic Safety Administration (NHTSA), research suggests that "swift and certain administrative sanctions—such as [administrative license suspension] and vehicle impoundment—can be highly effective in reducing alcohol impaired-driving crashes and fatalities, and in reducing further impaired driving by DWI offenders."[5] California's administrative suspension laws require the DMV to suspend a person's license, prior to any conviction, if they refuse to submit to or fail to complete a chemical test or alcohol screening test, or drive in excess of specified BAC thresholds. (Veh. Code, §§ 13353; 13353.1; 13353.2, subd. (a).) If a person's BAC exceeds the legal limit, the arresting peace officer must personally serve a notice of suspension or revocation on the arrested person, take possession of their driver's license, and issue the person a temporary license, which shall be valid for 30 days from the date of arrest. (Veh. Code, § 13382, subds (a) & (b).) The suspension becomes effective 30 days after such service. (Veh. Code, § 13353.3, subds. (a).) The DMV, upon receiving a sworn peace officer report relating to the arrest and suspension, shall conduct an administrative review to determine if the facts warrant a suspension. (Veh. Code, §§ 13353.2, subd. (d); 13557; 13380.) For individuals with no prior DUIs, who did not refuse a chemical test, and were not previously determined to have driven impaired, the suspension shall be for four months. (Veh. Code, § 13353.3, subd. (b)(1).) If the driver has prior DUIs, refused a chemical test, or has previously been determined to have driven impaired, as specified, the suspension shall be for one year. (Veh. Code, § 13353.3, subd. (b)(2).) Upon suspension, an individual may apply for a restricted driver's license if they enroll in a specified DUI program, install and maintain an IID, and pay specified fees. (Veh. Code, § 13353.6, subd. (a).) Notably, administrative and criminal license sanctions run

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[4] National Highway Traffic Safety Administration, *Countermeasures that Work; A Highway Safety Countermeasure Guide for State Highway Safety Offices* (2023), at p. 1-11, available at: https://www.nhtsa.gov/sites/nhtsa.gov/files/2023-12/countermeasures-that-work-11th-2023-tag_0.pdf

[5] *Ibid.*

concurrently. If the DMV administratively suspends a person's driver's license because they exceeded the legal BAC limit, and that person is later convicted of a DUI, arising out of the same occurrence, the two suspension or revocation periods run concurrently, and the total period of the license sanction shall not exceed the longer of the two suspension or revocation periods. (Veh. Code, § 13353.3, subd. (c).)

The traffic safety benefits of *administrative* license suspensions are well-documented. A 2000 report found that administrative license suspensions and revocations "reduced crashes of different types by an average of 13%."[6] Another study that analyzed the long-term impacts of license suspensions across the U.S. found that administrative license revocations reduced alcohol-related fatal crash involvement by 5%, resulting in an estimated 800 saved lives annually.[7] A study in Ontario, Canada, found that a law requiring immediate roadside license suspensions for drivers with BACs from .05 to .08 resulted in a 17% decrease in fatalities and injuries.[8]

The swift and certain penalties of administrative suspensions can be contrasted with the "lengthy and uncertain outcomes in criminal courts."[9] While the benefits of quick administrative license sanctions are well-established, the value of lengthy post-conviction license suspensions is less clear. According to NHTSA, "[a]lthough *administrative* license actions are highly effective in reducing crashes.... *court-imposed* license actions appear less effective" and "long court-imposed license suspensions may do little to reduce recidivism."[10] This is supported by a 2007 study on the effects of DUI mandatory pre-conviction and post-conviction driver's license suspension laws in 46 U.S. states.[11] That study found that "[a]dministrative or preconviction drivers license suspension policies have statistically significant and substantively important effects in reducing alcohol-related fatal crash involvement by 5%" but that "[i]n clear contrast, postconviction license suspension policies have no discernable effects."[12] This led the study to conclude that "[t]he effectiveness of a deterrence policy appears to be more strongly affected by celerity—the speed by which punishment is applied after the offending behavior—than by the high severity of the penalty."[13]

A person who drives impaired and is ultimately convicted of a DUI is already subject to administrative and criminal license suspensions or revocations. The primary effect of this bill is to authorize an extension of the length of the criminal license revocation for specified repeat DUI offenders. Accordingly, while this bill guarantees greater punishment for certain repeat impaired drivers, it is less clear whether it will effectively deter impaired driving behavior.

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[6] National Highway Traffic Safety Administration, *supra*, at p. 1-11.
[7] *Ibid.*
[8] *Ibid.*
[9] *Ibid.*
[10] *Id.* at p. 1-62.
[11] Wagenaar, A.C. and Maldonado-Molina, M.M, *Effects of Drivers' License Suspension Policies on Alcohol-Related Crash Involvement: Long-Term Follow-Up in Forty-Six States*, Alcoholism: Clinical and Experimental Research (2007), 31: 1399-1406, available at: https://onlinelibrary.wiley.com/doi/10.1111/j.1530-0277.2007.00441.x
[12] *Ibid.*
[13] *Ibid.*

5) **Impact of License Suspensions on Jobs and Wages**. Creating an eight-year license revocation for certain repeat impaired driving offenders, which permits application for a restricted license approximately four years into the revocation, may negatively impact individuals who rely on their vehicles to drive to work, take their children to school, and attend medical appointments, among other life necessities. A license suspension "can make it harder to find and keep a job, can increase one's exposure to the criminal legal system, and can generally place a great strain on one's life and the life of one's family."[14] Research has found that "having a valid driver's license and possession of a car is a stronger predictor of finding employment and leaving public assistance than a high school diploma."[15] Almost 30% of jobs require some amount of driving, and 75% of workers commute to work in a car.[16]

According to a study on the impacts of license suspension in New Jersey conducted by Rutgers, the New Jersey Department of Transportation, and the Federal Highway Administration, 42% of individuals with a history of license suspension lost their jobs when they had their driving privileges suspended.[17] Job loss was most significant among low-income and younger drivers.[18] 45% of those who lost their job because of the suspension could not find another job, a trend that was most pronounced among low-income and older drivers.[19] Further, of those who were able to find another job, 88% reported a decrease in income.[20] This was most true for low-income drivers. Finally, more than half of those with a history of license suspension reported that they could not afford the increased cost of auto insurance as a result of the suspension.[21]

Research suggests that an estimated 75% of suspended drivers continue to drive.[22] Individuals who have their licenses suspended may simply "choose to keep driving because they have to work, which puts them at serious legal risk if they are caught driving with suspended licenses."[23] In California, individuals who drive on a suspended or revoked license, or fail to comply with the conditions of a restricted license, can be subject to additional criminal penalties and fines. Existing law makes it a misdemeanor to drive on a license that was suspended or revoked because of a DUI conviction. (Veh. Code, § 14601.2, subd. (a).) The first offense is punishable by 10 days to six months in county jail and a $300 to $1,000 fine, and a second offense within five years of a prior violation is punishable by 30 days to one year in county jail and a $500 to $2,000 fine. (Veh. Code, § 14601.2, subd. (d).) Similarly, it is a misdemeanor, punishable by up to six months in county jail and a $5,000 fine for a person to fail to install an IID when required to do so, to operate a vehicle not

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[14] U.S. Department of Health & Human Services, *Challenges to Employment: Fines, Fees, and License Suspensions* (Dec. 2022), available at: https://acf.gov/opre/report/challenges-employment-fines-fees-license-suspensions
[15] Leiva and Marano, *Challenges to Employment: Fines, Fees, and License Suspensions*, Building Evidence of Employment Strategies (Nov. 2022), at p. 4, available at: https://acf.gov/sites/default/files/documents/opre/bees_orlando_brief.pdf
[16] *Id.* at p. 1.
[17] Driver's License Suspensions, Impacts and Fairness Study, New Jersey Department of Transportation (Aug. 2007), at p. 56, available at: https://vtc.rutgers.edu/wp-content/uploads/2014/04/MVC-DL-Suspension-Study-Final-Report-Vol1_9-13-07_.pdf
[18] *Ibid.*
[19] *Ibid.*
[20] *Ibid.*
[21] *Ibid.*
[22] American Association of Motor Vehicle Administrators, *Reducing Suspended Drivers and Alternative Reinstatement Best Practices: Edition 3* (May 2021), at p. 3, available at: https://www.aamva.org/getmedia/b92cc79d-560f-4def-879c-6d6e430e4f4d/Reducing-Suspended-Drivers-and-Alternative-Reinstatement-Best-Practices-Edition-3.pdf
[23] Leiva and Marano, *supra*, at p. 1.

equipped with an IID, or to remove, bypass, or tamper with an IID. (Veh. Code, §§ 23573, subd. (i), 23247, subds. (d) & (e).)

6) **Argument in Support**: According to the *Peace Officers' Research Association of California (PORAC)*, "AB 1687 strengthens penalties for repeat DUI offenders by requiring the Department of Motor Vehicles to immediately revoke the driver's license of individuals with three or more DUI-related convictions. The bill also prohibits reinstatement of the license for at least eight years following the revocation, ensuring longer-term removal of dangerous drivers from California roadways.

"PORAC supports AB 1687 because it increases accountability for repeat impaired drivers and helps keep dangerous offenders off the road. Stronger license revocation provisions enhance public safety and support the work of peace officers who respond to DUI incidents and work to prevent serious injuries and fatalities on California's roadways."

7) **Argument in Opposition**: According to the *California Public Defenders Association*, AB 1687 "would require the Department of Motor Vehicles ("DMV") to immediately revoke the driving privilege of a person upon a showing that the person has 3 or more convictions for, among other things, driving while under the influence of an alcoholic beverage and prohibit the DMV from reinstating their driving privileges until 8 years after the date of revocation.

"Suspending a driver's license for DUI offenses often imposes severe and disproportionate economic consequences, particularly for low-income individuals who depend on driving to maintain employment. For many workers—especially those in rural areas or in occupations such as delivery, construction, and sales—the loss of a license effectively means the loss of a job. Studies in some jurisdictions show that more than 40% of individuals lose employment after a license suspension. Rather than promoting stability or accountability, license suspensions frequently trigger a cycle of poverty by cutting off access to work while fines, fees, and program costs continue to accumulate.

"These policies also create a debt trap. Individuals must often pay hundreds or thousands of dollars in fines, reinstatement fees, and mandatory programs—costs that can range from $400 to more than $3,000—before they can legally drive again. Without the ability to drive to work, many cannot earn the income necessary to repay these obligations. As a result, some individuals drive out of necessity, exposing themselves to additional criminal penalties and further compounding their financial hardship.

"License suspensions also disproportionately impact rural, low-income and minority communities, which are less likely to have access to reliable public transportation and less able to afford costly rehabilitation requirements. Research further suggests that suspensions imposed for financial reasons—such as unpaid fines or fees—do not increase repayment rates. Instead, they make repayment less likely by preventing individuals from working.

"Additionally, research has identified troubling racial disparities in DUI license suspension practices. The study "Trends and disparities in alcohol-DWI license suspensions by suspension duration, North Carolina, 2007–2016," by Bhavna Singichetti and colleagues (September 20, 2024), found evidence of disparities in suspension duration across race, ethnicity, and sex, and noted that structural factors such as residential segregation may

contribute to unequal outcomes. This study can be found at https://doi.org/10.1371/journal.pone.0310270.

"Suspending a driver's license for DUI offenses often produces severe economic consequences without improving public safety. Instead, CPDA supports more balanced alternatives that protect public safety without pushing individuals into economic hardship, including allowing restricted licenses for employment and eliminating debt-based license suspensions, which promote accountability while allowing individuals to remain employed and support their families."

8) **Related Legislation**:

a) AB 1748 (Sanchez) increases the length of the driver's license suspensions and revocations that apply to a conviction for a DUI or a conviction for a DUI causing bodily injury. AB 1748 is being heard in this Committee today.

b) AB 1546 (Schultz) increases the punishment for a DUI with two priors from a misdemeanor to a wobbler and increases the punishment for a DUI with four or more priors from a wobbler to a straight felony, and increases the license revocation period for a DUI with four or more priors from four years to five years, among other changes. AB 1546 is pending a hearing in the Assembly Appropriations Committee.

c) AB 1874 (Wilson) provides that when a court imposes a suspension or revocation of a person's driver's license as part of a criminal sentence, the period of suspension or revocation shall commence upon the person's release from custody. AB 1874 is being heard in this Committee today.

d) AB 1723 (Ellis), specifies that the "date of revocation," for purposes of the prohibition against the DMV reinstating a person's driving privilege until the expiration of three years after the date of revocation, for persons convicted of certain vehicle-related crimes, means the date the DMV revokes a person's privilege to drive a motor vehicle, as specified, and not the date of conviction. AB 1723 is pending a hearing in the Assembly Appropriations Committee.

9) **Prior Legislation**:

a) AB 401 (Flora) of the 2019-2020 Legislative Session would have made a DUI conviction that occurs within 10 years after four or more previous specified convictions, only punishable as a felony, among other changes. AB 401 failed passage in this Committee.

b) AB 2337 (Linder), of the 2013-2014 Legislative Session, would have extended, by one year, the revocation period of an individual's driver's license if they were convicted of a hit-and-run accident in which another individual is killed or seriously injured. AB 2337 was vetoed.

c) AB 1104 (Pan), of the 2011-2012 Legislative Session, would have required, rather than allowed, driver's license revocations for specified DUIs to be delayed until offenders are released from prison or county jail. AB 1104 was never heard in the Assembly

Appropriations Committee.

d) AB 1601 (Hill), Chapter 301, Statutes of 2010, permits a court to order a 10-year revocation of a driver's license for a person convicted of three or more separate DUIs.

e) AB 2258 (Benoit), of the 2005-2006 Legislative Session, would have created an alternate misdemeanor-felony and mandatory jail time for a fourth offense of driving on a suspended license, and required a four-year license revocation for this offense, as specified. AB 2258 failed passage in this Committee.

f) SB 1694 (Torlakson), Chapter 550, Statutes of 2004, increased, from seven to 10 years, the "washout" period in which a person convicted of DUI would no longer be subject to increased penalties for having a prior specified DUI.

g) AB 4 (Bogh) of the 2004-2005 Legislative Session would have permanently revoked the driver's license of a person convicted of a third or subsequent violation of specified DUI provisions. AB 4 was held in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of Drinking Driver Treatment Programs
California Association of Highway Patrolmen
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Consortium of Addiction Programs and Professionals
California District Attorneys Association
California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
California State Sheriffs' Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Los Angeles County Sheriff's Department
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Assocation

Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Safety and Advocacy for Empowerment (SAFE)
San Bernardino County
San Diego County District Attorney's Office
Streets are for Everyone (SAFE) (ORG)
Streets are for Everyone Inland Empire
Streets for All
The River's Edge Ranch
We Save Lives

Opposition

ACLU California Action
California Public Defenders Association
Debt Free Justice California
Ella Baker Center for Human Rights
Justice2jobs Coalition
LA Defensa
Local 148 Los Angeles County Public Defender's Union
San Francisco Public Defender

Analysis Prepared by: Ilan Zur / PUB. S. / (916) 319-3744

Amended Mock-up for 2025-2026 AB-1687 (Lackey (A))

Mock-up based on Version Number 99 - Introduced 2/2/26
Submitted by: Staff Name, Office Name

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 13351 of the Vehicle Code is amended to read:

13351. (a) The department immediately shall revoke the privilege of a person to drive a motor vehicle upon receipt of a duly certified abstract of the record of a court showing that the person has been convicted of any of the following crimes or offenses:

(1) Manslaughter resulting from the operation of a motor vehicle, except when convicted under paragraph (2) of subdivision (c) of Section 192 of the Penal Code.

(2) Conviction of three or more violations of Section 20001, 20002, 23103, 23104, or 23105 within a period of 12 months from the time of the first offense to the third or subsequent offense, or a combination of three or more convictions of violations within the same period.

(3) Violation of subdivision (a) of Section 191.5 or subdivision (a) of Section 192.5 of the Penal Code or of Section 2800.3 causing serious bodily injury resulting in a serious impairment of physical condition, including, but not limited to, loss of consciousness, concussion, serious bone fracture, protracted loss or impairment of function of any bodily member or organ, and serious disfigurement.

(b) The department shall not reinstate the privilege revoked under subdivision (a) until the expiration of three years after the date of revocation and until the person whose privilege was revoked gives proof of financial responsibility, as defined in Section 16430.

(c) (1) If a person is convicted of three or more violations of subdivision (a) of Section 191.5 of, or subdivision (a) of Section 192.5 of, the Penal Code or of Section 23152 punishable under Section 23546, 23550, or 23550.5, or ~~**a violation**~~ of Section 23153 punishable under Section 23550.5 or 23566, including a violation of subdivision (b) of Section 191.5 of the Penal Code as provided in Section 193.7 of that code, or of a combination of three or more violations of these provisions, **and each of the three or more violations occurred within a 10 year period,** the department **may** ~~**immediately shall**~~ revoke the privilege of a person to drive a motor vehicle subject to the same procedural requirements described in subdivision (a). ~~**The**~~ **If the department revokes the privileges of a person to drive a motor vehicle pursuant to this paragraph, the** department shall not reinstate the privilege revoked under this subdivision until the expiration of

eight years after the date of revocation and until the person whose privilege was revoked gives proof of financial responsibility, as defined in Section 16430, **except as provided in paragraph (2)**.

(2) Four years from the date of the last conviction of a violation of an offense described in paragraph (1), a person whose license was revoked pursuant to paragraph (1) may apply to the department to have his or her privilege to operate a motor vehicle reinstated, subject to the condition that the person submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386 and agrees to install and maintain an ignition interlock device as required under subdivision (g) of Section 23575. Notwithstanding Article 5 of Chapter 2 of Division 11.5 (commencing with Section 23573) or subdivision (f) of Section 23575, the ignition interlock device shall remain on the person's motor vehicle for two years following the reinstatement of the person's driving privilege pursuant to this subdivision.

(3) The department shall reinstate the person's license pursuant to paragraph (2), if the person satisfies all of the following conditions:

> **(A) The person was not convicted of any drug- or alcohol-related offenses, under state law, during the driver's license revocation period.**
>
> **(B) The person successfully completed a driving-under-the-influence program, licensed pursuant to Section 11836 of the Health and Safety Code, following the date of the last conviction of a violation of an offense described in paragraph (1), if such a program is required.**
>
> **(C) The person was not convicted of violating Section 14601, 14601.1, 14601.2, 14601.4, or 14601.5 during the driver's license revocation period.**

(4) The department shall immediately terminate the restriction issued pursuant to paragraph (2) and shall immediately revoke the privilege to operate a motor vehicle of a person who attempts to remove, bypass, or tamper with the device, who has the device removed prior to the termination date of the restriction, or who fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device. The privilege shall remain revoked for the remaining period of the original revocation and until all reinstatement requirements are met.

Date of Hearing: March 24, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1739 (Ward) – As Amended March 9, 2026

PULLED BY THE AUTHOR.

Analysis Prepared by: Dustin Weber / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1747 (Sanchez) – As Introduced February 9, 2026

SUMMARY: Increases the punishment for the crime of intoxicated vehicular manslaughter without gross negligence from an alternate-felony misdemeanor (hereafter "wobbler"), punishable by up to one year in county jail or as a jail-eligible felony by imprisonment for 16 months, or two or four years, to a straight jail-eligible felony punishable by 16 months, or two or four years.

EXISTING LAW:

1) Establishes the crime of intoxicated vehicular manslaughter without gross negligence, as follows:

   a) Defines this offense to mean the unlawful killing of a human being without malice aforethought, in the driving of a vehicle in violation of specified driving under the influence (DUI) laws, and the killing was either the proximate result of an unlawful act, not amounting to a felony, but without gross negligence, or the proximate result of a lawful act that might produce death, in an unlawful manner, but without gross negligence. (Pen. Code, § 191.5, subd. (b).)

   b) Makes this crime a wobbler punishable by imprisonment in a county jail for not more than one year or by imprisonment for 16 months, or two or four years. (Pen. Code, § 191.5, subd. (c)(2).)

2) Establishes the crime of gross vehicular manslaughter while intoxicated, as follows:

   a) Defines this offense to mean the unlawful killing of a human being without malice aforethought, in the driving of a vehicle in violation of specified DUI laws, and the killing was either the proximate result of an unlawful act, not amounting to a felony, and with gross negligence, or the proximate result of a lawful act that might produce death, in an unlawful manner, and with gross negligence. (Pen. Code, § 191.5, subd. (a).)

   b) Makes this crime a felony punishable by imprisonment in state prison for four, six, or 10 years. (Pen. Code, § 191.5, subd. (c)(1).)

   c) Punishes this crime by imprisonment in the state prison for a term of 15 years to life if that person has one or more prior convictions for intoxicated gross vehicular manslaughter, intoxicated vehicular manslaughter without gross negligence, gross vehicular manslaughter, intoxicated vehicular manslaughter while operating a vessel, as specified, DUI with one prior, DUI with two priors, DUI with three or more priors, or DUI causing bodily injury. The existence of any required fact shall be alleged in the

information or indictment and either admitted by the defendant in open court or found to be true by the trier of fact. (Pen. Code, § 191.5, subd. (d).)

3) Specifies that, notwithstanding other provisions of law, if a person is convicted of a violation of any of the above offenses and is granted probation, the period of probation shall be not less than three or more than five years. (Pen. Code, § 191.5, subd. (e).)

4) Specifies that none of the above shall be construed as prohibiting or precluding a charge of murder upon facts exhibiting wantonness and a conscious disregard for life to support a finding of implied malice, or upon facts showing malice consistent with the holding of the California Supreme Court in *People v. Watson*, 30 Cal.3d 290. (Pen. Code, § 191.5, subd. (f).)

5) Specified that none of the above shall be construed as making any homicide in the driving of a vehicle or the operation of a vessel punishable which is not a proximate result of the commission of an unlawful act, not amounting to felony, or of the commission of a lawful act which might produce death, in an unlawful manner. (Pen. Code, § 191.5, subd. (g).)

6) Provides that a person who flees the scene of the crime after committing intoxicated vehicular manslaughter, with or without gross negligence, upon conviction for intoxicated vehicular manslaughter, shall be punished by an additional term of imprisonment of five years in the state prison, which shall be in addition to and consecutive to the prescribed punishment. (Veh. Code, § 20001, subd. (c).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Driving is a privilege that requires the responsibility of sobriety. AB 1747 sends a clear message that when an individual chooses to drive while intoxicated and takes an innocent life as a result, the state of California will treat that act with the seriousness of a felony."

2) **Effect of this Bill:** Intoxicated vehicular manslaughter without gross negligence requires the prosecution to prove four elements: 1) the defendant drove in violation of specified DUI laws; 2) while driving a vehicle or vessel under the influence the defendant also committed a misdemeanor, infraction, or otherwise lawful act that might cause death; 3) the defendant committed the misdemeanor, infraction, or otherwise lawful act that might cause death with ordinary negligence; and 4) the defendant's negligent conduct caused the death of another person. (1 CALCRIM 591 (2026).) An act causes death if the death is the direct, natural, and probable consequence of the act, and would not have occurred without the act. (*Ibid.*) The driver's negligent conduct need not be the only factor that causes the death of another person. (*Ibid.*) Rather, it must be a substantial factor in causing the death, which means more than a trivial or remote factor. (*Ibid.*)

   The primary distinction between this offense and gross vehicular manslaughter while intoxicated is the presence of gross versus ordinary negligence. Intoxicated vehicular manslaughter without gross negligence only requires ordinary negligence or "the failure to use reasonable care to prevent reasonably foreseeable harm to oneself or someone else." (1

CALCRIM 591 (2026).) This occurs if a person does something that a reasonably careful person in the same situation would not do or fails to do something that a reasonable person in the same situation would do. (*Ibid.*) Gross vehicular manslaughter while intoxicated requires gross negligence, which is "more than ordinary carelessness, inattention, or mistake in judgment." (1 CALCRIM 590 (2026).) Gross negligence occurs if a person acts in a reckless way that creates a high risk of death or great bodily injury, and a reasonable person would have known that acting in that way creates such a risk. (*Ibid.*) Phrased differently, the person acts so differently from the way an ordinarily careful person would act in that same situation that their act amounts to "disregard for human life or indifference to the consequences of that act." (*Ibid;* See also *People v. Penny* (1955) 44 Cal.2d 861, 879.) Driving a vehicle while under the influence and violating a traffic law is not sufficient to establish gross negligence. (*People v. Givan* (2015) 233 Cal.App.4th 335, 349.) However, "one who drives with a very high level of intoxication is indeed more negligent, more dangerous, and thus more culpable than one who drives near the legal limit of intoxication, just as one who exceeds the speed limit by 50 miles per hour exhibits greater negligence than one who exceeds the speed limit by 5 miles per hour." (*People v. Von Staden* (1987) 195 Cal.App.3d 1423, 1428.) In determining if conduct rose to gross negligence, juries must consider the manner in which the defendant operated the vehicle, their level of intoxication, and any other relevant conduct. (*Givan*, 233 Cal.App.4th at p. 349.)

The distinction between gross and ordinary negligence is reflected in the punishment for offenses. Gross vehicular manslaughter while intoxicated, which requires gross negligence, is a felony punishable by imprisonment in the state prison for four, six, or 10 years. (Pen. Code, § 191.5, subd. (c)(1).) Notably, a person convicted of this offense who has previously been convicted of other impaired driving offenses, such as intoxicated vehicular manslaughter and specified DUI offenses, may be punished by a state prison term of 15 years to life. (Pen. Code, § 191.5, subd. (d).) Vehicular manslaughter while intoxicated *without* gross negligence is a wobbler, punishable by imprisonment in a county jail for not more than one year or by imprisonment for 16 months or two or four years. (Pen. Code, § 191.5, subd. (c)(2).) Here, this bill increases the punishment for intoxicated vehicular manslaughter without gross negligence from a wobbler to a straight felony punishable by 16 months or two or four years. This would make any intoxicated vehicular manslaughter crime a straight felony, regardless of whether the person's conduct amounted to ordinary or gross negligence.

3) **Removal of Judicial and Prosecutorial Discretion:** Currently, the crime of intoxicated vehicular manslaughter without gross negligence is a wobbler, meaning prosecutors and courts have *discretion* to charge the offense as a misdemeanor, and courts have discretion to reduce the offense to a misdemeanor, as specified. (Pen. Code, § 17, subd. (b).) This bill removes this discretion and requires this offense to be prosecuted as a felony in every circumstance.

Judicial discretion permits courts to tailor the sentence in the appropriate manner based on the facts of the crime, the person's history, and the person's current circumstances. As stated by the California Supreme Court, "Society receives maximum protection when the penalty, treatment or disposition of the offender is tailored to the individual case." (*People v. Williams* (1970) 30 Cal.3d 470, 482 [citation and internal quotation marks omitted].) "Only the trial judge has the knowledge, ability and tools at hand to properly individualize the treatment of the offender." (*Ibid.*)

Intoxicated vehicular manslaughter without gross negligence may encompass a wide range of offenders. Prosecutors and courts may find that felony charges are appropriate for a significantly impaired driver with a lengthy criminal history whose negligent conduct fell just short of gross negligence, and where the driver's negligence was the sole cause of the death. On the other hand, a court may find that misdemeanor charges are more appropriate for a first-time offender whose negligent conduct amounted to low-level speeding, and there were other contributing causal factors that led to the accident. There is little evidence that courts are using this discretion improperly, and, as such, the need for this bill is unclear.

4) **Increased Penalties and Lack of Deterrent Effect:** According to the National Institute of Justice (NIJ), "Laws and policies designed to deter crime by focusing mainly on increasing the severity of punishment are ineffective partly because criminals know little about the sanctions for specific crimes. More severe punishments do not 'chasten' individuals convicted of crimes, and prisons may exacerbate recidivism."[1] Rather than penalty increases, the NIJ emphasizes the need for policies that "increase[] the perception that criminals will be caught and punished" because "[t]he *certainty* of being caught is a vastly more powerful deterrent than the punishment." [2]

   In a 2014 report, the Little Hoover Commission similarly addressed the disconnect between science and sentencing – that is, "put[ting] away offenders for increasingly longer periods of time, with no evidence that lengthy incarceration, for many, brings any additional public safety benefit."[3] Accordingly, while this bill guarantees greater punishment for the crime of intoxicated vehicular manslaughter without gross negligence, it is less clear whether it will effectively deter impaired driving behavior.

5) **Argument in Support**: According to *Mothers Against Drunk Driving*, "Currently, impaired drivers who are charged with vehicular manslaughter can be charged with either a misdemeanor or a felony. In some cases, impaired drivers who kill someone can face a lighter sentence than an impaired driver who causes an injury. AB 1747 corrects this loophole by ensuring impaired drivers who cause a fatality and is charged with vehicular manslaughter must be charged as a felony.

   "Victims who lose a loved one due to impaired driving are left with a life sentence. AB 1747 helps to make the punishment fit the crime so that those who cause death in an impaired driving crash face stiffer consequences than those who cause injuries.

   "In addressing the gaps in California's DUI law, MADD believes lawmakers must take an all of the above approach to ensure accountability, prevention and public safety. MADD urges you to support and advance AB 1747 to help provide justice for victims of impaired driving."

6) **Argument in Opposition**: According to the *California Public Defenders Association*, "AB 1747 would amend Penal Code section 191.5(b) to increase the penalty for that form of vehicular manslaughter from an alternative felony-misdemeanor ("wobbler") to a straight

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[1] National Institute of Justice, U.S. Department of Justice, *Five Things about Deterrence* (June 5, 2016) https://nij.ojp.gov/topics/articles/five-things-about-deterrence.
[2] *Ibid.*
[3] Little Hoover Commission, *Sensible Sentencing for a Safer California* (Feb. 2014) at p. 4, https://lhc.ca.gov/wp-content/uploads/Reports/219/Report219.pdf

felony pursuant to Penal code section 1170(h). In doing so it would adopt a "one size fits all" treatment for an offense that includes a broad range of culpability, removes the discretion of prosecutors and judges to craft an appropriate penalty for the unique circumstances of the offense and situation of the offender, and unnecessarily exacerbates the expense involved in prosecuting and punishing such offenses.

"While Penal Code section 191.5(b) makes it a crime to cause the death of another while driving under the influence, it is the most mitigated version of such offenses. The offense is committed WITHOUT malice aforethought, WITHOUT gross negligence, and as the proximate result of an unlawful act NOT amounting to a felony.

"It is also important to note that, although the offense is denominated "vehicular manslaughter while intoxicated", it does NOT require a causal nexus between the intoxication and the fatality. It only requires that while intoxicated the driver commits ANOTHER act not amounting to a felony which proximately causes the death. That non-felony act could be something as commonplace and innocuous as failing to signal a turn, rolling slowly through a sign at a four-way stop, going 45 mph in a 35 mph zone, or blinding an opposing driver by neglecting to dim one's bright lights. The only reason that this offense is currently a wobbler is because of the element of intoxication. Without that element the offence would be a straight misdemeanor pursuant to Penal Code section192(c)(2).

"Recognizing that the intoxication is not a causal element, it is enough that the peripheral circumstance of intoxication has elevated the offense to a wobbler without also making it a straight felony. The current sentence range is sufficient to appropriately penalize the conduct involved. Prosecutors can already allege the offense as a felony. If so, charged judges can already sentence the offender to prison.

"AB 1747 removes discretion from prosecutors and judges to treat the offense as a misdemeanor where the conduct is mitigated and/or where the offender has little or no record or there are compelling circumstances that would make a lengthy sentence unjust. If a person has led an exemplary life and if the death would have occurred with or without intoxication it would be manifestly unjust to label that person as a felon for the rest of his life without an opportunity to earn a misdemeanor through good conduct on felony probation. It is a truism of our criminal justice system that the penalty should fit the crime, but this bill would cast that aside for a one size fits all approach.

"That approach does not come without costs. Felony prosecutions require felony preliminary hearings with police testimony and felonies are much more likely to result in trials than misdemeanors are, with the consequent expense to courts, prosecutors, police, and public defenders. Finally, felony sentences are longer and more costly than misdemeanor sentences. It makes no sense to incur that cost when the current law already allows the court to impose the appropriate sentence to fit each individual situation."

7) **Prior Legislation**:

a) AB 1087 (Patterson), Chapter 180, Statutes of 2025, increased the term of probation from two years to three to five years for a person convicted of vehicular manslaughter while intoxicated or gross vehicular manslaughter while intoxicated.

b) AB 2823 (Patterson), of the 2023-2024 Legislative Session, was substantially similar to AB 1087. AB 2823 was never heard.

c) AB 1462 (Mendoza), of the 2011-2012 Legislative Session, would have reduced worktime credits and imposed minimum mandatory fines for those convicted of specified vehicular manslaughter offenses. AB 1462 failed passage in this Committee.

d) AB 303 (Spitzer), of the 2007-2008 Legislative Session, would have increased the penalty for vehicular manslaughter while intoxicated without gross negligence from a wobbler to a straight felony, punishable by 16 months, or 2 or 4 years in state prison. AB 303 was held in the Assembly Appropriations Committee.

e) AB 1000 (Runner), of the 2005-06 Legislative Session, would have increased the penalty for vehicular manslaughter while intoxicated from an alternate felony-misdemeanor to a straight felony punishable by imprisonment in the state prison for two, four, or six years. AB 1000 failed passage in this Committee.

f) AB 2623 (Mountjoy), of the 2001-2002 Legislative Session, would have expanded the definition of gross vehicular manslaughter while intoxicated to include the unlawful killing of the fetus of another human being. AB 2623 failed passage in this Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Highway Patrolmen
California District Attorneys Association
California Narcotic Officers' Association
California Police Chiefs Association
California State Sheriffs' Association
Mothers Against Drunk Driving
Orange County Sheriff's Department
Peace Officers Research Association of California (PORAC)
Riverside County Sheriff's Office
Riverside Sheriffs' Association
Streets are for Everyone (SAFE) (ORG)

Opposition

ACLU California Action
California Attorneys for Criminal Justice
California Public Defenders Association
Californians United for a Responsible Budget
Community Works West
Ella Baker Center for Human Rights
Friends Committee on Legislation of California
Initiate Justice
Justice2jobs Coalition

LA Defensa
Local 148 Los Angeles County Public Defender's Union
San Francisco Public Defender
Smart Justice California, a Project of Beyond Impact
Streets for All

Analysis Prepared by: Ilan Zur / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1748 (Sanchez) – As Introduced February 9, 2026

SUMMARY: Increases the length of the driver's license suspensions and revocations that apply to a conviction for a DUI or a conviction for a DUI causing bodily injury. Specifically, **this bill**:

1) Increases the license suspension term for a first DUI[1] from six months to one year; and, where probation is given, and a nine-month DUI program is ordered, from 10 months to 16 months.

2) Increases the license suspension term for DUI with one prior[2] from two years to three years.

3) Increases the license revocation term for DUI causing bodily injury with one prior from three years to five years.

4) Increases the license revocation term for DUI with two priors from three years to 10 years.

5) Increases the license revocation term from five years to 10 years for the following offenses:

   a) DUI causing bodily injury with two or more priors.

   b) DUI causing bodily injury that proximately causes great bodily injury (GBI) to another, and the offense occurred within 10 years of two or more priors.

   c) DUI causing bodily injury within 10 years of the following felonies: DUI with three or more priors, DUI causing bodily injury, or gross vehicular manslaughter.

   d) DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter or intoxicated manslaughter while operating a vessel, as specified.

6) Increases the license revocation term from four years to permanent revocation, and removes the restricted license option, for the following offenses:

   a) DUI with three or more priors.

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[1] For purposes of this analysis, a "DUI" refers to a DUI punishable under Vehicle Code section 23152 that does not cause bodily injury. A DUI causing bodily injury is punished separately under Vehicle Code section 23153.
[2] For purposes of this analysis and unless otherwise specified, a "prior" means a separate DUI conviction under Vehicle Code sections 23152 (DUI), 23153 (DUI causing bodily injury), or a "wet reckless" conviction under 23103.5 (plea to reckless driving in satisfaction of an original DUI charge) that occurred within 10 years of the current violation.

b) DUI or DUI causing bodily injury within 10 years of the following felonies: DUI with three or more priors, DUI causing bodily injury, or gross vehicular manslaughter.

c) DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter or intoxicated vehicular manslaughter while operating a vessel, as specified.

7) Provides, for purposes of the requirement that the Department of Motor Vehicles (DMV) issue a restricted driver's license to a person whose license was suspended because they were convicted of a first DUI, subject to specified requirements, that the driving restriction shall remain in effect for one year, or for 16 months where probation is given and a nine-month DUI program is ordered, as specified.

8) Removes the requirement that a person convicted of DUI with three or more priors, DUI or DUI causing bodily injury within 10 years of specified felonies, and DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter or intoxicated vehicular manslaughter while operating a vessel, offenses that this bill subjects to permanent revocation, install a functioning certified ignition interlock device (IID) for a mandatory term of three years.

9) Makes technical and conforming changes.

EXISTING LAW:

1) Makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has 0.08 percent or more, by weight, of alcohol (BAC) in their blood, to drive a vehicle. (Veh. Code, § 23152 subds. (a), (b) (f), & (g).)

2) Punishes DUI as follows:

a) DUI is a misdemeanor punishable by imprisonment for four days to six months in county jail, a fine of $390 to $1,000, an order to install a functioning, certified IID on any vehicle that person operates for up to six months,[3] at the court's discretion, a six-month license suspension or a 10-month suspension if probation is given and a 9-month DUI program is ordered, and completion of a three-month (30-hour) DUI program; or, if given probation, a nine-month (60-hour) program if the person's BAC was .20 percent or more, or they refused to take a chemical test. (Veh. Code, §§ 13352, subd. (a)(1); 13352.1, subd. (a); 23536, subds. (a) & (c); 23538, subds. (a) & (b); 23575.3, subd. (h)(1)(A)(i).)

b) DUI with one prior is a misdemeanor punishable by imprisonment for three months to one year in county jail, a fine of $390 to $1,000, a one-year IID installation mandate, a two-year license suspension, and completion of an 18-month or 30-month DUI program, as specified, if given probation. (Veh. Code, §§ 13352, subd. (a)(3); 23540, subd. (a); 23542, subds. (a) & (b); 23575.3, subd. (h)(1)(B).)

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[3] Only if the offense involved alcohol.

c) DUI with two priors is a misdemeanor punishable by imprisonment for four months to one year in county jail, a fine of $390 to $1,000, a two-year IID installation mandate, a three-year license revocation, and three-year designation as a habitual traffic offender, and an 18- or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352, subd. (a)(5); 23546; 23548, subds. (a) & (b); 23575.3, subd. (h)(1)(C).)

d) DUI with three or more priors is an alternate felony-misdemeanor (hereafter "wobbler") punishable by imprisonment for six months to one year in jail, or as a felony punishable by incarceration by 16 months, or two or three years, a fine of $390 to $1,000, a three-year IID installation mandate, a four-year license revocation, and three-year designation as a habitual traffic offender, and an 18 or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352, subd. (a)(7); 23550; 23552, subds. (a) & (b); 23575.3, subd. (h)(1)(D).)

3) Makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or the combined influence of the two, or who has a BAC of .08 or more, to drive a vehicle, and concurrently do any act forbidden by law or neglect any duty imposed by law in driving the vehicle, which proximately causes bodily injury to any person other than the driver (hereafter "DUI causing bodily injury") (Veh. Code, § 23153 subds. (a), (f), & (g).)

4) Punishes a DUI causing bodily injury as follows:

a) DUI causing bodily injury is a wobbler punishable by imprisonment for three months to one year in county jail or 16 months, or two or three years in state prison, a fine of $390 to $1,000, a one-year IID installation mandate, a one-year license suspension, and completion of a three-month (30-hour) DUI treatment program; or, if given probation, a nine-month (60-hour) program if the person's BAC was .20 percent or more or they refused to take a chemical test. (Veh. Code, §§ 13352 subd. (a)(2); 23554; 23556, subds. (a) & (b); 23575.3, subd. (h)(2)(A).)

b) DUI causing bodily injury with one prior is a wobbler punishable by imprisonment for four months to one year in county jail or 16 months, or two or three years in state prison, a fine of $390 to $5,000, a two-year IID installation mandate, a three-year license revocation, and an 18- or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352 subd. (a)(4); 23560; 23562, subds. (a) & (b); 23575.3, subd. (h)(2)(B).)

c) DUI causing bodily injury with two or more priors is a felony punishable by imprisonment in state prison by two, three, or four years, a fine of $1,015 to $5,000, a three-year IID installation mandate, a five-year license revocation and three-year designation as a habitual traffic offender, and an 18- or 30-month DUI program, as specified, if given probation. (Veh. Code, §§ 13352 subd. (a)(6); 23566; 23568, subds. (a) & (b); 23575.3, subd. (h)(2)(C.)

5) Punishes DUI with specified prior felonies, or those that cause certain injury, as follows:

a) Punishes a person convicted of DUI causing bodily injury, where the violation proximately causes GBI to another person, and the offense occurred within 10 years of

two or more priors, as a felony with a five-year license revocation, and a three-year IID installation mandate. (Veh. Code, §§ 23566, subd. (b); 13352 subd. (a)(6).)

b) Punishes a person convicted of any DUI within 10 years of specified felonies –DUI with three or more priors, DUI causing bodily injury, or gross vehicular manslaughter – as a wobbler with a four or five-year license revocation and a three or four-year IID mandate. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (a), (c) & (d).)

c) Punishes a person convicted of any DUI who has a prior conviction for felony intoxicated vehicular manslaughter or intoxicated vehicular manslaughter while operating a vessel as a wobbler with a four or five-year license revocation and a three or four-year IID mandate. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (b), (c) & (d).)

6) Authorizes a court, notwithstanding the above, to order a 10-year license revocation if a person has been convicted of three or more separate DUIs or DUIs causing bodily injury, the last of which was punishable as a DUI with two priors, a DUI with three or more priors, a DUI causing bodily injury with two or more priors, a DUI or DUI causing bodily injury with a prior specified felony, a DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter, as specified, or a DUI causing bodily injury, where the violation proximately caused GBI and occurred within 10 years of two or more priors. (Veh. Code, § 23597, subd. (a).)

7) Prohibits a DUI license suspension or revocation from being reinstated until the person gives proof of financial responsibility and of successful completion of their DUI program. (Veh. Code, § 13352, subd. (a)(1)(A).)

8) Authorizes the DMV to issue a restricted license to a person convicted of DUI or DUI causing bodily injury, contingent on that person installing an IID, as follows:

a) Requires, generally, the DMV to advise the person that they may apply for a restricted license if they meet certain requirements: 1) the conviction was not only for drugs (for first-time offenders); 2) they provide proof of enrollment or completion of a DUI program; 3) they agree to continue satisfactory participation in the program; 4) they verify that they installed an IID, agree to maintain the IID for the required installation period, and comply with associated IID requirements; 5) they provide proof of financial responsibility; and 6) they pay specified fees. (Veh. Code, § 13352, subd. (a)(1)(A), (a)(2)(A), (a)(3)(A), (a)(4)(A), (a)(5)(A), (a)(6)(A), (a)(7)(A).)

b) Specifies that if a person was convicted of a DUI other than their first-DUI offense, and the conviction was only for drugs, they must complete 12 months of the suspension period. (Veh. Code, § 13352, subds. (a)(3)(A)(i).)

c) Provides that the restricted driving privilege shall become effective when the DMV receives all required documents and fees, and shall remain in effect until all reinstatement requirements are satisfied, except the DMV must terminate the privilege if the person fails to comply with their DUI program's requirements or attempts to remove, bypass, or tamper with their mandated IID, or fails three or more time to maintain their IID, as specified. (Veh. Code, § 13352, subd. (e.)

d) Provides that, irrespective of the above, if a person maintains an IID for the mandatory required term, the DMV shall reinstate the person's privilege to operate a vehicle at the time the other reinstatement requirements are satisfied. (Veh. Code, § 13352, subd. (f).)

9) Requires the DMV to administratively suspend the driving privileges of drivers who exceed the legal BAC limit or who fail or refuse to complete a chemical or alcohol screening test, before any criminal conviction, as specified. (Veh. Code, §§ 13353.2; 13353.3.)

10) Provides that if a person is convicted of DUI, DUI causing bodily injury, or hit and run, and is sentenced to one year in jail or more than one year in state prison under specified DUI sentencing statutes, the court may postpone the revocation or suspension of the person's driving privilege until the term of imprisonment is served. (Veh. Code, § 23665, subd. (a).)

11) Establishes a mandatory one-year criminal license revocation for the following convictions:

a) Failure of a driver involved in an accident resulting in injury or death to stop and perform specified duties.

b) A felony in the commission of which a motor vehicle is used, except as specified.

c) Reckless driving causing bodily injury. (Veh. Code, § 13350, subds. (a) & (b).)

12) Establishes a mandatory three-year license revocation for the following convictions:

a) Manslaughter (except for misdemeanor vehicular manslaughter).

b) Three or more specified hit and run or reckless driving violations within 12 months.

c) Gross vehicular manslaughter while intoxicated, intoxicated vehicular manslaughter while operating a vessel, or fleeing or attempting to elude a peace officer, causing serious bodily injury, as specified. (Veh. Code, § 13351, subds. (a) & (b).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 1748 will help keep dangerous drivers off California roads by increasing license revocation timelines for those convicted of DUI or DUI involving bodily injury. If you demonstrate time after time that you cannot drive sober, you cannot be allowed to risk innocent lives by being behind the wheel."

2) **License Suspensions and Revocations for DUIs:** Existing law makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has 0.08 percent or more, by weight, of BAC, to drive a vehicle. (Veh. Code, § 23152 subds. (a), (b) (f), & (g).) This establishes the crime of a DUI that does not cause bodily injury. California also makes it unlawful to drive impaired and concurrently do an act forbidden by law or neglect a duty imposed by law, which proximately causes bodily injury to another. (Veh. Code, § 23153, subds. (a), (f), & (g).) This is the crime of DUI causing bodily injury. The punishment for DUI or DUI causing

bodily injury generally depends on the defendant's number of separate "priors" within 10 years of the current offense. (Veh. Code, § 23540.) Convictions that are considered "priors" are DUI under Vehicle Code section 23152, DUI causing bodily injury under Vehicle Code section 23153, and a "wet reckless" conviction under Vehicle Code section 23103.5. (*Ibid.*) A wet reckless occurs where the prosecution agrees to a plea to a charge of reckless driving under Vehicle Code 23103, in satisfaction of, or as a substitute for, an original DUI charge, as specified. (Veh. Code, § 23103.5.)

A person convicted of DUI or DUI causing bodily injury is subject to numerous criminal penalties, including jail or prison time, specified fines, participation in a DUI program, installation and maintenance of an IID mandate, and license suspensions or revocations. This bill pertains to criminal license revocations, meaning those sanctions that are imposed after a person's *conviction* for DUI. These license sanctions are distinct from pre-conviction administrative suspensions that the DMV may impose on individuals who drive in violation of the legal BAC threshold or who fail or refuse to complete a chemical or alcohol screening test, as discussed more below. (Veh. Code, §§ 13353; 13353.1; 13353.2; 13353.3)

The duration of a criminal DUI license suspension or revocation increases with each prior offense. (Veh. Code, § 13352, subd. (a)(1)-(7).) A first DUI conviction is subject to a six-month license suspension or a 10-month suspension if probation is given and a 9-month DUI program is ordered. (Veh. Code, §§ 13352, subd. (a)(1); 13352.1, subd. (a).) DUI with one prior is subject to a two-year license suspension, DUI with two priors results in a three-year license revocation, and DUI with three or more priors results in a four-year license revocation. (Veh. Code, § 13352, subd. (a)(1), (3), (5) & (7).) License suspensions and revocations for DUI causing bodily injury are even longer. A first-time DUI causing bodily injury conviction is subject to a one-year license suspension, DUI causing bodily injury with one prior receives a three-year license revocation, and DUI causing bodily injury with two or more priors is subject to a five-year license revocation. (Veh. Code, § 13352, subd. (a)(2), (4), (6) & (7).) Courts may postpone the commencement of a license revocation or suspension arising from a DUI conviction until the term of imprisonment is served, for individuals sentenced to one year in county jail or to more than one year in state prison. (Veh. Code, § 23665, subd. (a).)

Additional license revocations apply to DUIs where the person has specified prior impaired driving felonies, DUIs that cause certain injuries, and to serious repeat DUI offenders. First, a person convicted of DUI causing bodily injury that proximately causes GBI to another person that occurs 10 years of two or more priors is subject to a five-year license revocation. (Veh. Code, §§ 23566, subd. (b); 13352, subd. (a)(6).) Second, an individual convicted of any DUI within 10 years of specified impaired driving felonies is subject to a four or five-year license revocation. (Veh. Code, §§ 13352, subd. (a)(6)-(7); 23550.5, subds. (a), (c) & (d).) Third, a person convicted of any DUI who has a prior conviction for felony intoxicated vehicular manslaughter or intoxicated vehicular manslaughter while operating a vessel is subject to a four or five-year license revocation. (Veh. Code, §§ 13352, subd. (a)(6)-(7); 23550.5, subds. (b), (c) & (d).)

Finally, courts have discretion to order a 10-year license revocation if a person has been convicted of three or more separate DUIs or DUIs causing bodily injury. (Veh. Code, § 23597, subd. (a).) This only applies if the last offense was punishable as DUI with two priors, DUI with three or more priors, DUI causing bodily injury with two or more priors, DUI or

DUI causing bodily injury within 10 years of a prior specified felony, DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter, or DUI causing bodily injury, where the violation proximately caused GBI and occurred within 10 years of two or more priors. (Veh. Code, § 23597, subd. (a).) This license sanction does not have a washout period; however, most of the last triggering convictions require multiple impaired driving offenses within 10 years. (Veh. Code, §§ 23566; 23550.5.) In determining whether to issue a 10-year revocation, the court shall consider the person's level of remorse, the time between the previous convictions, BAC at the time of violation, participation in an alcohol treatment program, risk to traffic or public safety, and the person's ability to install an IID. (Veh. Code, § 23597, subd. (a).) A person may apply to have their driving privileges reinstated, contingent on the installation of an IID, five years from the date of the last conviction. (Veh. Code, § 23597, subd. (c)(1).)

Notably, DUI criminal license sanctions do not completely prohibit the defendant from driving. Generally, a person convicted of DUI can apply to the DMV for a restricted license. (Veh. Code, § 13352, subds. (a)(1)(A).) To obtain such a license, the defendant must meet several requirements, the most notable being that they install and maintain an IID on every vehicle they operate for a specified period. (Veh. Code, § 13352, subds. (a)(1)(A).) Additionally, the underlying conviction cannot have been only for drugs (for first-time offenders), and they must provide proof of enrollment or completion of a specified DUI program, agree to continue satisfactory participation in the DUI program, provide proof of financial responsibility, and pay specified fees. (*Ibid.*) If the DUI was not that person's first offense and the underlying conviction was only for drugs, the defendant must complete 12 months of the suspension period. (Veh. Code, § 13352, subds. (a)(3)(A)(i).) If the person meets these requirements, they may receive a restricted license, which shall remain in effect until all reinstatement requirements are satisfied. (Veh. Code, § 13352, subd. (e)(1).) However, if a person maintains their IID for the mandatory term, the DMV shall reinstate their driving privileges at the time the other reinstatement requirements are satisfied. (Veh. Code, § 13352, subd. (f).) Given that the duration of IID mandates is generally shorter than license suspension or revocation periods, this can permit a person who has completed their mandated IID installation term, and who has otherwise met all their reinstatement requirements, to return to driving, without an IID, before the original license sanction date expires.

First-time DUI offenders have an additional avenue to receive a restricted license without having to install an IID. Specifically, the DMV must issue a restricted driver's license to a person convicted of their first DUI upon proof of enrollment in a DUI program, proof of financial responsibility, and payment of fees. (Veh. Code, § 13352.4, subd. (a).) This permits the person to engage in limited driving to and from their work and their DUI program. (Veh. Code, §§ 13352.4, subd. (c).) However, a court may disallow the issuance of a restricted license if it finds that the person would present a traffic safety or public safety risk if authorized to operate a motor vehicle. (Veh. Code, §§ 13352.4, subd. (h); 23536, subd. (d).)

3) **Effect of this Bill:** This bill substantially increases the duration of DUI license sanctions. It's primary changes are as follows: 1) increases the suspension for a first DUI from six months to one year, and from 10 months to 16 months, where probation is given and a nine-month DUI program is ordered; 2) increases the suspension for DUI with one prior from two years to three years; 3) increases the revocation for DUI causing bodily injury with one prior from three years to five years; 4) increases the revocation for DUI with two priors from three years

to 10 years; 5) increases the revocation for the following offenses, from five years to 10 years: DUI causing bodily injury with two or more priors, DUI causing GBI and that occurs within 10 years of two or more priors, DUI causing bodily injury within 10 years of specified impaired driving felonies, DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter, as specified; and 6) increases the license revocation for the following offenses, from four years to permanent revocation, and removes the restricted license option for these offenses: DUI with three or more priors, DUI or DUI causing bodily injury within 10 years of specified impaired driving felonies, and DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter, as specified. The bill makes technical and conforming changes to implement its provisions, such as removing the IID requirement and restricted license option for the offenses that this bill subjects to permanent revocation.

4) **Inconsistency in Criminal License Sanctions:** There are numerous distinct criminal license suspension and revocation statutes, unrelated to DUIs. For crimes such as hit-and-run only resulting in damage to property, a second or subsequent reckless driving conviction, or misdemeanor vehicular manslaughter, the DMV has discretion to impose a suspension. (Veh. Code, § 13361.) Other crimes result in mandatory one-year revocations. (Veh. Code, § 13350, subds. (a) & (b).) Specifically, the DMV is required to immediately revoke a person's driving license upon receiving a record of conviction for hit-and-run resulting in injury or death, a felony involving the commission of a motor vehicle, except for offenses subject to separate suspension and revocation rules, and reckless driving causing bodily injury. (*Ibid.*) Some of the most severe vehicle crimes require the DMV to revoke a person's license for three years. The following offenses are subject to a three-year license revocation: 1) manslaughter resulting from the operation of a vehicle, except for misdemeanor vehicular manslaughter; 2) a conviction of three or more specified hit-and-run or reckless driving violations within a period of 12 months, as specified; and 3) a violation of gross vehicular manslaughter while intoxicated or vehicular manslaughter while operating a vessel with gross negligence or of fleeing or attempting to elude a peace officer that causes serious bodily injury resulting in specified serious impairments of physical condition, as specified. (Veh. Code, § 13351, subd. (a).)

   This bill may create inconsistency in the license sanctions for vehicle offenses. Specifically, it singles out DUI license sanctions for lengthier suspensions and revocations, whereas other offenses that are punished similarly, if not more severely, would receive comparatively shorter license sanctions. For example, this bill makes the first, second, and third DUI offenses, which are all misdemeanors, subject to one, three, and 10-year license sanctions, respectively. Yet, under existing law, the general rule is that a felony involving a vehicle is subject to a one-year license revocation, unless otherwise specified. (Veh. Code, § 13350, subds. (a)(2).) The need to subject DUI with two priors, a misdemeanor, to a license revocation ten times longer than a more general felony vehicle offense is unclear.

   Further, some of the most serious vehicle crimes that involve death are subject to three-year license revocations. This includes gross vehicular manslaughter, an offense punishable by up to six years in state prison, and gross vehicular manslaughter while intoxicated, an offense punishable by up to 10 years in state prison. (Pen. Code, §§ 193, subd. (c)(1); 191.5, subd. (c)(1); Veh. Code, § 13351, subd. (a)(1) & (3).) This bill would require offenses that receive less incarceration time than these manslaughter offenses, such as DUI with two priors, DUI with three or more priors, DUI causing bodily injury with one prior, and DUI causing bodily

injury with two or more priors, among others, to have comparatively longer license revocations than crimes that cause death and are punished more severely.

5) **Impact of License Suspensions on Jobs and Wages**. This bill's expansion of the duration of DUI license sanctions may negatively impact individuals who rely on their vehicles to drive to work, take their children to school, and attend medical appointments, among other life necessities. This is particularly true for the permanent license revocation established by this bill. A license suspension "can make it harder to find and keep a job, can increase one's exposure to the criminal legal system, and can generally place a great strain on one's life and the life of one's family."[4] Research has found that "having a valid driver's license and possession of a car is a stronger predictor of finding employment and leaving public assistance than a high school diploma."[5] Almost 30% of jobs require some amount of driving, and 75% of workers commute to work in a car. [6]

According to a study on the impacts of license suspension in New Jersey conducted by Rutgers University, the New Jersey Department of Transportation, and the Federal Highway Administration, 42% of individuals with a history of license suspension lost their jobs when they had their driving privileges suspended.[7] Job loss was most significant among low-income and younger drivers.[8] 45% of those who lost their job because of the suspension could not find another job, a trend that was most pronounced among low-income and older drivers.[9] Further, of those who were able to find another job, 88% reported a decrease in income.[10] This was most true for low-income drivers. Finally, more than half of those with a history of license suspension reported that they could not afford the increased cost of auto insurance as a result of the suspension.[11]

Research suggests that an estimated 75% of suspended drivers continue to drive.[12] Individuals who have their licenses suspended may simply "choose to keep driving because they have to work, which puts them at serious legal risk if they are caught driving with suspended licenses."[13] In California, individuals who drive on a suspended or revoked license, or fail to comply with the conditions of a restricted license, can be subject to additional criminal penalties and fines. Existing law makes it a misdemeanor to drive on a license that was suspended or revoked because of a DUI conviction. (Veh. Code, § 14601.2, subd. (a).) The first offense is punishable by 10 days to six months in county jail and a $300 to $1,000 fine, and a second offense within five years of a prior violation is punishable by 30 days to one year in county jail and a $500 to $2,000 fine. (Veh. Code, § 14601.2, subd. (d).) Similarly, it is a misdemeanor, punishable by up to six months in county jail and a $5,000

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[4] U.S. Department of Health & Human Services, *Challenges to Employment: Fines, Fees, and License Suspensions* (Dec. 2022), available at: https://acf.gov/opre/report/challenges-employment-fines-fees-license-suspensions
[5] Leiva and Marano, *Challenges to Employment: Fines, Fees, and License Suspensions*, Building Evidence of Employment Strategies (Nov. 2022), at p. 4, available at: https://acf.gov/sites/default/files/documents/opre/bees_orlando_brief.pdf
[6] *Id.* at p. 1.
[7] Driver's License Suspensions, Impacts and Fairness Study, New Jersey Department of Transportation (Aug. 2007), at p. 56, available at: https://vtc.rutgers.edu/wp-content/uploads/2014/04/MVC-DL-Suspension-Study-Final-Report-Vol1_9-13-07_.pdf
[8] *Ibid.*
[9] *Ibid.*
[10] *Ibid.*
[11] *Ibid.*
[12] American Association of Motor Vehicle Administrators, *Reducing Suspended Drivers and Alternative Reinstatement Best Practices: Edition 3* (May 2021), at p. 3, available at: https://www.aamva.org/getmedia/b92cc79d-560f-4def-879c-6d6e430e4f4d/Reducing-Suspended-Drivers-and-Alternative-Reinstatement-Best-Practices-Edition-3.pdf
[13] Leiva and Marano, *supra*, at p. 1.

fine for a person to fail to install an IID when required to do so, to operate a vehicle not equipped with an IID, or to remove, bypass, or tamper with an IID. (Veh. Code, §§ 23573, subd. (i); 23247, subds. (d) & (e).)

6) **Benefits of Swift and Certain License Sanctions:** Individuals are less likely to commit driving offenses when they believe sanctions will be swift and certain.[14] According to the National Highway Traffic Safety Administration (NHTSA), research suggests that "swift and certain administrative sanctions—such as [administrative license suspension] and vehicle impoundment—can be highly effective in reducing alcohol impaired-driving crashes and fatalities, and in reducing further impaired driving by DWI offenders."[15]

California's administrative suspension laws require the DMV to suspend a person's license, prior to any conviction, if they refuse to submit to or fail to complete a chemical test or alcohol screening test, or drive in excess of specified BAC thresholds. (Veh. Code, §§ 13353; 13353.1; 13353.2, subd. (a).) If a person's BAC exceeds the legal limit, the arresting peace officer must personally serve a notice of suspension or revocation on the arrested person, take possession of their driver's license, and issue the person a temporary license, which shall be valid for 30 days from the date of arrest. (Veh. Code, § 13382, subds. (a) & (b).) The suspension becomes effective 30 days after such service. (Veh. Code, § 13353.3, subds. (a).) The DMV, upon receiving a sworn peace officer report relating to the arrest and suspension, shall conduct an administrative review to determine if the facts warrant a suspension. (Veh. Code, §§ 13353.2, subd. (d); 13557; 13380.) For individuals with no prior DUIs, who did not refuse a chemical test, and were not previously determined to have driven impaired, the suspension shall be for four months. (Veh. Code, § 13353.3, subd. (b)(1).) If the driver has prior DUIs, refused a chemical test, or has previously been determined to have driven impaired, as specified, the suspension shall be for one year. (Veh. Code, § 13353.3, subd. (b)(2).) Upon suspension, an individual may apply for a restricted driver's license if they enroll in a specified DUI program, install and maintain an IID, and pay specified fees. (Veh. Code, § 13353.6, subd. (a).) Notably, administrative and criminal license sanctions run concurrently. If the DMV administratively suspends a person's driver's license because they exceeded the legal BAC limit, and that person is later convicted of a DUI, arising out of the same occurrence, the two suspension or revocation periods run concurrently, and the total period of the license sanction shall not exceed the longer of the two suspension or revocation periods. (Veh. Code, § 13353.3, subd. (c).)

The traffic safety benefits of *administrative* license suspensions are well-documented. A 2000 report found that administrative license suspensions and revocations "reduced crashes of different types by an average of 13%."[16] Another study that analyzed the long-term impacts of license suspensions across the U.S. found that administrative license revocations reduced alcohol-related fatal crash involvement by 5%, resulting in an estimated 800 saved lives annually.[17] A study in Ontario, Canada, found that a law requiring immediate roadside

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[14] National Highway Traffic Safety Administration, *Countermeasures that Work; A Highway Safety Countermeasure Guide for State Highway Safety Offices* (2023), at p. 1-11, available at: https://www.nhtsa.gov/sites/nhtsa.gov/files/2023-12/countermeasures-that-work-11th-2023-tag_0.pdf
[15] *Ibid.*
[16] National Highway Traffic Safety Administration, *supra*, at p. 1-11.
[17] *Ibid.*

license suspensions for drivers with BACs from .05 to .08 resulted in a 17% decrease in fatalities and injuries.[18]

The swift and certain penalties of administrative suspensions can be contrasted with the "lengthy and uncertain outcomes in criminal courts."[19] While the benefits of quick administrative license sanctions are well-established, the value of lengthy post-conviction license suspensions is less clear. According to NHTSA, "[a]lthough *administrative* license actions are highly effective in reducing crashes.... *court-imposed* license actions appear less effective" and "long court-imposed license suspensions may do little to reduce recidivism."[20] This is supported by a 2007 study on the effects of DUI mandatory pre-conviction and post-conviction driver's license suspension laws in 46 U.S. states.[21] That study found "[a]dministrative or preconviction drivers license suspension policies have statistically significant and substantively important effects in reducing alcohol-related fatal crash involvement by 5%" but that "[i]n clear contrast, postconviction license suspension policies have no discernable effects."[22] This led the study to conclude that "[t]he effectiveness of a deterrence policy appears to be more strongly affected by celerity—the speed by which punishment is applied after the offending behavior—than by the high severity of the penalty."[23]

A person who drives impaired and is ultimately convicted of a DUI is already subject to both administrative and criminal license sanctions. The primary effect of this bill is to extend the length of the criminal license revocation for DUI offenders. Accordingly, while this bill guarantees greater license punishment for certain impaired drivers, it is less clear whether it will effectively deter impaired driving behavior.

7) **Argument in Support**: According to the *Peace Officers' Research Association of California*, "AB 1748 strengthens California's DUI laws by increasing driver's license suspension and revocation periods for individuals convicted of driving under the influence. The bill increases the suspension for a first DUI conviction from six months to one year and lengthens suspension or revocation periods for repeat DUI offenders, including permanent revocation for individuals with four or more DUI convictions within ten years.

"PORAC supports AB 1748 because it increases accountability for impaired drivers and helps keep dangerous offenders off California's roadways. Strengthening license suspension and revocation provisions enhances public safety and supports the work of peace officers who respond to DUI incidents and work to prevent serious injuries and fatalities."

8) **Argument in Opposition**: According to *Justice2Jobs Coalition*, "If AB 1748 is passed, people convicted of DUIs would receive longer license suspensions. We at the Justice2Jobs Coalition oppose AB 1748 because it does not address the root causes of alcohol addiction and unsafe driving in California.

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[18] *Ibid.*
[19] *Ibid.*
[20] *Id.* at p. 1-62.
[21] Wagenaar, A.C. and Maldonado-Molina, M.M, *Effects of Drivers' License Suspension Policies on Alcohol-Related Crash Involvement: Long-Term Follow-Up in Forty-Six States*, Alcoholism: Clinical and Experimental Research (2007), 31: 1399-1406, available at: https://onlinelibrary.wiley.com/doi/10.1111/j.1530-0277.2007.00441.x
[22] *Ibid.*
[23] *Ibid.*

"'Access to a driver's license is a fundamental need for individuals reentering society after incarceration." People released from incarceration need reliable transportation in order to "secur[e] and maintain employment [...], meet probation requirements, attend medical appointments, engage in civic life, and reconnect with their families and communities.' Not having a driver's license 'impedes the ability of formerly incarcerated persons to obtain public benefits, health care, mental health services, and a broad array of services which will assist the person in a successful reentry to society.'

"Preventing barriers to lawful driving for formerly incarcerated people is an important public safety tool. Access to employment is a crucial factor in reducing recidivism rates,4 and not having a driver's license is a major barrier to work: Numerous studies have found a direct correlation between driving and employment. A task force report to the Governor of New Jersey cited a survey of suspended drivers conducted by Rutgers University researchers, which found that following a license suspension, 42% of people lost their jobs as a result of the suspension. Of those who lost their jobs, 45% could not find another job, and this effect was most pronounced for seniors and low-income people. Of those who were able to find new employment, 88% reported decreased wages.

"By creating barriers for formerly incarcerated people to find employment, these license suspensions will 'decrease access to legitimate work opportunities and pose a threat to successful reentry for people who are attempting to reintegrate into their communities.' Rather than extending license suspensions for people exiting prison, policymakers should prioritize evidence-based strategies that address the root causes of unsafe driving while supporting successful reentry."

9) **Related Legislation**:

a) AB 1687 (Lackey) would punish a person convicted of three or more specified vehicle offenses, including DUI or DUI causing bodily injury, among others, with an eight-year license revocation. AB 1687 will be heard today in this Committee.

b) AB 1546 (Schultz) would increase the punishment for DUI with two priors from a misdemeanor to a wobbler and increases the punishment for DUI with four or more priors from a wobbler to a straight felony, and increases the license revocation period for DUI with four or more priors from four to five years, among other changes. AB 1546 is pending a hearing in the Assembly Appropriations Committee.

c) AB 1874 (Wilson) would provide that when a court imposes a suspension or revocation of a person's driver's license as part of a criminal sentence, the period of suspension or revocation shall commence upon the person's release from custody. AB 1874 will be heard today in this Committee.

d) AB 1723 (Ellis) would specify that the "date of revocation," for purposes of the prohibition against the DMV reinstating a person's driving privilege until the expiration of three years after the date of revocation, for persons convicted of certain vehicle-related crimes, means the date the DMV revokes a person's privilege to drive a motor vehicle, as specified, and not the date of conviction. AB 1723 is pending a hearing in the Assembly Appropriations Committee.

e) SB 1198 (Menjivar) would lengthen the license suspension periods that apply to reckless driving, among other changes. SB 1198 is pending a hearing in the Senate Public Safety Committee.

10) **Prior Legislation**:

a) AB 401 (Flora) of the 2019-2020 Legislative Session would have made DUI conviction that occurs within 10 years, after four or more previous specified convictions, only punishable as a felony, among other changes. AB 401 failed passage in this Committee.

b) AB 2337 (Linder), of the 2013-2014 Legislative Session, would have extended, by one year, the revocation period of an individual's driver's license if they were convicted of a hit-and-run accident in which another individual is killed or seriously injured. AB 2337 was vetoed.

c) AB 1104 (Pan), of the 2011-2012 Legislative Session, would have required, rather than allowed, driver's license revocations for specified DUIs to be delayed until offenders are released from prison or county jail. AB 1104 was never heard in the Assembly Appropriations Committee.

d) AB 1601 (Hill), Chapter 301, Statutes of 2010, permitted a court to order a 10-year revocation of a driver's license for a person convicted of three or more separate DUIs.

e) AB 2258 (Benoit), of the 2005-2006 Legislative Session, would have created an alternate misdemeanor-felony and mandatory jail time for a fourth offense of driving on a suspended license, and required a four-year license revocation for this offense, as specified. AB 2258 failed passage in this Committee.

f) SB 1694 (Torlakson), Chapter 550, Statutes of 2004, increased, from seven to 10 years, the "washout" period in which a person convicted of DUI would no longer be subject to increased penalties for having a prior specified DUI.

g) AB 4 (Bogh), of the 2004-2005 Legislative Session, would have permanently revoked the driver's license of a person convicted of a third or subsequent violation of specified DUI provisions. AB 4 was held in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Alcohol Justice
California Association of Highway Patrolmen
California Narcotic Officers' Association
California Police Chiefs Association
California State Sheriffs' Association
Orange County Sheriff's Department
Peace Officers Research Association of California (PORAC)

Riverside County Sheriff's Office
Riverside Sheriffs' Association

Opposition

ACLU California Action
California Civil Liberties Advocacy
California Public Defenders Association
Debt Free Justice California
Ella Baker Center for Human Rights
Justice2jobs Coalition
LA Defensa
Local 148 Los Angeles County Public Defender's Union
San Francisco Public Defender

Analysis Prepared by: Ilan Zur / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1816 (Davies) – As Introduced February 10, 2026

SUMMARY: Authorizes the court to impose terms of probation longer than the two-year term limit for felony probation for persons convicted of registerable sex offenses and serious felonies. Specifically, **this bill**:

1) Exempts registerable sex offenses and "serious felonies," as specified, from the two-year felony probation limit.

2) Authorizes the court, for registerable sex offenses and "serious felonies," in the order granting probation, to suspend the imposing or the execution of the sentence and direct that the suspension may continue for a period of time not exceeding the maximum possible term of the sentence and under conditions as it shall determine.

3) Provides that offenses in which the probation department files a petition to the court and the court makes a finding that the defendant has not successfully completed probation and additional time is necessary for programming, in which case the term of probation may continue for a period of time not exceeding the maximum possible term of the sentence and under conditions as it shall determine.

EXISTING LAW:

1) Provides that the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding two years, and upon those terms and conditions as it shall determine. (Pen. Code, § 1203.1, subd. (a).)

2) Provides that the court, or judge thereof, in the order granting probation and as a condition thereof, may imprison the defendant in a county jail for a period not exceeding the maximum time fixed by law in the case. (Pen. Code, § 1203.1, subd. (a).)

3) Authorizes the court to impose and require any or all of the terms of imprisonment, fine, and conditions specified in this section, and other reasonable conditions, as it may determine are fitting and proper to the end that justice may be done, that amends may be made to society for the breach of the law, for any injury done to any person resulting from that breach, and generally and specifically for the reformation and rehabilitation of the probationer, and that should the probationer violate any of the terms or conditions imposed by the court in the matter, it shall have authority to modify and change any and all the terms and conditions and to reimprison the probationer in the county jail within the limitations of the penalty of the public offense involved. (Pen. Code, § 1203.1, subd. (j).)

4) Upon the defendant being released from the county jail under the terms of probation as originally granted or any modification subsequently made, and in all cases where confinement in a county jail has not been a condition of the grant of probation, the court shall place the defendant or probationer in and under the charge of the probation officer of the court, for the period or term fixed for probation. (Pen. Code, § 1203.1, subd. (j).)

5) Provides that, upon the payment of any fine imposed and the fulfillment of all conditions of probation, probation shall cease at the end of the term of probation, or sooner, in the event of modification. (Pen. Code, § 1203.1, subd. (j).)

6) Provides that the two-year felony probation limit shall not apply to:

   a) A violent felony, as specified, and an offense that includes specific probation lengths within its provisions. For these offenses, the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding the maximum possible term of the sentence and under conditions as it shall determine.

   b) A felony conviction for grand theft, as specified, embezzlement, and fraudulently obtaining money, property, or labor, if the total value of the property taken exceeds twenty-five thousand dollars ($25,000). For these offenses, the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding three years, and upon those terms and conditions as it shall determine. (Pen. Code, § 1203.1, subd. (l)(1)-(2).)

7) Provides that the following shall apply to felony probation, as specified:

   a) The court may fine the defendant in a sum not to exceed the maximum fine provided by law in the case.

   b) The court may, in connection with granting probation, impose either imprisonment in a county jail or a fine, both, or neither.

   c) The court shall provide for restitution in proper cases.

   d) The court may require bonds for the faithful observance and performance of any or all of the conditions of probation. (Pen. Code, § 1203.1, subd. (a)(1)-(4).)

8) Requires the court to consider whether the defendant as a condition of probation shall make restitution to the victim or the Restitution Fund. (Pen. Code, § 1203.1, subd. (b).)

9) Provides that, in counties or cities and counties where road camps, farms, or other public work is available the court may place the probationer in the road camp, farm, or other public work instead of in jail. (Pen. Code, § 1203.1, subd. (c).)

10) Provides that, in all cases of probation the court may require as a condition of probation that the probationer go to work and earn money for the support of the probationer's dependents or to pay any fine imposed or reparation condition, to keep an account of the probationer's

earnings, to report them to the probation officer and apply those earnings as directed by the court. (Pen. Code, § 1203.1, subd. (d).)

11) Requires the court to consider whether the defendant as a condition of probation shall make restitution to a public agency for the costs of an emergency response, as specified. (Pen. Code, § 1203.1, subd. (e).)

12) Provides that, in all felony cases in which, as a condition of probation, a judge of the superior court sitting by authority of law elsewhere than at the county seat requires a convicted person to serve their sentence at intermittent periods the sentence may be served on the order of the judge at the city jail nearest to the place at which the court is sitting, and the cost of the convicted person's maintenance shall be a county charge. (Pen. Code, § 1203.1, subd. (f).)

13) Authorizes the court, upon conviction of any sex offense subjecting the defendant to the registration requirements of Section 290, to order as a condition of probation, at the request of the victim or in the court's discretion, that the defendant stay away from the victim and the victim's residence or place of employment, and that the defendant have no contact with the victim in person, by telephone or electronic means, or by mail. (Pen. Code, § 1203.1, subd. (h)(2).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Currently, California's arbitrary two-year cap on probation often results in the premature release of serious offenders before they have successfully completed rehabilitative programming or demonstrated they no longer pose a threat to our communities. AB 1816 fixes this broken system by removing that one-size-fits-all limit for sex crimes and serious felonies, allowing probation to extend for the full length of a potential sentence when necessary for public safety. By ensuring that high-risk individuals remain under supervision until they are truly prepared to reintegrate, we are prioritizing the rights of victims and the security of our neighborhoods over administrative convenience."

2) **Effect of this Bill:** Probation is the suspension of a custodial sentence and a conditional release of a defendant into the community. Probation can be "formal" or "informal." "Formal" probation is under the direction and supervision of a probation officer. As a general proposition, the level of probation supervision will be linked to the level of risk the probationer presents to the community.

   Defendants convicted of misdemeanors, and most felonies, are eligible for probation based on the discretion of the court. When considering the imposition of probation, the court evaluates the safety of the public, the nature of the offense, the interests of justice, the loss to the victim, and the needs of the defendant. (Pen. Code, § 1202.7.) The court also has broad discretion to impose conditions that foster the defendant's rehabilitation and protect public safety. (*People v. Carbajal* (1995) 10 Cal.4th 1114, 1120.) A valid condition must be reasonably related to the offense and aimed at deterring misconduct in the future. (*Id.* at 1121.)

Prior to 2021, when a defendant was convicted of a felony, the court could impose a term of probation for up to five years, or no longer than the prison term that can be imposed if the maximum prison term exceeds five years. (Pen. Code, § 1203.1.) In misdemeanor cases, the court could impose a term of probation for up to three years, or no longer than the maximum term of imprisonment if more than three years. (Pen. Code, § 1203a.) AB 1950 (Kamlager), Chapter 328, Statutes of 2020, limited probation to two years for a felony and one year for a misdemeanor, except where "an offense that includes specific probation lengths within its provisions." (Pen. Code, § 1203.1, subd. (l)(1).) According to AB 1950's author:

> Probation - originally meant to reduce recidivism - has instead become a pipeline for re-entry into the carceral system.
>
> Research by the California Budget & Policy Center shows that probation services, such as mental healthcare and addiction treatment, are most effective during the first 18 months of supervision. Research also indicates that providing increased supervision and services earlier reduces an individual's likelihood to recidivate. A shorter term of probation, allowing for an increased emphasis on services, should lead to improved outcomes for both people on misdemeanor and felony probation while reducing the number of people on probation returning to incarceration.
>
> AB 1950 would restrict the period of adult probation for a misdemeanor to no longer than one year, and no longer than two years for a felony. In doing so, AB 1950 allows for the reinvestment of funding into supportive services for people on misdemeanor and felony probation rather than keeping this population on supervision for extended periods.

This bill would exempt from the two-year felony probation limit registerable sex offenses and "serious felonies," as specified, and would authorize the court, in the order granting probation, to suspend the imposing or the execution of the sentence and direct that the suspension may continue for a period of time not exceeding the maximum possible term of the sentence. This bill would also provide that offenses in which the probation department files a petition to the court and the court makes a finding that the defendant has not successfully completed probation and additional time is necessary for programming, in which case the term of probation may continue for a period of time not exceeding the maximum possible term of the sentence.

3) **Argument in Support**: According to *The Chief Probation of Officers of California*, the bill's sponsor, "Assembly Bill 1950, (Chapter 328, Statutes of 2020), set the maximum term of probation for most misdemeanor crimes at one year and the maximum term of probation for most felonies at two years. There are certain crimes which are excluded from AB 1950 such as violent felonies, specified domestic violence offenses, and other crimes. This arbitrary cap set by AB 1950 shifted probation from an evidence-based model to a time-based model, which resulted in limiting the time to reasonably complete treatment for these specified offenses.

"Other states have already adjusted to lessons learned in California by passing legislation regarding probation term lengths that took into account rehabilitative and treatment needs, and risk factors. Rather than a specific cap regardless of rehabilitation or risk factors, legislation has utilized approaches such as allowing individuals to become eligible for a review after a specified period of time to determine suitability to terminate earlier based on

rehabilitative goals and safety considerations, or setting a probation term but allowing for court extensions/modifications in order to meet specific rehabilitation goals that have not yet been achieved.

"AB 1816 would establish an appropriate pathway for courts to extend probation beyond two years when rehabilitative goals have not yet been met for individuals convicted of these serious offenses. Rehabilitation related to these criminogenic needs often require targeted, structured, and closely monitored programming to address underlying risks and needs. This approach is consistent with evidence-based practices, which emphasize that supervision should end based on progress, stability, and successful completion rather than the simple passage of time.

"AB 1816 ensures that registerable sex offenses and serious felonies are not subject to the arbitrary two-year maximum probation term and authorizes courts to extend a term of probation beyond the two years when the court determines that the person has not successfully completed probation and their required rehabilitative programming."

4) **Argument in Opposition**: According to the *San Francisco Public Defender*, "California has implemented various criminal justice reforms following decades of over-incarceration and misallocation of state funds into jails and prisons rather than prevention, intervention, and treatment services. A few years ago, we passed a historic reform, AB 1950 (Kamlager-Dove), that limited the term of probation to no more than two years for a felony conviction and one year for a misdemeanor conviction, with limited exceptions. AB 1816 seeks to reverse this progress.

"A 2018 Justice Center of the Council of State Governments study found that a large portion of people violate probation and end up incarcerated as a result. The study revealed that 24% of prison admissions in California are the result of supervised violations, vastly increasing amount of money we spend annually to incarcerate people for these violations. Prior to the AB 1950 reform, 20% of people incarcerated in a California prison were behind bars for supervised probation violations. Most violations are 'technical' and minor in nature, such as missing a drug rehab appointment or socializing with a friend who has a criminal record. Probation — originally meant to reduce recidivism — has instead become a pipeline for reentry into the carceral system.

"Supervision revocations, especially for technical violations, are a major driver of costly jail and prison admissions, and even short jail stays can create serious hardships for individuals, including loss of employment, decreased wages, housing insecurity, and family instability. Prior to the AB 1950 reform, incarceration for supervision revocations cost California taxpayers at least $2 billion annually. We encourage the legislature to allow for the recent reform to continue taking effect before we make any further changes."

5) **Related Legislation**:

a) AB 2237 (Patterson) would authorize a court, in an order granting probation for an offender required to register as a sex offender, to suspend the imposition or the execution of the sentence and to direct that the suspension may continue for a period of time not exceeding three years, and upon those terms and condition as it shall determine. AB 2237

is pending a hearing in this committee.

b) SB 906 (Jones) would authorize the court to grant an extension of the erm of probation for a period of time necessary to permit a defendant to complete a collaborative justice court program, not to exceed 18 months; and would authorize the defendant to bring a motion for an extension of the beyond the probation term limit in order to complete a collaborative justice program.

6) **Prior Legislation**:

a) AB 1087 (Joe Patterson), Chapter 180, Statutes of 2025, provided for a period of probation of between three and five years for vehicular manslaughter while intoxicated and gross vehicular manslaughter while intoxicated.

b) AB 2823 (Joe Patterson), of the 2023-2024 Legislative Session, was identical to AB 1087. AB 2823 did not receive a hearing in this committee.

c) AB 2943 (Zbur), Chapter 168, Statutes of 2024, among other things, increased the maximum term of probation for shoplifting from up to one year to a period not exceed two years.

d) AB 1950 (Kamlager), Chapter 328, Statutes of 2020, specifies that a court may not impose a term of probation longer than two years for a felony conviction and one year for a misdemeanor conviction

REGISTERED SUPPORT / OPPOSITION:

Support

Chief Probation Officers' of California (CPOC) (Sponsor)
California Police Chiefs Association
California State Sheriffs' Association
Los Angeles County Probation Officers Union, Afscme Local 685
Peace Officers Research Association of California (PORAC)
Teamsters Local 986

Opposition

ACLU California Action
California Public Defenders Association
Californians for Safety and Justice (CSJ)
Californians United for a Responsible Budget
Communities United for Restorative Youth Justice (CURYJ)
Ella Baker Center for Human Rights
Initiate Justice
Justice2jobs Coalition
LA Defensa
Local 148 Los Angeles County Public Defender's Union

San Francisco Public Defender
Smart Justice California, a Project of Beyond Impact
Vera Institute of Justice

Analysis Prepared by: Andrew Ironside / PUB. S. / (916) 319-3744

California State Assembly

PUBLIC SAFETY

NICK SCHULTZ
CHAIR

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AGENDA

Tuesday, March 24, 2026
8:30 a.m. -- State Capitol, Room 126

ANALYSES PACKET PART II
AB 1830 (Petrie-Norris) – AB 2119 (Jackson)

Date of Hearing: March 24, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1830 (Petrie-Norris) – As Introduced February 11, 2026

SUMMARY: Requires, rather than authorizes, a court to order an ignition interlock device (IID) for a first-time driving under the influence (DUI) conviction that does not cause bodily injury, and makes permanent certain provisions of the IID pilot program currently in place. Specifically, **this bill**:

1) Requires, rather than authorizes, a court to order a person convicted of a DUI involving alcohol with no priors[1] that did not cause bodily injury to another person, to install a functioning, certified IID on any vehicle that person operates, and prohibit that person from operating a vehicle unless it is equipped with an IID, for a period not to exceed six months from the date of conviction.

2) Makes permanent certain provisions of the IID pilot program currently in place, extended last year by AB 366 (Petrie-Norris), Chapter 689, Statutes of 2025, which requires courts, until January 1, 2033, to order the installation of IIDs for alcohol-involved repeat DUI and DUIs causing bodily injury to another person, as follows:

   a) For a period of one year for a person convicted of a DUI with one prior, or a first-time DUI causing bodily injury to another person.

   b) For a period of two years for a person convicted of a DUI with two priors, or a DUI causing bodily injury to another person with one prior.

   c) For a period of three years for a person convicted of a DUI with three or more priors, a DUI within 10 years of specified impaired driving felonies, a DUI with a prior conviction for felony intoxicated vehicular manslaughter or intoxicated manslaughter while operating a vessel, as specified, a DUI causing bodily injury to another person with two or more priors, or a DUI causing bodily injury that proximately caused great bodily injury (GBI) to another, and the offense occurred within 10 years of two or more priors.

   d) For a period of four years for a person convicted of a DUI causing bodily injury with one prior punishable as a specified impaired driving felony.

3) Specifies that every manufacturer certified by the DMV to provide IIDs must adopt a fee schedule that provides for the payment of the costs of the IID, the administration of the

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[1] For purposes of IID installation requirements, a "prior" means a separate conviction for a DUI, DUI causing bodily injury, wet reckless offense, intoxicated vehicular manslaughter, intoxicated vehicular manslaughter involving a vessel, and specified impaired driving offenses involving a vessel, as specified, that occurred within 10 years of the current violation. (Veh. Code, § 23575.3, subd. (h)(3).)

program, installation of the device, service, maintenance, and recalibration of the device, and any other costs associated with the device by persons subject to this chapter in amounts commensurate with that person's income relative to the federal poverty level, as defined, as follows:

a) A person with an income at 125 percent of the federal poverty level or below is responsible for 10 percent of the costs associated with the IID, and the IID provider is responsible for absorbing the cost of the IID that is not paid by the person.

b) A person with an income at 126 to 225 percent, inclusive, of the federal poverty level is responsible for 25 percent of the costs associated with the IID, and the IID provider is responsible for absorbing the cost of the IID that is not paid by the person.

c) A person with an income at 226 to 325 percent, inclusive, of the federal poverty level is responsible for 50 percent of the costs associated with the IID, and the IID provider is responsible for absorbing the cost of the IID that is not paid by the person.

d) A person who is receiving CalFresh benefits and who provides proof of those benefits to the manufacturer or manufacturer's agent or authorized installer is responsible for 50 percent of the costs associated with the IID, and any additional costs accrued by the person for noncompliance with program requirements.

e) A person with an income at 326 to 425 percent, inclusive, of the federal poverty level and who provides income verification, as specified, is responsible for 90 percent of the costs associated with the IID, and any additional costs accrued by the person for noncompliance with program requirements.

f) Makes all other persons responsible for 100 percent of the costs associated with the IID.

g) Makes the manufacturer responsible for the percentage of costs that the person ordered to install an IID is not responsible for, as specified.

h) Requires the IID provider to verify the income of the person ordered to install an IID to determine the costs associated with the IID by verifying any of the following documents from the person:

   i) The previous year's state or federal income tax return.

   ii) The previous three months of weekly or monthly income statements.

   iii) Employment Development Department verification of unemployment benefits.

i) Provides that at any point during which an IID is installed and in use, an individual shall be permitted to apply for reduced costs and shall be credited for any previously paid costs that were in excess of the above fee schedule, as specified. An individual shall also be permitted to apply for reduced costs based on a change in income.

4) Requires an IID provider to post conspicuously on its internet website and contracts the fee schedule information established above, and before an individual executes a contract for an

IID, the provider shall also give verbal notification of the fee schedule and how to apply for reduced costs.

5) Requires installation service and repair providers to post conspicuously in their place of business and verbally inform a person of the fee schedule information established above, prior to installation and servicing of the device.

6) Specifies that the requirement that an individual who is required to install an IID must arrange for each vehicle with an IID to be serviced by an installer every 60 days is subject to the fee schedule described above.

7) Requires a copy of the above fee schedule information to also be provided to an individual, together with the court order requiring the installation of an IID.

8) Requires the DMV to publish and share such fee schedule information, as follows:

   a) The DMV must post the fee schedule information described above on its website.

   b) The DMV must include the fee schedule information described above in any mailed notice of revocation or suspension that notifies an individual of the requirement to install an IID.

9) Requires the DMV to annually report to the Legislature the following information:

   a) The number of DUI offenders with no priors, as specified, who were required to have an IID installed as a result of the IID program, who killed or injured anyone in a crash while they were operating a vehicle under the influence of alcohol.

   b) The number of DUI offenders with no priors, as specified, who were required to have an IID installed as a result of the IID program, who killed or injured anyone in a crash while they were operating a vehicle and were not under the influence of alcohol.

   c) The number of DUI offenders with no priors, as specified, who were required to have an IID installed as a result of the IID program, who were convicted of specified offenses including a "wet reckless" offense, a DUI where the person is under 21 years of age, a DUI, a DUI causing bodily injury, gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated without gross negligence, or intoxicated vehicular manslaughter while operating a vessel with gross negligence, during the term in which the person was required to have the IID installed.

10) Removes previously implemented provisions of law authorizing the DMV to undertake a study and report its findings to the Legislature by January 1, 2013, regarding the overall effectiveness of the use of IIDs in reducing the recidivism rate of first-time DUI offenders, as specified, and requiring the DMV to report data pertaining to IIDs to California State Transportation Agency (CalSTA) by March 1, 2024, and requiring CalSTA to submit a report to the Legislature pertaining to the effectiveness of IIDs by January 1, 2025.

11) Makes technical and conforming changes.

EXISTING LAW:

1) Makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive a vehicle. (Veh. Code, § 23152 subds. (a), (f), & (g).)

2) Makes it unlawful for any person, while having 0.08 percent or more, by weight, of alcohol in their blood to drive a vehicle. (Veh. Code, § 23512, subd. (b).)

3) Requires a person convicted of driving when their license is suspended or revoked because that person has either one, two, or three or more priors, as specified, to install an IID in all vehicles operated by that person for one, two, or three years, respectively. (Veh. Code, § 23573, subd. (j).)

4) Provides that IID installation requirements generally apply to all vehicles an offender operates, including vehicles not owned by that person. (Veh. Code, § 13353.6, subd. (g)(2) & (3); 23575.3, subd. (h)(1)(A)(i).)

5) Establishes an ignition interlock device pilot program until January 1, 2033, as follows:

   a) Authorizes a court to order a person convicted of their first DUI offense (involving alcohol) to install a functioning, certified IID on any vehicle that the person operates and prohibit that person from operating a motor vehicle for up to six months unless that vehicle is equipped with a functioning, certified IID. (Veh. Code, § 23575.3, subd. (h)(1)(A)(i).)

   b) Provides that for a person convicted of a first-time DUI (involving alcohol) offense, only one of the following may occur:

      i) The court may order installation of an IID, as specified above; or

      ii) The person may apply to DMV for a restricted license (permitting limited driving to and from their work and their DUI program) upon proof of enrollment in a DUI program, proof of financial responsibility, and payment of fees. (Veh. Code, §§ 23575.3, subd. (h)(1)(A) & (B); 13352.4.).

   c) Requires a court, until January 1, 2033, to order the installation of an IID for repeat DUI offenders and DUIs causing bodily injury to another person,[2] as follows:

      i) For a period of one year for a person convicted of a DUI with one prior, or a first-time DUI causing bodily injury to another person.

      ii) For a period of two years for a person convicted of a DUI with two priors, or a DUI causing bodily injury to another person with one prior.

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[2] This only applies to DUIs involving alcohol or both alcohol and drugs. (Veh. Code, § 23575.3, subd. (h)(1)(A) & (B).)

iii) For a period of three years for a person convicted of a DUI with three or more priors, a DUI within 10 years of specified impaired driving felonies, a DUI with a prior conviction for felony intoxicated vehicular manslaughter or intoxicated manslaughter while operating a vessel, as specified, a DUI causing bodily injury to another person with two or more priors, or a DUI causing bodily injury that proximately caused great bodily injury (GBI) to another, and the offense occurred within 10 years of two or more priors.

iv) For a period of four years for a person convicted of a DUI causing bodily injury with one prior punishable as a specified impaired driving felony. (Veh. Code, §§ 23575.3, subd. (h); 13352; 13352.4; 13353.3; 13353.6; & 13353.75.)

d) Requires the DMV, if a court orders the installation of an IID, to place a restriction on the person's license stating the driver is restricted to only driving vehicles equipped with an IID for the applicable term. (Veh. Code, § 23575.3, subds. (e), (h)(1)(A)(i), 23575).

e) Requires a person subject to an IID to arrange for each vehicle they operate to be equipped with a functioning, certified IID by a certified provider, provide proof of installation to the DMV, and pay a fee, determined by the DMV, sufficient to cover the costs of administering the pilot program. (Veh. Code, § 23575.3, subd. (d).)

f) Requires IID manufacturers to adopt a fee schedule under which the manufacturer will absorb a varying amount of an offender's cost for the IID based on the offender's income, relative to the federal poverty level, as follows.

i) A person with an income at 100 percent of the federal poverty level or below and who provides income verification is responsible for 10 percent of the cost of the manufacturer's standard IID program costs, and any additional costs associated with non-compliance.

ii) A person with an income at 101 to 200 percent of the federal poverty level and who provides income verification is responsible for 25 percent of the cost of the manufacturer's standard IID program costs, and any additional costs associated with non-compliance.

iii) A person with an income at 201 to 300 percent of the federal poverty level and who provides income verification is responsible for 50 percent of the cost of the manufacturer's standard IID program costs, and any additional costs associated with non-compliance.

iv) A person who is receiving CalFresh benefits and who provides proof of those benefits to the manufacturer or manufacturer's agent or authorized installer is responsible for 50 percent of the cost of the manufacturer's standard IID program costs, and any additional costs associated with non-compliance.

v) A person with an income at 301 to 400 percent of the federal poverty level and who provides income verification is responsible for 90 percent of the cost of the manufacturer's standard IID program costs, and any additional costs associated with non-compliance. (Veh. Code, § 23575.3, subd. (k).)

g) Provides that the above IID pilot program shall sunset on January 1, 2033. (Veh. Code, §§ 23575.3, subd. (r).)

6) Specifies that upon the expiration of the above pilot program, and beginning January 1, 2033, a court may order a person convicted of their first DUI offense involving drugs or alcohol, or a DUI offense involving bodily injury, to install an IID on any vehicle that the person operates for up to three years from the date of conviction. The court shall give heightened consideration to ordering an IID for a first offense violator: 1) with 0.15 percent blood alcohol content (BAC); 2) with two or more prior moving traffic violations; or 3) persons who refused a chemical test at arrest. (Veh. Code, § 23575, subd. (a)(1).)

7) Requires a person ordered to install an IID to arrange for each vehicle with an IID to be serviced by the installer at least once every 60 days in order for the installer to recalibrate and monitor the operation of the device. (Veh. Code, §§ 23573, subd. (e)(1); 23575.3, subd. (f)(1).)

8) Makes it a misdemeanor, punishable by up to six months in county jail, a $5,000 fine, or both, for a person subject to an IID installation order to:

   a) Willfully fail to install an IID during the applicable time period;

   b) Operate a vehicle not equipped with an IID;

   c) Knowingly lend or rent a vehicle to a person known to have their driving privileges restricted, unless the vehicle is equipped with an IID;

   d) Blow into, or request or solicit another person to blow into, an IID or start a motor vehicle equipped with an IID for the purpose of providing the person with a restricted license with an operable motor vehicle;

   e) Remove, bypass, or tamper with an IID. (Veh. Code, §§ 23573, subd. (i), 23247, subds. (a)-(g).)

9) Permits a person required to operate a motor vehicle in the course and scope of employment, where the vehicle is owned by the employer, to operate that vehicle without an IID if the employer has been notified by the person that the person's driving privilege has been restricted. (Veh. Code, § 23576, sub. (a).)

10) Requires the license suspension of a person with a medical problem that prevents breathing with sufficient force to activate an IID. (Veh. Code §§ 23575, subd. (h), 23575.3, subd. (i).)

11) Punishes a DUI with no priors as follows:

   a) As a misdemeanor punishable by imprisonment for four days to six months in county jail (two days must be continuous), or if given probation, possibly two days to six months in jail.

   b) With a fine of $390 to $1,000, plus penalty assessments.

c) By an order to install a functioning, certified IID on any vehicle that person operates for up to six months (if offense involved alcohol), at the court's discretion.

d) By a six-month license suspension or a 10-month suspension if probation is given and a 9-month DUI program is ordered; and

e) In counties with approved programs, completion of a three-month (30-hour) DUI program, or a nine-month (60-hour) program if the person's BAC was .20% or more, or they refused to take a chemical test, if given probation. (Veh. Code, §§ 13352, subd. (a)(1); 13352.1, subd. (a); 23536, subds. (a) & (c); 23538, subds. (a) & (b); 23575.3, subd. (h)(1)(A)(i).)

12) Provides that a person convicted of their first DUI offense may be issued a restricted license upon proof of enrollment in a DUI program, proof of financial responsibility, and payment of fees, unless a court has ordered the installation of an IID or a court has disallowed a restricted license. (Veh. Code, § 13352.4.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement:** None submitted

2) **What is an IID?**: IID technology has been around since the 1960s and has been authorized for use in California since the 1980s.[3] California regulations define an IID as "a device designed to allow a vehicle ignition switch to start the engine when the breath alcohol concentration test result is below the alcohol set point, while locking the ignition when the breath test results is at or above the alcohol setpoint." (Cal. Code Regs., tit. 13, § 125.00, subd. (a).) In practice, "[a]n IID is about the size of a cell phone and wired to your vehicle's ignition. After installation, the IID requires you to provide a breath sample before the engine will start. If the IID detects alcohol on your breath, the engine will not start."[4]

   Notably, persons subject to an IID are subject to multiple re-test requirements while driving. The first re-test must occur at a random interval ranging from five to 15 minutes after passing the first test, while subsequent re-tests must occur at random intervals ranging from 15 to 45 minutes from the prior test. (Cal. Code Regs., tit. 13, § 125.02, subd. (a)(1).)

3) **Effect of this Bill:** Under existing law, a court may order a first-time DUI offender (not causing bodily injury), in addition to all other penalties (jail, fines, license suspension, and DUI programs), to install an IID on any vehicle they operate for up to six months. If a court finds that an IID is not appropriate for a particular person, that person may apply to the DMV for a restricted driver's license upon proof of enrollment in a DUI program, proof of financial responsibility, and payment of fees, unless a restricted license is disallowed. (Veh. Code, §

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[3] DMV, *An Evaluation of the Implementation of Ignition Interlock in California* (May 2002) p. ii, available at: https://www.dmv.ca.gov/portal/file/an-evaluation-of-the-implementation-of-ignition-interlock-in-california/
[4] DMV, *Ignition Interlock Devices* (accessed February 26, 2025), available at: https://www.dmv.ca.gov/portal/driver-education-and-safety/educational-materials/fast-facts/ignition-interlock-devices-ffdl-31/

23575.3, subd. (h)(1)(A).) Courts are required to order an IID for almost all other DUI offenders, including: 1) a first-time DUI that causes bodily injury; 2) repeat DUI offenders; and 3) a person convicted of driving with a revoked or suspended license due to a prior DUI conviction. (Veh. Code, §§ 23575.3, subd. (h), 13352, 13352.4, 13353.3, 13353.6, 13353.75.)

Most notably, this bill removes the discretion of courts to make an individualized determination of whether a person convicted of a first-time DUI that did not cause bodily injury should be ordered to install an IID, by *requiring courts to order all first-time DUI offenders to install, maintain, and service an IID* for up to six months on every vehicle they operate. Courts would be required to order an IID regardless of fact-specific circumstances, such as the person's BAC level at the time of the offense, whether the offender is a new driver who shares a vehicle with their parents, or whether that person can afford to comply with that order. This bill also makes permanent certain provisions of the current pilot program, which requires courts to order the installation of IIDs for repeat DUI offenders and first-time DUIs causing bodily injury.

This bill modifies the required manufacturer fee schedule that establishes the payment of the costs of the IID in amounts commensurate with that person's income relative to the federal poverty level. Specifically, it provides that IID costs include the administration of the program, installation of the device, service, maintenance, and recalibration of the device, and any other costs associated with the device, expands the portion of costs that must be covered by IID providers, and lessens the proportion of costs that must be paid by individuals within specified poverty ranges. It also clarifies that the requirement that an individual subject to an IID order must arrange for each vehicle with an IID to be serviced by an installer every 60 days, as well as the requirement that the individual pay a fee, determined by the DMV that is sufficient to cover the costs of administering the IID program, is subject to this fee schedule. Further, it requires the DMV to publish such fee schedule information on its website, and requires the DMV to include such fee schedule information in any mailed notice of revocation or suspension that notifies an individual of the requirement to install an IID.

Lastly, this bill requires the DMV to collect and annually report to the Legislature the following information: 1) the number of first time DUI offenders required to install an IID under this bill, who killed or injured anyone in a crash while they were operating a vehicle under the influence of alcohol; 2) the number of first time DUI offenders required to install an IID under this bill, who killed or injured anyone in a crash while they were operating a vehicle and were not under the influence of alcohol; and 3) the number of first time DUI offenders required to install an IID under this bill, who were convicted of specified offenses during the term in which the person was required to have the IID installed, including a DUI, a DUI causing bodily injury, a "wet reckless" offense, as well as specified vehicular manslaughter and other impaired driving convictions.

The impact of this bill will be significant. First-time DUI convictions comprise approximately 40% of all misdemeanor convictions in a given year,[5] and misdemeanor DUIs

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[5] Committee on the Revision of the Penal Code, Annual Report and Recommendations (Dec. 2024), available at: https://clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2024.pdf. *See also* Judicial Council of California, 2021 Court Statistics Report, Tables 9a & 9c (212,291 misdemeanor guilty pleas in traffic and non-traffic cases occurred in Fiscal Year 2019–20); DUI MIS Report, 25, Table 5b (in 2019, there were 83,512 misdemeanor DUI convictions and 12,552 alcohol- or mdrug-involved reckless driving convictions).

make up the vast majority of DUIs, comprising 95.6% of the 95,957 total DUI arrests in 2020.[6] First-time DUI convictions represent the vast majority of DUI convictions, comprising 72.5% of the 93,926 DUI convictions in 2018 and 72.8% of the 88,043 DUI convictions in 2019.[7] As such, this bill may require tens of thousands of first-time misdemeanor DUI offenders to install IIDs on their vehicles.

4) **Eliminates Judicial Discretion for IID Installation for First-Time DUI Offenders**: This bill would remove judicial discretion to order an IID for first-time DUI offenders, discretion that has been preserved for decades despite repeated efforts to remove it.

Multiple legal and statutory bases give courts discretion to impose IIDs for first-time DUI offenses not causing bodily injury. (Veh. Code, § 23575.3.) IIDs are mandated for almost all other DUI offenders. Under the current pilot program, a court has the option to order an IID for a first-time DUI offender. A court can also impose an IID as a condition of probation, which is commonly given to first-time DUI offenders; courts have broad discretion to fashion and impose additional probation conditions that are particularized to the defendant. (*People v. Smith* (2007) 152 Cal.App.4th 1245, 1249.) A valid condition must be reasonably related to the offense and aimed at deterring misconduct in the future. (*People v. Carbajal* (1995) 10 Cal.4th 1114, 1121.)

Judicial discretion permits courts to tailor the sentence in the appropriate manner to the facts of the crime, the person's history, and the person's current circumstances. As stated by the California Supreme Court, "Society receives maximum protection when the penalty, treatment or disposition of the offender is tailored to the individual case." (*People v. Williams* (1970) 30 Cal.3d 470, 482 [citation and internal quotation marks omitted].) "Only the trial judge has the knowledge, ability and tools at hand to properly individualize the treatment of the offender." (*Ibid.*)

Judicial discretion may be particularly important for first-time misdemeanor DUI offenses. First, misdemeanor DUIs encompass a broad range of circumstances and behavior, including, for example, a minor who miscalculated the size of a single drink, has the bare minimum .08% BAC, and is pulled over for a non-moving offense, showing no signs of impairment, and who has no history of alcohol abuse or poor judgment. Alternatively, this could apply to a person who has been binge drinking, has a BAC significantly over the limit, and whose judgment and motor skills are extensively impaired. This bill would require the installation of an IID in both cases. Moreover, given that courts must already order IIDs for repeat DUI offenders and DUIs causing bodily injury, this bill proposes to treat first-time DUIs not involving injury similarly to serial DUI offenders, as well as DUI offenders involving crashes and injury.

Second, judicial discretion is uniquely important as applied to first-time DUI offenses since an IID burdens persons other than the offender. IIDs are required to be installed on every

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[6] DMV, *2022 Annual Report of the California DUI Management Information System* (2023), DUI Summary Statistics, available at: https://qr.dmv.ca.gov/portal/uploads/2023/09/2022-DUI-MIS-Report.pdf.
[7] DMV, *2021 Annual Report of the California DUI Management Information System* (2022), p. iv, available at: https://www.dmv.ca.gov/portal/uploads/2022/09/2021-Annual-Report-of-the-California-DUI-Management-Information-System-1.pdf; Department of Motor Vehicles, *2022 Annual Report of the California DUI Management Information System* (2023), p. iv, available at: https://qr.dmv.ca.gov/portal/uploads/2023/09/2022-DUI-MIS-Report.pdf.

vehicle an offender operates, including vehicles to which they may have access but do not own. (Veh. Code, § 23575.3, subd. (o)(2).) As such, a court might find that the imposition of an IID is not the best remedy where a single car is shared between family members and requiring an IID on that car will burden persons who have engaged in no wrongdoing. This concern may be most applicable to parents of young drivers, given that younger drivers are overrepresented in DUI arrests.[8] For example, a DUI conviction given to a new and financially dependent driver who was using their parents' car would require their parents to install IIDs on every vehicle their child operates, as well as incur the financial burden associated with installing and routinely servicing the IIDs on behalf of their child.

Third, courts can already order IIDs for first-time DUI offenders where a judge deems an IID an appropriate remedy. (Veh. Code, § 23575.3, subd. (h)(1)(A)(i).) Accordingly, the need to mandate IID installation for every first-time DUI offender is somewhat unclear.

5) **California's IID Pilot Programs and Associated Statistical Studies**: Since 1989, there have been at least ten legislative efforts to make IIDs mandatory statewide for first-time DUI offenders. None have been successful, in part due to the many concerns identified in this analysis.[9] During that time, the Legislature has enacted four pilot programs creating various IID installation requirements, and commissioned five statistical studies analyzing the effectiveness of IIDs in California. These reports have generated many recommendations and findings on how to maximize the use of IIDs as a DUI countermeasure and reduce the harms associated with drunk driving.

The first pilot program was enacted in 1986 and established a four-county pilot program authorizing judges to order DUI offenders to install IIDs as a condition of probation.[10] The associated study found "there was no statistically significant difference in the subsequent DUI conviction rate between DUI offenders who installed IIDs and DUI offenders who did not."[11] *The second pilot program* was enacted in 1998 and authorized the use of IIDs for first-time offenders for up to three years, especially when aggravating factors such as a high BAC are present, and required IIDs for repeat offenders and drivers convicted of driving on a DUI suspended license.[12] The findings of the pilot program study were mixed. It found that IIDs can be effective in reducing DUI recidivism, particularly when they are actually installed. However, it emphasized that IIDs are "not the 'silver bullet' that will solve the DUI problem" and are not effective "in all situations or for all offenders."[13] Importantly, while the report found that IIDs can reduce DUI recidivism, it also found that IIDs are "linked with an increase in crash risk" and as such "the overall traffic safety effect of IIDs are mixed, even when installed."[14] As applied to first-time DUI offenders, the study explicitly discouraged the

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[8] DMV, *2022 Annual Report of the California DUI Management Information System*, 2023, available at: https://qr.dmv.ca.gov/portal/uploads/2023/09/2022-DUI-MIS-Report.pdf.
[9] Among others, these include AB 762 (Torlakson), Chapter 756, Statutes of 1998 (amended into pilot program), SB 1361 (Correa) of the 2007-2008 Legislative Session (amended to change restricted license rules and later vetoed), SB 1046 (Hill), Chapter 783, Statutes of 2016 (amended into pilot program), SB 434 (Hill) of the 2019-2020 Legislative Session, and most recently, AB 211 (Petrie-Norris) of the 2023-2024 Legislative Session.
[10] California Department of Motor Vehicles, *An Evaluation of the Effectiveness of Ignition Interlock in California* (Sept. 2005), p. 4, available at: https://www.dmv.ca.gov/portal/file/an-evaluation-of-the-effectiveness-of-ignition-interlock-in-california/
[11] *Id.* at p. 2.
[12] *Ibid.*
[13] *Id.* at p. 61-62.
[14] *Ibid.*

use of IIDs for first-time DUI offenders, asserting that "use of the devices should not be emphasized, even for those first offenders with high BACs at the time of arrest."[15]

The third pilot program was created by AB 91, Chapter 217, Statutes of 2009, which required first-time and repeat DUI offenders, in four counties, to install IIDs in order to obtain a restricted driver's license, from 2010-2016. This is the only pilot program that mandated IIDs for first-time DUI offenders, and accordingly is the most informative for the purposes of analyzing this bill.

The DMV conducted two studies evaluating this pilot program. The first was a general deterrent study that found the program "was not associated with a reduction in the number of first-time and repeat DUI convictions in pilot counties" and as such, "no evidence was found that the pilot program has a general deterrence effect"[16] The second study was a specific deterrent study, which found that pilot participants, including first-time offenders, had lower DUI recidivism rates than other DUI offenders.[17] However, these lower rates significantly diminished over time, particularly for first-time offenders.[18] Second, it found that obtaining an IID-restricted license was associated with a substantial increase in subsequent crashes compared to DUI offenders whose licenses remained suspended or revoked.[19] Of significance, this higher crash risk for first and second-time DUI offenders increased over time relative to those with a suspended license.[20] As a result, the DMV found that the benefits of IIDs "are *potentially marginalized by the greater safety toll of an increased propensity for traffic crash involvement.*"[21] Based on these findings, the DMV made several recommendations, none of which included mandating IIDs for first-time offenders.

The *fourth pilot program* was created by SB 1046 (Hill), Chapter 783, Statutes of 2016, which is largely the program that is currently in place. This pilot program refrained from mandating IIDs for first-time offenders, and instead gave courts discretion to determine if an IID is appropriate for a first-time DUI conviction, while requiring courts to order IIDs for specified repeat DUI offenders and DUIs causing bodily injury.

CalSTA submitted its assessment of the current pilot program last year. The report's findings were partially consistent with the prior pilot programs, although CalSTA emphasized that the overlap between the pilot program and the pandemic made it difficult to effectively assess the pilot program data.[22] Specifically, it found that installing an IID within two years of arrests reduces recidivism rates, whether measured by future DUI arrests, crashes, or crashes involving injury.[23] Although it noted that alcohol related crashes, injuries, and fatalities increased in the post-SB 1046 period relative to the pre-SB 1046 period, in part due to

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[15] *Id.* at p. 64.
[16] California Department of Motor Vehicles, *General Deterrent Evaluation of the Ignition Interlock Pilot Program in California* (Jan. 2015), Report Documentation Page, available at: https://www.dmv.ca.gov/portal/file/general-deterrent-evaluation-of-the-ignition-interlock-pilot-program-in-california/
[17] California Department of Motor Vehicles, *Specific Deterrent Evaluation of the Ignition Interlock Pilot Program in California* (June 17, 2016), at xiv, available at: https://www.dmv.ca.gov/portal/uploads/2021/12/s5-251.pdf
[18] *Id.* at xiv-xv.
[19] *Id.* at xv.
[20] *Ibid.*
[21] *Ibid.* (emphasis added).
[22] CalSTA, *An Evaluation of an Expansion of the Use of Ignition Interlock Devices through California Senate Bill 1046* (Dec. 31, 2024), available at: https://calsta.ca.gov/-/media/calsta-media/documents/ignition_interlock_evaluation-11-a11y.pdf
[23] *Id.* at p. 31.

changes in alcohol-related fatalities during the pandemic.[24] Contrary to prior reports, it found that the effects of installing an IID on future DUI arrests is greatest for people arrested for the first time.[25] Given the data issues created by the pandemic, in its transmittal to the Legislature, CalSTA's recommendations focused on the need for additional data pertaining to post-pandemic driving trends and behaviors, further evaluation of safety outcomes while an IID is installed, and the continuing effects of DUI recidivism once an IID is removed.[26]

In sum, none of the findings and recommendations from the four IID pilot programs include mandating IIDs for first-time offenders. Rather, while these studies have found that IIDs can reduce DUI recidivism, they have emphasized that IIDs may have limited effectiveness for first-time offenders and are associated with increases in subsequent crashes compared to DUI offenders with suspended or revoked licenses. As such, the studies have either explicitly discouraged the use of IIDs for first-time DUI offenders or emphasized the need for additional research regarding subsequent crash involvement.

The mandate in this bill may contradict the recommendations made by these previous reports.

6) **Unintended Consequences**: IIDs can be effective at reducing DUI recidivism for certain offenders.[27] However, this benefit is offset by certain public safety harms. Specifically, mandating IIDs after a DUI conviction, rather than utilizing other DUI countermeasures such as license suspension or revocation, may result in hundreds of subsequent crashes. A California pilot program study that mandated IIDs for first-time DUI offenders found that obtaining an IID-restricted license was associated with substantial increases in subsequent crashes, including fatal/injury crashes, compared to DUI offenders whose licenses remained suspended or revoked.[28] This increased crash risk associated with an IID was present for all DUI offenders, including both first-time and repeat offenders.[29] The higher crash risk for first- and second-time DUI offenders increased over time relative to those with a suspended license, and "a substantial proportion of these crashes are those involving injuries and/or fatalities."[30]

The DMV predicted that if the pilot program were implemented more broadly, it may result in an increase of potentially hundreds of crashes. Consistent with an earlier study, the DMV found that although the "pilot program is associated with an increase in crash risk among DUI offenders who complied with…program requirements and obtained an IID-restricted license when compared to drivers with a suspended or revoked license, the traffic safety benefits of this program are potentially marginalized by the greater safety toll of an increased propensity for traffic crash involvement."[31] This is not an isolated finding. The DMV study of the 1998 pilot program also found that while IIDs can reduce DUI recidivism, they are

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[24] *Id.* at pp. 31, 60.
[25] *Id.* at p. 31.
[26] CalSTA, *SB 1046 Transmittal Letter* (March 19, 2024), available at: https://calsta.ca.gov/-/media/calsta-media/documents/sb_1046_transmittal_3_21_2025-a11y.pdf
[27] *Ibid.*; Elder et. al., *Effectiveness of ignition interlocks for pre-venting alcohol-impaired driving and alcohol-related crashes, a community guide systemic review*, American Journal of Preventative Medicine (40)(4): 362-376, at p.1, available at: https://stacks.cdc.gov/view/cdc/31167
[28] California Department of Motor Vehicles, *Specific Deterrent Evaluation of the Ignition Interlock Pilot Program in California* (June 17, 2016), at xv, available at: https://www.dmv.ca.gov/portal/uploads/2021/12/s5-251.pdf.
[29] *Ibid.*
[30] *Ibid.*
[31] *Ibid.*

"linked with an increase in crash risk" and as such, the overall traffic safety effect of IIDs is mixed, even when installed."[32] Further, a study of an IID program in Oregon also found that "IIDs were associated with an increase in crashes."[33]

These findings are supported by independent reports that IIDs have caused numerous accidents, including many deaths, while a person subject to an IID is attempting to complete a required "retest" (i.e., blow into the breathalyzer while driving). A person with an IID is repeatedly required to retest while driving to ensure the continued absence of alcohol in their system. Failure to re-test may result in alarms or other notifications. For example, "[i]f the driver fails or doesn't comply, the car goes into panic mode: Its headlights flash and its horn honks until the driver turns off the engine."[34] A 2019 *New York Times* review of accident reports and lawsuits associated with IIDs found that this re-test requirement contributed to many crashes, including fatal accidents. According to *The New York Times:*

> A review by The New York Times of accident reports and lawsuits turned up dozens of examples of collisions in which the devices played a role. A Pennsylvania driver trying to complete a test blew so hard that he blacked out and crashed into a tree, nearly severing his left hand. Another in rural New Hampshire struck a telephone pole. And in California, a man attempting a rolling retest on a busy highway crossed the dividing line and hit another car, badly injuring a woman and killing her husband....
>
> One driver told local police that he had reached for his beeping interlock, missed a curve in the road and "woke up to someone saying he had been in an accident." Two drivers rear-ended stopped cars during rolling retests. A fourth driver hit a sheriff's vehicle. A fifth veered off the road and into a field, where he hit a calf.[35]

The concern that IID re-testing may contribute to distracted driving has similarly been echoed by federal regulators.[36] According to *The New York Times*:

> When regulatory warnings about rolling tests have come up, Interlock companies have pushed back.
>
> In 2006, the National Highway Traffic Safety Administration, the federal regulator in charge of setting vehicle safety equipment standards, began revising its 14-year-old guidelines for how interlock devices should work. A 2010 draft of the document said the agency "does not intend" that users perform rolling retests and said they should be performed while stopped on the side of the road.
>
> The interlock industry and others objected, arguing that rolling retests were safe and that, in any case, it was impractical to expect drivers to pull over...

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[32] *Ibid.*
[33] DMV, *An Evaluation of the Effectiveness of Ignition Interlock in California* (Sept. 2005), p. 62, available at: https://www.dmv.ca.gov/portal/file/an-evaluation-of-the-effectiveness-of-ignition-interlock-in-california/. *See also* Jones, B. (1992). *The effectiveness of Oregon's ignition interlock program.* Salem, OR: Motor Vehicle Division.
[34] St. Cowley et al., *The Unforeseen Dangers of a Device that Curbs Drunk Driving*, N.Y. Times (Nov. 10, 2021), available at: https://www.nytimes.com/2019/12/23/business/drunk-driving-interlock-crash.html.
[35] *Ibid.*
[36] Federal Register; Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs) (May 8, 2013), at p. 26852, available at: https://www.federalregister.gov/documents/2013/05/08/2013-10940/model-specifications-for-breath-alcohol-ignition-interlock-devices-baiids

> The regulator backed down. In its final guidance, published in 2013, it wrote that it was "very concerned about distracted driving" but would not specify how retests should be conducted. The agency also said that was "more appropriately a function for states and local jurisdictions."[37]

Indeed, both Legislature-commissioned studies and independent reporting have suggested that the public safety impacts of mandating IIDs for first-time offenders are mixed. Given the availability of DUI countermeasures that do not create additional public safety harms, judicial discretion to determine which countermeasure is most appropriate appears justified.

Supporters of this bill cite an Insurance Institute for Highway Safety study that analyzed IIDs in other states, which is partially inconsistent with the above studies.[38] That study found that mandating IIDs for every DUI offender was associated with 16% fewer drivers with at least a .08% BAC involved in fatal crashes compared to no law.[39] However, that study specifically excluded California from its analysis.[40] Further, the Insurance Institute's findings resulted from comparing state laws mandating IIDs for all offenders with laws that did not mandate IIDs for any specific class of offender.[41] However, California requires IIDs for almost all DUI offenders other than first-time offenders, and as such is unlike the comparison group in the Insurance Institute study.

7) **First-Time DUI Offenders Have Low One-Year Recidivism Rates**: First-time DUI offenders generally have low DUI recidivism rates. The one-year re-offense rate for first-time DUI offenders arrested in 2018 and 2019 was 3.7% and 4%, respectively.[42] Moreover, first-time offenders reoffend at lower rates than repeat offenders.[43] Given that first-time DUI offenders are highly unlikely to re-offend within one year, and that an IID issued to first-time offenders cannot exceed six months, the public safety benefits of this bill may be minimal.

8) **Penalties in Addition to the Cost of an IID**: A person convicted of their first DUI is subject to a wide range of sanctions, irrespective of whether they are ordered to install an IID. If a person is given probation, which is typical for a first-time DUI, they face two days to six months in jail, a fine of $390 to $1,000, plus penalty assessments, up to a 10-month license suspension, and up to a 9-month DUI treatment program in order to get relicensed. (Veh. Code, §§ 13352, subd. (a)(1), 13352.1, subd. (a), 23536, subds. (a) & (c), 23538, subds. (a) & (b).) Additionally, in order to reinstate their license after a DUI conviction, that person must acquire additional insurance in the form of an SR-22 insurance certificate.[44]

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[37] St. Cowley et al., *supra*.
[38] Insurance Institute for Highway Safety, *State alcohol ignition interlock laws and fatal crashes* (March 2018), available at: https://interlockciim.org/wp-content/uploads/IIHSIIDstudy0318.pdf
[39] *Id.* at p. 2
[40] *Id.* at p. 5.
[41] *Ibid.*
[42] DMV, *2022 Annual Report of the California DUI Management Information System* (2023), DUI Summary Statistics, available at: https://qr.dmv.ca.gov/portal/uploads/2023/09/2022-DUI-MIS-Report.pdf; Department of Motor Vehicles, *2021 Annual Report of the California DUI Management Information System* (2022), p. iv, available at: https://www.dmv.ca.gov/portal/uploads/2022/09/2021-Annual-Report-of-the-California-DUI-Management-Information-System-1.pdf
[43] DMV, *General Deterrent Evaluation of the Ignition Interlock Pilot Program in California* (Jan. 2015), p. viii, available at: https://www.dmv.ca.gov/portal/file/general-deterrent-evaluation-of-the-ignition-interlock-pilot-program-in-california/
[44] DMV, *DUI First Offenders* (June 2020), available at: https://www.dmv.ca.gov/portal/uploads/2020/06/1st_Offender_Alcohol_Non-Injury.pdf

Failure to comply with an IID mandate can lead to a variety of misdemeanor charges, punishable by up to six months in county jail, a $5,000 fine, and a one-year license suspension from the conviction date. Misdemeanor conduct includes: 1) willful failure to install an IID when required to do so; 2) operating a vehicle not equipped with an IID when required to install an IID; 3) knowingly lending or renting a vehicle not equipped to an IID to a person known to have their driving license restricted; 4) requesting another person to blow into an IID to provide a restricted person with an operable vehicle; 5) blowing into an IID for the purpose of providing a restricted person with an operable vehicle; and 6) removing, bypassing, or tampering with an IID. (Veh. Code §§ 23247, subds. (a)-(g), 23573, subd. (i).)

Notably, the financial costs of a first-time DUI are considerably higher than the base fine. For example, a base fine of $390 would be subject to the following additional fees and assessments:

> Penal Code section 1464 state penalty on fines: $390 ($10 for every $10)
> Penal Code section 1465.7 state surcharge: $78 (20% surcharge)
> Penal Code section 1465.8 court operation assessment: $40 ($40 fee per criminal offense)
> Government Code section 70372 court construction penalty: $195 ($5 for every $10)
> Government Code section 70373 assessment: $35 ($35 for each infraction)
> Government Code section 76000 penalty: $273 ($7 for every $10)
> Government Code section 76000.5 EMS penalty: $78 ($2 for every $10)
> Government Code section 76104.6 DNA fund penalty: $39 ($1 for every $10)
> Government Code section 76104.7 additional DNA fund penalty: $156 ($4 for every $10)

As such, after additional fees and assessments, the minimum fine for a first-time DUI could end up costing $1,674. This amount does not include the cost of the required DUI program, lasting either three or nine months, depending on the person's blood alcohol level. (Veh. Code, § 23538, subd. (b).) A 3-month DUI program generally costs between $500 and $900, while a 9-month program can cost upwards of $1,500. Most programs charge for missed activities, transfers, and late payments.[45] A DUI program participant may receive a program fee reduction after a financial assessment.[46] For a restricted license with an IID, there are additional DMV fees associated with reissuing the license.[47]

In addition to the base fine and the cost of a DUI program, this bill would impose additional costs on a person convicted of their first DUI. First, such a person would have to pay a fee "sufficient to cover the costs of administration of [the IID program]." (Veh. Code, § 23575.3, subd. (d).) Second, a first-time DUI offender may be subject to a variety of different costs pertaining to installing, servicing, and maintaining the IID, subject to a fee schedule commensurate with that person's income relative to the federal poverty level. (Veh. Code, § 23575.3, subd. (k)(1).)

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[45] HCS, *Driving Under the Influence Program Fees* (accessed March 5, 2025), available at: https://www.dhcs.ca.gov/individuals/Pages/DUI-Program-Fees.aspx
[46] *Ibid.*
[47] DMV, *Statewide Ignition Interlock Device Pilot Program* (accessed April 17, 2025), available at: https://www.dmv.ca.gov/portal/driver-education-and-safety/dmv-safety-guidelines-actions/driving-under-the-influence/statewide-ignition-interlock-device-pilot-program/

The poverty scale provisions of this bill may alleviate some of the financial burden on individuals required to install an IID. However, in practice, people may still fail to install an IID when required or fail to service their IID as frequently as required, purely because they cannot afford to. If someone is unable to afford an IID and is pulled over, they will likely be found to have violated their probation and will be subject to potential jail time as well as additional costs. Given that misdemeanor first-time DUI convictions are one of the most common crimes in California, the existence of numerous misdemeanors associated with IID non-compliance, and the cost-burden associated with an IID, this bill can reasonably be expected to increase the criminal penalties associated with IID non-compliance. Such additional costs, criminal penalties, and potential license suspensions carry employment and housing consequences, and may contribute to the affordability and unhoused persons crisis in this state.[48]

9) **California's IID Pilot Program Was Just Extended Until 2033.** The IID pilot program currently in place was initially established by SB 1046 (Hill), Chapter 783, Statutes of 2016. The pilot program was set to expire on January 1, 2026. However, last year, AB 366 (Petrie-Norris), Chapter 689, Statutes of 2025, extended the pilot program until January 1, 2033. Given that the program was just extended and the most recent CalSTA's report cited a need for data and further evaluation, the urgency to make the current pilot program permanent and mandate IIDs for all first-time offenders is unclear.

10) **Argument in Support**: According to *Mothers Against Drunk Driving*, AB 1830 "would improve the drunk driving law by making California the 35th state to require ignition interlocks for all first-time convicted drunk drivers for six months. California's current law is limited to repeat offenders and first time offenders who cause an injury crash.

"Drunk driving remains a problem in California. Since 2019, according to the National Highway Traffic Safety Administration (NHTSA), drunk driving deaths in California have increased 40%, resulting in 1,355 preventable deaths in 2023.

"Research demonstrates that laws like AB 1830 save 253 lives each year. According to the Insurance Institute for Highway Safety, laws like AB 1830 reduce drunk driving deaths by 26%. Utilizing this information, AAA and MADD estimates that AB 1830 will save 253 lives each year.1

"What is an ignition interlock? An ignition interlock is a device about the size of a smartphone that is wired into the ignition system of a vehicle. If an interlock detects a blood alcohol content above .02, the vehicle will not start.

"There are over 425,000 reasons why MADD urges you to support this lifesaving proposal. Interlocks are already working to stop drunk driving in California, but the law is not reaching every eligible drunk driver. Over the past 18 years, interlocks have prevented 425,999 attempts to drive drunk in California. Can you imagine how many more attempts to drive drunk will be stopped by enacting an all-offender interlock law with AB 1830?

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[48] Cuellar and Perez, *An Update on Homelessness in California*, PPIC (March 21, 2024), available at: https://www.ppic.org/blog/an-update-on-homelessness-in-california/

"Interlocks are more effective than license suspension. According to the Centers for Disease Control and Prevention (CDC), ignition interlocks reduce repeat drunk driving offenses by 67%. An ignition interlock is more effective than license suspension alone, because up to 75% of convicted drunk drivers continue to drive on a suspended license."

11) **Argument in Opposition**: According to the *California Public Defenders Association*,

"AB 1830 Eliminates Judicial Discretion

"AB 1830 removes the ability of judges to exercise reasoned judgment in individual DUI cases. Under current law, courts retain limited discretion to tailor penalties based on the specific facts before them. AB 1830 replaces that discretion with a rigid mandate requiring IIDs for every first-time DUI offender

"Judicial discretion exists because cases differ. Courts are often best positioned to determine whether an IID meaningfully advances public safety or whether another sanction—such as license restrictions, alcohol education programs, or probation conditions—would be more effective.

"AB 1830 eliminates that flexibility and replaces it with a one-size-fits-all penalty, requiring the same sanction regardless of individual circumstances.

"California Has Already Tested This Policy

"California has previously studied whether mandatory IID requirements should apply to first-time offenders. In 2009, the Legislature declined to impose a statewide mandate due to limited supporting evidence. Instead, **AB 91 created a pilot program in four counties** requiring IIDs for first-time DUI offenders and directed the Department of Motor Vehicles to evaluate the results before considering broader expansion.

"Two subsequent DMV studies evaluated the program. The **2014 DMV report** concluded the pilot program **did not reduce either first-time or repeat DUI convictions** and found no evidence of a broader deterrent effect. A **2016 follow-up report** again found **mixed traffic safety results** and recommended additional study rather than statewide expansion.

"Despite these findings, the Legislature later expanded IID availability statewide through SB 1046 (2016) while preserving judicial discretion. Under the current framework, courts may order an IID for first-time offenders when appropriate. If an IID is not ordered, the driver must obtain a restricted license allowing travel only to work, DUI programs, and necessary job-related driving. This approach preserves accountability while allowing courts to determine when IID installation is actually warranted.

"AB 1830 Disregards the Evidence

"The available evidence does not support eliminating judicial discretion.

"The **2016 DMV evaluation** found that while IID installation appeared to reduce DUI convictions during the first six months after installation, that effect **disappeared within two**

years. More concerning, the study observed **higher crash rates among IID participants** compared with the control group:

- Crash rates were roughly equal during the first 300 days
- **58% higher between 300 and 730 days**
- **116% higher after 730 days**

"Based on these findings, the report's authors did not recommend expanding mandatory IID requirements statewide and characterized the results as producing "mixed traffic safety outcomes." The report also emphasized that license suspensions and revocations remain the most effective deterrents. It cautioned that layering excessive financial and administrative penalties can reduce compliance. When sanctions become too costly or difficult to meet, some drivers disengage from the legal system entirely—undermining, rather than strengthening, deterrence.

"In conclusion, AB 1830 replaces a balanced, evidence-informed system with a rigid mandate. Courts already possess the authority to order ignition interlock devices when they determine the device will improve public safety. Eliminating that discretion does little to enhance safety while imposing substantial costs on drivers—particularly those with limited financial means—and creating a guaranteed market expansion for private IID vendors. California should maintain the current approach, which allows courts to require IIDs when appropriate while preserving the flexibility needed to craft sanctions that are both effective and achievable."

12) **Related Legislation**: AB 1546 (Schultz) increases the punishment for a DUI with two priors from a misdemeanor to a wobbler and increases the punishment for a DUI with four or more priors from a wobbler to a straight felony, and increases the IID installation period for a DUI with four or more priors from three years to four years, among other changes. AB 1546 is pending a hearing in the Assembly Appropriations Committee.

13) **Prior Legislation**:

a) AB 366 (Petrie-Norris), Chapter 689, Statutes of 2025, extended the sunset of the IID pilot program currently in place, from January 1, 2026, to January 1, 2033.

b) AB 71 (Lackey) of the 2025-2026 Legislative Session would have extended the sunset date of the IID pilot program from January 1, 2026, to January 1, 2033, and required CalSTA to report to the Legislature on the outcomes of the pilot program by July 1, 2031. AB 71 was held in the Assembly Appropriations Committee.

c) AB 2210 (Petrie-Norris) of the 2023-2024 Legislative Session would have required the DMV to operate a five-county pilot project for the installation of an IID in the vehicle of a first-time DUI offender. AB 211 was held in Assembly Appropriations.

d) SB 545 (Hill) of the 2019-2020 Legislative Session would have required IIDs to be installed for a period of six months for first-time convicted DUI offenders. The hearing SB 545 in the Assembly Public Safety Committee was cancelled at the request of the author.

e) SB 1046 (Hill), Chapter 783, Statutes of 2016, extended the IID pilot program in certain counties and required installation of IIDs for specified DUI offenses.

f) SB 61 (Hill), Chapter 350, Statutes of 2015, extended the IID pilot project in Alameda, Los Angeles, Sacramento, and Tulare Counties until July 1, 2017.

g) SB 55 (Hill), of the Legislative Session of 2013-2014, would have required, as a condition of being issued a restricted driver's license, being reissued a driver's license, or having the privilege to operate a motor vehicle reinstated for a 2nd or subsequent conviction for a DUI offense, installation for a specified period of time an ignition interlock device on all vehicles a person owns or operates. SB 55 was held in the Assembly Appropriations Committee.

h) SB 598 (Huff), Chapter 193, Statutes of 2009, allowed an individual convicted of more than one DUI within a 10-year period to get a restricted driver's license upon installation of an IID, enrolling in DUI class, and meeting other specified criteria.

i) AB 91 (Feuer), Chapter 217, Statutes of 2009, established a pilot program in Alameda, Los Angeles, Sacramento, and Tulare Counties, administered by DMV to require the installation of IIDs on the vehicles of all persons convicted of a DUI, as specified.

j) SB 1388 (Torlakson), Chapter 404, Statutes of 2008, required that a person immediately install a certified IID on all vehicles he or she owns or operates for a period of one to three years when he or she has been convicted of violating specified provisions relating to DUI and driving a motor vehicle when his or her license has been suspended or revoked as a result of a DUI-related conviction.

REGISTERED SUPPORT / OPPOSITION:

Support

Safety and Advocacy for Empowerment (SAFE) (Sponsor)
AAA Northern California, Nevada & Utah
Advocates for Highway and Auto Safety
Alcohol Justice
Arcadia Police Officers' Association
Automobile Club of Southern California
Brea Police Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Police Chiefs Association
California Professional Firefighters
California Reserve Peace Officers Association
California State Sheriffs' Association

City of Pico Rivera
Claremont Police Officers Association
Corona Police Officers Association
Costa Mesa; City of
County of Orange, Through its Office of the District Attorney/public Administrator
Culver City Police Officers' Association
Fullerton Police Officers' Association
Irvine; City of
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Mothers Against Drunk Driving
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Peopleforbikes
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Streets for All
2 Private Individuals

Opposition

ACLU California Action
California Public Defenders Association
Debt Free Justice California
Ella Baker Center for Human Rights
Justice2jobs Coalition
LA Defensa
Local 148 Los Angeles County Public Defender's Union

Analysis Prepared by: Ilan Zur / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1874 (Wilson) – As Introduced February 12, 2026

As Proposed to be Amended in Committee

SUMMARY: Provides that if a person is convicted of specified vehicle crimes that require the Department of Motor Vehicles (DMV) to revoke their driving privileges for three years and the person is imprisoned in jail or prison as a result of the conviction, the DMV shall not reinstate their driving privileges until three years after their release from confinement or imprisonment, rather than three years after the date of revocation. Specifically, **this bill**:

1) Prohibits the DMV from reinstating the driving privileges of a person subject to a three-year license revocation until the expiration of three years after the person's release from confinement or imprisonment, and until the person whose privilege was revoked gives proof of financial responsibility, as defined, for individuals convicted of any of the below crimes who are imprisoned in a county jail or state prison as a result of the conviction or convictions:

    a) Manslaughter resulting from the operation of a motor vehicle, except for misdemeanor vehicular manslaughter.

    b) Conviction of three or more violations of a hit and run resulting in injury or death, a hit and run resulting only in property damage, reckless driving, reckless driving causing bodily injury or great bodily injury, or reckless driving that causes specified injuries, within a period of 12 months from the time of the first offense to the third or subsequent offense, or a combination of three or more convictions of violations within the same period.

    c) Violation of gross vehicular manslaughter while intoxicated or intoxicated vehicular manslaughter while operating a vessel with gross negligence, as specified, or of fleeing or attempting to elude a peace officer, causing death or serious bodily injury resulting in specified serious impairments of physical condition, as specified.

EXISTING LAW:

1) Provides that whenever in the Vehicle Code the DMV is required to suspend or revoke the privilege of a person to operate a vehicle upon the conviction of such a person of violating the Vehicle Code, such suspension or revocation shall begin upon a plea, finding, or verdict of guilty. (Veh. Code, § 13366.)

2) Requires the clerk of a court in which a person was convicted of certain offenses, including a violation of the Vehicle Code or a violation of any other statute relating to the safe operation of vehicles, among others, to prepare within five days after conviction and immediately

forward to the DMV, an abstract of the record of the court covering the case in which the person was so convicted. (Veh. Code, § 1803, subd. (a)(1).)

3) Requires, generally, the DMV, for criminal offenses that result in a criminal license suspension or revocation, to immediately suspend or revoke the privilege of a person to drive a vehicle upon receipt of a duly certified abstract of the record of a court showing that the person has been convicted of specified offenses. (Veh. Code, §§ 13350, subd. (a); 13351, subd. (a); 13352, subd. (a).)

4) Requires the DMV, when a person's driving privileges are suspended or revoked, to notify the person by mail of the action taken and of the effective date of the suspension or revocation, except for persons personally given notice by the DMV, a court, a peace officer, or otherwise pursuant to the Vehicle Code. (Veh. Code, § 13106, subd. (a).)

5) Provides that if a person is convicted of a hit and run, driving under the influence (DUI), or DUI causing bodily injury and is sentenced to one year in a county jail or more than one year in the state prison under specified DUI sentencing statutes, the court may postpone the revocation or suspension of the person's driving privilege until the term of imprisonment is served. (Veh. Code, § 23665, subd. (a).)

6) Authorizes the DMV to suspend a person's driving privileges, upon receipt of a record of conviction from a court, showing that the person has been convicted of any of the following offenses:

   a) Failure to stop in the event of an accident resulting in damage to property only or otherwise failing to comply with the requirements to immediately stop at the scene of an accident resulting in only damage to property and perform certain duties.

   b) A second or subsequent conviction of reckless driving.

   c) Misdemeanor vehicular manslaughter. (Veh. Code, § 13361.)

7) Requires the DMV to immediately revoke a person's driving privileges for a mandatory one-year period from the date of revocation and until the person provides proof of financial responsibility, upon receipt of a record of conviction from a court showing a person has been convicted of any of the following offenses:

   a) Failure of a driver involved in an accident resulting in injury or death to a person to stop or otherwise comply with the requirements to perform specified duties at the scene of the accident.

   b) A felony in the commission of which a motor vehicle is used, except for crimes subject to separate suspension and revocation rules, as specified.

   c) Reckless driving causing bodily injury. (Veh. Code, § 13350, subds. (a) & (c).)

8) Requires the DMV to immediately revoke a person's driving privileges for a mandatory three-year period from the date of revocation and until the person provides proof of financial

responsibility, upon receipt of a record of conviction from a court showing a person has been convicted of any of the following offenses:

a) Manslaughter resulting from the operation of a motor vehicle, except for misdemeanor vehicular manslaughter.

b) Conviction of three or more specified hit and run or reckless driving violations within a period of 12 months from the time of the first offense to the third or subsequent offense, or a combination of three or more convictions of violations within the same period.

c) Violation of gross vehicular manslaughter while intoxicated or vehicular manslaughter while operating a vessel with gross negligence or of fleeing or attempting to elude a peace officer, causing serious bodily injury resulting in specified serious impairments of physical condition, as specified. (Veh. Code, § 13351, subds. (a) & (b).)

9) Requires the DMV to immediately suspend or revoke a person's driving privileges, upon receipt of a court record showing that the person has been convicted of a DUI or DUI causing bodily injury, with the length of the license suspension or revocation depending on the person's number of prior[1] DUIs, as follows:

a) A first DUI is a misdemeanor with a six-month license suspension, a DUI with one prior is a misdemeanor with a two-year license suspension, a DUI with two priors is a misdemeanor with a three-year license revocation, and a DUI with three or more priors is an alternate-felony misdemeanor (hereafter, "wobbler") with a four-year license revocation. (Veh. Code, §§ 13352, subd. (a)(1), (3), (5), & (7).)

b) A first DUI causing bodily injury is a wobbler with a one-year license suspension, a DUI causing bodily injury with one prior is a wobbler with a three-year license revocation, and a DUI causing bodily injury with two or more priors is a felony with a five-year license revocation. (Veh. Code, §§ 13352, subd. (a)(2), (4) & (6).)

10) Authorizes a court, notwithstanding existing license suspensions and revocations for DUIs, to order a 10-year license revocation if a person has been convicted of three or more separate DUIs or DUIs causing bodily injury, the last of which was punishable as a DUI with two priors, a DUI with three or more priors, a DUI causing bodily injury with two or more priors, a DUI or DUI causing bodily injury with a prior specified felony, a DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter, as specified, or a DUI causing bodily injury, where the violation proximately caused great bodily injury (GBI) and occurred within 10 years of two or more priors. (Veh. Code, § 23597, subd. (a).)

11) Provides if a person convicted of a Vehicle Code violation relating to the speed of vehicles or reckless driving, the court may, unless a DMV revocation is required, suspend the person's driving privilege for up to 30 days upon a first conviction, up to 60 days upon a second

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[1] A "prior" means a separate DUI conviction under Vehicle Code sections 23152 (DUI), 23153 (DUI causing bodily injury), or a "wet reckless" conviction under 23103.5 (plea to reckless driving in satisfaction of an original DUI charge) that occurred within 10 years of the current violation.

conviction, and up to six months upon a third or subsequent conviction. (Veh. Code, § 13200.)

12) Authorizes a court to suspend a person's driving privileges for up to six months, upon a conviction for any of the following offenses:

   a) A hit and run only resulting in damage to property.

   b) Specified reckless driving offenses.

   c) Failure to stop at a railway grade crossing, as specified.

   d) Fleeing or attempting to elude a peace officer, as specified, fleeing or attempting to elude a peace officer with willful or wanton disregard for safety, and fleeing or attempting to elude a peace officer that proximately causes serious bodily injury or death, as specified, if the person's license was not revoked by the DMV, as required.

   e) Knowingly causing or participating in a vehicular collision or any accident, for the purpose of presenting a false insurance claim. (Veh. Code, § 13201, subds. (a)-(d).)

13) Authorizes a court to suspend the driving privileges of a person who commits an assault that constitutes "road rage," as defined, for six months for a first offense and one year for a second or subsequent offense, to commence, at the discretion of the court, either on the date of the person's conviction, or upon the person's release from confinement or imprisonment. (Veh. Code, § 13210.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Allowing individuals convicted of serious driving offenses to return to the road immediately after incarceration puts everyone at risk. If a license suspension overlaps with jail time, when the offender cannot drive, it becomes meaningless. License suspensions should genuinely protect the public by keeping unsafe drivers off the road, not serve as empty gestures.

   "The state has a duty to ensure that drivers returning to our roads do not pose an ongoing risk. AB 1874 closes a dangerous loophole by preventing license suspensions from being served while offenders are incarcerated. By prioritizing public safety, this bill keeps high-risk drivers off the road during a critical time upon reentry, helping more Californians get home safely."

2) **Criminal License Suspensions and Revocations:** There are numerous distinct license suspension and revocation statutes. This bill pertains to criminal license revocations, which refers to license sanctions that are imposed after a person's *conviction* for a certain vehicle-related crime. Such criminal license sanctions are distinct from the pre-conviction administrative suspensions that the DMV may impose on specified impaired individuals. (Veh. Code, §§ 13353; 13353.1; 13353.2; 13353.3)

The typical process of suspending or revoking a license upon a criminal conviction is as follows. Upon conviction for certain vehicle-related offenses, including a violation of the Vehicle Code or a violation of any other statute relating to the safe operation of vehicles, among others, judicial clerks are required to send an abstract of the record of the court covering the case in which the person was convicted to the DMV within five days after conviction. (Veh. Code, § 1803, subd. (a)(1).) For any Vehicle Code conviction requiring the DMV to suspend or revoke driving privileges, driving privileges are suspended or revoked until the DMV takes the action required by the Vehicle Code, and the court shall require the individual to surrender their driver's license and must send it to the DMV within 10 days of conviction, along with the required report of conviction. (Veh. Code, § 13550.) The DMV, upon receiving a certified abstract of the record establishing a conviction, is generally required to immediately suspend or revoke the driving privileges of the convicted person. (Veh. Code, §§ 13350, subd. (a); 13351, subd. (a); 13352, subd. (a).)

There are numerous distinct criminal license suspension and revocation statutes. For crimes such as a hit and run only resulting in damage to property, a second or subsequent reckless driving conviction, or misdemeanor vehicular manslaughter, the DMV has discretion to impose a suspension. (Veh. Code, § 13361.) Other crimes result in mandatory one-year revocations. (Veh. Code, § 13350, subds. (a) & (b).) Specifically, the DMV is required to immediately revoke a person's driving license for one year upon receiving a record of conviction for a hit and run resulting in injury or death, a felony involving the commission of a motor vehicle, except for offenses subject to separate suspension and revocation rules, and reckless driving causing bodily injury. (*Ibid.*)

Some of the most severe vehicle crimes, such as those addressed by this bill, require the DMV to revoke a person's license for three years. The following offenses are subject to a three-year license revocation: 1) manslaughter resulting from the operation of a vehicle, except for misdemeanor vehicular manslaughter; 2) a conviction of three or more specified hit and run or reckless driving violations within a period of 12 months, as specified; and 3) a violation of gross vehicular manslaughter while intoxicated or vehicular manslaughter while operating a vessel with gross negligence or of fleeing or attempting to elude a peace officer, as specified. (Veh. Code, § 13351, subd. (a).) For three-year license revocations, the DMV may not reinstate the person's driving privileges until the expiration of three years after the date of revocation and until the person provides proof of financial responsibility. (Veh. Code, § 13351, subd. (a).) Other convictions, such as those for a DUI or a DUI causing bodily injury, require the DMV to impose progressively longer license suspensions or revocations depending on the person's number of prior DUIs. (Veh. Code, § 13352, subd. (a)(1)-(8).)

In terms of when criminal license suspensions and revocations commence, the general rule is that where the Vehicle Code requires the DMV to suspend or revoke a person's driver's license for a conviction for violating the Vehicle Code, such suspension or revocation shall begin upon a plea, finding, or verdict of guilty. (Veh. Code, § 13366.) Court-imposed license suspensions similarly reference suspensions commencing upon a person's conviction. (Veh. Code, §§ 13200; 13201, subd. (a).) However, in certain circumstances, courts have discretion to postpone a given criminal license suspension or revocation until after a person is released from jail or prison. Most notably, if a person is convicted of a hit and run, or a DUI or a DUI causing bodily injury and is sentenced to one year in a county jail or more than one year in the state prison under specified DUI sentencing statutes, the court may postpone the revocation or suspension of the person's driving privilege until the term of imprisonment

is served. (Veh. Code, § 23665, subd. (a).) Courts and the DMV similarly have discretion to postpone road rage-based license suspensions until that person is released from confinement. (Veh. Code, §§ 13210; 13351.8.)

3) **Effect of this Bill:** The author raises concerns that license suspensions accomplish very little if the period of suspension runs while the person is incarcerated. On the other hand, it could be argued that if the goal of a license suspension is to prohibit a person from driving for a certain period of time, then this exact goal is accomplished if a person is behind bars and unable to drive. Currently, convictions for certain serious vehicle crimes are subject to three-year license revocations, and the DMV is prohibited from reinstating the person's driving privileges until the expiration of three years after the date of revocation and until the person provides proof of financial responsibility. (Veh. Code, § 13351, subd. (a).) The date of revocation likely refers to the point at which the DMV revokes a person's driving privileges upon receipt of a record of conviction from the court, which typically occurs shortly after the person's conviction. (Veh. Code, §§ 13351, subd. (a); 13366; 1803, subd. (a)(1).) This three-year revocation applies to the following crimes: 1) manslaughter, except for misdemeanor vehicular manslaughter; 2) convictions of three or more violations of specified hit and run and reckless driving offenses, within a period of 12 months; and 3) gross vehicular manslaughter while intoxicated, intoxicated vehicular manslaughter while operating a vessel with gross negligence, or of fleeing or attempting to elude a peace officer, as specified. (Veh. Code, § 13351, subds. (a) & (b).) As proposed to be amended, this bill provides that if a person is convicted of specified vehicle crimes that require the DMV to revoke their driving privileges for three years and the person is actually imprisoned in jail or prison as a result of the conviction, the DMV shall not reinstate their driving privileges until three years after *their release from confinement or imprisonment*, rather than three years after the date of revocation.

   This may substantially postpone the effective date of license suspensions and revocations for individuals convicted of the above crimes. For example, gross vehicular manslaughter, a crime subject to a mandatory three-year license revocation, is a wobbler, punishable by imprisonment in a county jail for up to one year or by imprisonment in state prison for two, four, or six years. (Pen. Code, § 193, subd. (c)(1); Veh. Code, § 13351, subd. (a)(1).) Under current law, if this offense is punished as a felony and the person is sentenced to four years in state prison, a three-year revocation suspension commencing when the DMV revokes the person's license after receiving a record of conviction from the court may be partially or even entirely completed while that person is still incarcerated, permitting them to lawfully drive upon, or shortly after, their release from prison. This bill would, for individuals convicted of three-year revocation-triggering crimes who serve time in jail or prison, postpone the commencement of such a three-year license suspension until that person is released from imprisonment, prohibiting such an individual from being able to lawfully drive in the three years following their release. For individuals incarcerated for periods of time longer than their license revocation, whose license revocations would ordinarily be considered to be fully served while they are incarcerated, this bill effectively creates a new license revocation tailored to begin at the point in time that the person attempts to reenter society. For others, if the length of the license revocation exceeds the amount of time they are incarcerated, it may simply lengthen the revocation by several months.

4) **Removal of Judicial Discretion:** This bill mandates, for crimes subject to three-year license revocations and where the person serves time in jail or prison, that the license sanction

commences after the person's release from confinement or imprisonment, rather than upon the date of revocation. This does not allow for any judicial discretion but rather requires such delayed sanctions in every instance. Currently, for certain offenses, courts have *discretion* to postpone a given criminal license suspension or revocation until after a person is released from jail or prison. Most notably, if a person is convicted of a hit and run, or a DUI or a DUI causing bodily injury and is sentenced to one year in a county jail or more than one year in the state prison under specified DUI sentencing statutes, a court may postpone the revocation or suspension of the person's driving privilege until the term of imprisonment is served. (Veh. Code, § 23665, subd. (a).) Courts can similarly postpone license suspensions until after imprisonment for road rage suspensions. (Veh. Code, §§ 13210; 13351.8.)

Judicial discretion permits courts to tailor the sentence in the appropriate manner based on the facts of the crime, the person's history, and the person's current circumstances. As stated by the California Supreme Court, "Society receives maximum protection when the penalty, treatment or disposition of the offender is tailored to the individual case." (*People v. Williams* (1970) 30 Cal.3d 470, 482 [citation and internal quotation marks omitted].) "Only the trial judge has the knowledge, ability and tools at hand to properly individualize the treatment of the offender." (*Ibid.*)

Allowing for judicial discretion to postpone the commencement of a license revocation, rather than mandating it for every crime triggering a three-year revocation, may be appropriate. Postponing a license revocation until a person is released from imprisonment, to ensure the suspension is in effect when the person is released, may be appropriate for an unremorseful repeat impaired driver offender. However, it may be less appropriate for a person convicted of a first-time vehicle offense, who is a single parent who relies on their vehicle to pick up their children or work multiple jobs. Permitting judges to make this determination, based on the specific facts of the case, may contribute to more just outcomes.

5) **Re-entry Barrier: Impacts of Prohibiting Individuals Re-Entering Society From Lawfully Driving:** Altering California law to prevent license revocations from being served while a person is incarcerated and applying those revocations at the point in time when individuals are attempting to reenter society may negatively impact formerly incarcerated persons' prospects of finding employment, housing, and their ability to comply with applicable parole or post-release community supervision conditions. For many, access to a driver's license is critical for a person's re-entry prospects. This may be particularly true in rural areas or other regions where public transportation is inadequate. This bill may make it more difficult for such persons to access lawful transportation to attend job interviews, housing application appointments, substance use treatment services, welfare benefit appointments, medical appointments, and to visit family members. This may undermine efforts to promote successful re-entry and reduce recidivism.

These concerns are particularly true in the employment context. Research suggests that a license suspension "can make it harder to find and keep a job, can increase one's exposure to the criminal legal system, and can generally place a great strain on one's life and the life of one's family."[2] "Having a valid driver's license and possession of a car is a stronger predictor

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[2] U.S. Department of Health & Human Services, *Challenges to Employment: Fines, Fees, and License Suspensions* (Dec. 2022), available at: https://acf.gov/opre/report/challenges-employment-fines-fees-license-suspensions

of finding employment and leaving public assistance than a high school diploma."[3] Almost 30% of jobs require some amount of driving, and 75% of workers commute to work in a car.[4] According to a study on the impacts of license suspension in New Jersey conducted by Rutgers, the New Jersey Department of Transportation, and the Federal Highway Administration, 42% of individuals with a history of license suspension lost their jobs when they had their driving privileges suspended.[5] Job loss was most significant among low-income and younger drivers.[6] 45% of those who lost their job because of the suspension could not find another job, a trend that was most pronounced among low-income and older drivers.[7] Further, of those who were able to find another job, 88% reported a decrease in income.[8] This was most true for low-income drivers. Finally, more than half of those with a history of license suspension reported that they could not afford the increased cost of auto insurance as a result of the suspension.[9]

Further, individuals subject to a license suspension upon release from jail or prison may feel they have no choice but to drive on their suspended license to attend job interviews or comply with their parole and supervision requirements, which may increase the likelihood of reincarceration. An estimated 75% of suspended drivers continue to drive.[10] Individuals who have their licenses suspended may simply "choose to keep driving because they have to work, which puts them at serious legal risk if they are caught driving with suspended licenses."[11] In California, individuals who drive on a suspended or revoked license, or fail to comply with the conditions of a restricted license, can be subject to additional criminal penalties and fines. Existing law makes it a misdemeanor to drive on a license that was suspended or revoked, where the person knows of the suspension or revocation. (Veh. Code, § 14601.1, subd. (a).) A first offense is punishable by up to six months in county jail and a fine between $300 and $1,000; a second offense within five years of a prior offense is punishable by five days to one year in county jail and a fine of $500 to $2,000. (Veh. Code, § 14601, subds. (a) & (b).)

6) **Benefits of Swift and Certain License Sanctions:** Research on the effectiveness of license sanctions in the context of impaired driving does not appear to support delaying and postponing license suspensions. Individuals are less likely to commit driving offenses when they believe sanctions will be swift and certain.[12] According to the National Highway Traffic Safety Administration (NHTSA), research suggests that "swift and certain administrative sanctions—such as [administrative license suspension] and vehicle impoundment—can be highly effective in reducing alcohol impaired-driving crashes and fatalities, and in reducing

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[3] Leiva and Marano, *Challenges to Employment: Fines, Fees, and License Suspensions*, Building Evidence of Employment Strategies (Nov. 2022), at p. 4, available at: https://acf.gov/sites/default/files/documents/opre/bees_orlando_brief.pdf
[4] *Id.* at p. 1.
[5] Driver's License Suspensions, Impacts and Fairness Study, New Jersey Department of Transportation (Aug. 2007), at p. 56, available at: https://vtc.rutgers.edu/wp-content/uploads/2014/04/MVC-DL-Suspension-Study-Final-Report-Vol1_9-13-07_.pdf
[6] *Ibid.*
[7] *Ibid.*
[8] *Ibid.*
[9] *Ibid.*
[10] American Association of Motor Vehicle Administrators, *Reducing Suspended Drivers and Alternative Reinstatement Best Practices: Edition 3* (May 2021), at p. 3, available at: https://www.aamva.org/getmedia/b92cc79d-560f-4def-879c-6d6e430e4f4d/Reducing-Suspended-Drivers-and-Alternative-Reinstatement-Best-Practices-Edition-3.pdf
[11] Leiva and Marano, *supra*, at p. 1.
[12] National Highway Traffic Safety Administration, *Countermeasures that Work; A Highway Safety Countermeasure Guide for State Highway Safety Offices* (2023), at p. 1-11, available at: https://www.nhtsa.gov/sites/nhtsa.gov/files/2023-12/countermeasures-that-work-11th-2023-tag_0.pdf

further impaired driving by DWI offenders."[13] The traffic safety benefits of *administrative* license suspensions are well-documented. A 2000 report found that administrative license suspensions and revocations "reduced crashes of different types by an average of 13%."[14] Another study that analyzed the long-term impacts of license suspensions across the U.S. found that administrative license revocations reduced alcohol-related fatal crash involvement by 5%, resulting in an estimated 800 saved lives annually.[15] A study in Ontario, Canada, found that a law requiring immediate roadside license suspensions for drivers with blood alcohol contents (BAC) from .05 to .08 resulted in a 17% decrease in fatalities and injuries.[16]

The swift and certain penalties of administrative suspensions can be contrasted with the "lengthy and uncertain outcomes in criminal courts."[17] While the benefits of quick administrative license sanctions are well-established, the value of lengthy post-conviction license suspensions is less clear. According to NHTSA, "[a]lthough *administrative* license actions are highly effective in reducing crashes.... *court-imposed* license actions appear less effective" and "long court-imposed license suspensions may do little to reduce recidivism."[18] This is supported by a 2007 study on the effects of DUI mandatory pre-conviction and post-conviction driver's license suspension laws in 46 U.S. states.[19] That study found "[a]dministrative or preconviction drivers license suspension policies have statistically significant and substantively important effects in reducing alcohol-related fatal crash involvement by 5%" but that "[i]n clear contrast, postconviction license suspension policies have no discernable effects."[20] This led the study to conclude that "[t]he effectiveness of a deterrence policy appears to be more strongly affected by celerity—the speed by which punishment is applied after the offending behavior—than by the high severity of the penalty."[21]

The primary effect of this bill is to delay criminal license revocations until after a person is released from jail or prison for individuals convicted of certain crimes who actually serve time in jail or prison. In some cases, where a person serves multiple years in prison, revocation could be postponed for a handful of years. This is counter to the findings of well-documented research on when license sanctions are most effective in deterring impaired driving. Accordingly, while this bill guarantees delayed and lengthier license punishment for individuals convicted of certain driving offenses that serve time in custody, it is less clear whether it will deter or prevent dangerous driving behavior.

7) **Argument in Support**: According to *Streets For All*, "AB 1874 would clarify that the time period for a court-ordered suspension or revocation of one's license commences upon release from custody. The bill also prohibits a concurrent suspension/revocation period and incarceration period being ordered by the courts.

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[13] *Ibid.*
[14] National Highway Traffic Safety Administration, *supra*, at p. 1-11.
[15] *Ibid.*
[16] *Ibid.*
[17] *Ibid.*
[18] *Id.* at p. 1-62.
[19] Wagenaar, A.C. and Maldonado-Molina, M.M, *Effects of Drivers' License Suspension Policies on Alcohol-Related Crash Involvement: Long-Term Follow-Up in Forty-Six States*, Alcoholism: Clinical and Experimental Research (2007), 31: 1399-1406, available at: https://onlinelibrary.wiley.com/doi/10.1111/j.1530-0277.2007.00441.x
[20] *Ibid.*
[21] *Ibid.*

"Following recent reporting by CalMatters in their *License to Kill* series, behaviors and policies that cause dangerous conditions on our roads have taken the spotlight. When courts order a time period during which a convicted person is not allowed to drive, that time period should not include time while incarcerated when the convicted person will not be able to drive.

"This bill addresses this issue by clarifying that incarceration and license suspension or revocation are not concurrent but consecutive. Reducing the number of dangerous drivers on our roadways can keep everyone safer. For these reasons we support AB 1874."

8) **Argument in Opposition**: According to the *California Public Defenders Association*, "We must oppose Assembly Bill 1874 ("AB 1874") by Assemblymember Wilson unless it is amended to narrowly tailor its provisions to the offenses involving injury or death where the individual has been sentenced to the custody of the Department of Corrections and Rehabilitation. Additionally, it should be amended to delete "any other custodial facility" which includes ICE detention facilities.

"AB 1874 would provide that when a driver's license is suspended or revoked as part of a criminal sentence that suspension or revocation shall not commence until after the person is released from custody.

"AB 1874 is unconstitutional, unworkable, and unduly punitive to the most vulnerable of our population. First, it would result in varying degrees of punishment for individuals convicted of the same offense in violation of the constitutional principle of equal protection of the laws. Some judges may impose longer sentences than other judges for the same offense, as they are permitted (within discretionary limits) but the effect of this bill is to extend the actual period of suspension for those with the longer period of incarceration, even though the period of suspension of or revocation is set by law and cannot be extended by the judge. Moreover, the primary purpose of license sanctions is to protect the public from dangerous drivers, and the public will be protected while that driver is in jail. Also, not infrequently an individual can be jailed for both driving and non-driving offenses at the same time, so the net effect is that their license suspension is increased by virtue of an offense that has nothing to do with their driving danger. This would result in unduly punitive suspensions that bear little rational relation to the offense, and treating similarly situated individuals disparately is a denial of the equal protection of the laws.

"Secondly the provisions of AB 1874 would be problematic to implement. For one thing, if the suspension is not effective until the person is released from custody then they could very well have a valid license in jail (even though they are unlikely to use it), but what if they are temporarily let out of jail on work release or work furlough, or humanitarian release for a family emergency, or medical treatment not available in jail? Under this bill it would appear they could still drive because their license is not suspended. What if an individual is sentenced, but is free on bail pending appeal? Wouldn't they be able to drive then as well? If this quandary is resolved by making the suspension operative at sentencing but extending until the completion of incarceration that would make the violation of equal protection only more glaring.

"Another troubling aspect of implementing AB 1874 is that it does not tell us how the Department of Motor Vehicles (DMV) will know when to start the license suspension or

revocation. DMV will not know when the individual is released from custody. Even if DMV receives the sentencing record from the court, individuals routinely both gain and lose custody credits during their incarceration affecting their release dates. If DMV has trouble getting records from courts what makes us believe that jails will be any more diligent, especially when enforcing license restrictions is not part of their core function? The possibility of information falling through the cracks is just too great. Additionally, the individual has to be informed that their license is suspended in order for it to be effective. Who is going to do that when they get out of jail?

"Thirdly, excessive license suspensions and the likelihood of re-offending due to operational problems are likely to fall disproportionately on the poorest, least informed and least educated of our populations, especially on immigrants who have limited English skills and knowledge of our laws. They are likely to come in contact with the authorities simply out of ignorance or inadvertence. When that happens it can be catastrophic, as recent ICE horror stories have taught us.

"The example of non-citizens who were detained for driving on a suspended license and then transferred to ICE custody where they spent 2-4 years in custody before they were granted immigration relief is illustrative. If tolling had been in effect when they were released from ICE custody, they would find that their license suspension had just begun. In many parts of California without little or no public transportation they would be unable to seek and retain employment."

9) **Related Legislation**:

a) AB 1748 (Sanchez) increases the length of the driver's license suspensions and revocations that apply to a conviction for a DUI or a conviction for a DUI causing bodily injury. AB 1748 is being heard in this Committee today.

b) AB 1546 (Schultz) increases the punishment for a DUI with two priors from a misdemeanor to a wobbler and increases the punishment for a DUI with four or more priors from a wobbler to a straight felony and increases the license revocation period for a DUI with four or more priors from four years to five years, among other changes. AB 1546 is pending a hearing in the Assembly Appropriations Committee.

c) AB 1687 (Lackey), punishes a person convicted of three or more specified vehicle offenses, including a DUI or a DUI causing bodily injury, among others, with an eight-year license revocation. AB 1687 is being heard in this Committee today.

d) AB 1723 (Ellis), specifies that the "date of revocation," for purposes of the prohibition against the DMV reinstating a person's driving privilege until the expiration of three years after the date of revocation, for persons convicted of certain vehicle-related crimes, means the date the DMV revokes a person's privilege to drive a motor vehicle, as specified, and not the date of conviction. AB 1723 is pending a hearing in the Assembly Transportation Committee.

e) SB 1198 (Menjivar) lengthens the license suspension periods that apply to reckless driving, among other changes. SB 1198 is pending a hearing in the Senate Public Safety Committee.

10) **Prior Legislation**:

a) AB 2337 (Linder), of the 2013-2014 Legislative Session, would have extended, by one year, the revocation period of an individual's driver's license if they were convicted of a hit-and-run accident in which another individual is killed or seriously injured. AB 2337 was vetoed.

b) AB 1104 (Pan), of the 2011-2012 Legislative Session, would have required, rather than allowed, driver's license revocations for specified DUIs to be delayed until offenders are released from prison or county jail. AB 1104 was never heard in the Assembly Appropriations Committee.

c) AB 1601 (Hill), Chapter 301, Statutes of 2010, permits a court to order a 10-year revocation of a driver's license for a person convicted of three or more separate DUIs.

d) AB 2258 (Benoit), of the 2005-2006 Legislative Session, would have created an alternate misdemeanor-felony and mandatory jail time for a fourth offense of driving on a suspended license, and required a four-year license revocation for this offense, as specified. AB 2258 failed passage in this Committee.

e) AB 4 (Bogh), of the 2004-2005 Legislative Session, would have permanently revoked the driver's license of a person convicted of a third or subsequent violation of specified DUI provisions. AB 4 was held in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
League of California Cities
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Mothers Against Drunk Driving
Murrieta Police Officers' Association
Newport Beach Police Association

Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Safety and Advocacy for Empowerment (SAFE)
Streets for All

Opposition

ACLU California Action
California Public Defenders Association
Debt Free Justice California
Ella Baker Center for Human Rights
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
Local 148 Los Angeles County Public Defender's Union
San Francisco Public Defender
Uncommon Law
Western Center on Law & Poverty, INC.

Analysis Prepared by: Ilan Zur / PUB. S. / (916) 319-3744

Amended Mock-up for 2025-2026 AB-1874 (Wilson (A))

Mock-up based on Version Number 99 - Introduced 2/12/26
Submitted by: Staff Name, Office Name

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 13351 of the Vehicle Code is amended to read:

(a) The department immediately shall revoke the privilege of a person to drive a motor vehicle upon receipt of a duly certified abstract of the record of a court showing that the person has been convicted of any of the following crimes or offenses:
(1) Manslaughter resulting from the operation of a motor vehicle, except when convicted under paragraph (2) of subdivision (c) of Section 192 of the Penal Code.
(2) Conviction of three or more violations of Section 20001, 20002, 23103, 23104, or 23105 within a period of 12 months from the time of the first offense to the third or subsequent offense, or a combination of three or more convictions of violations within the same period.
(3) Violation of subdivision (a) of Section 191.5 or subdivision (a) of Section 192.5 of the Penal Code or of Section 2800.3 causing serious bodily injury resulting in a serious impairment of physical condition, including, but not limited to, loss of consciousness, concussion, serious bone fracture, protracted loss or impairment of function of any bodily member or organ, and serious disfigurement.
(b) The department shall not reinstate the privilege revoked under subdivision (a) until the expiration of three years after the date of revocation and until the person whose privilege was revoked gives proof of financial responsibility, as defined in Section 16430.

(c) For individuals convicted of crimes described in subdivision (a) who are imprisoned in a county jail or state prison as a result of the conviction or convictions, the department shall not reinstate the privilege revoked under subdivision (a) until the expiration of three years after the person's release from confinement or imprisonment, and until the person whose privilege was revoked gives proof of financial responsibility, as defined in Section 16430.

~~**SECTION 1. Section 13107 is added to the Vehicle Code, to read:**~~

~~**13107. (a) Notwithstanding any other provision of law, when a court imposes a suspension, as defined in Section 13102, or a revocation, as defined in Section 13101, of a person's driver's license as part of a criminal sentence, the period of suspension or revocation shall**~~

~~commence upon the person's release from custody, as defined in Section 4901 of the Penal Code.~~

~~(b) A court shall not order any period of driver's license suspension or revocation to run concurrently with any period of incarceration in a county jail, a state prison, or any other custodial facility.~~

~~(c) Nothing in this section alters, limits, or delays any administrative action taken by the Department of Motor Vehicles, including actions taken pursuant to Article 3 of Chapter 2 of Division 6 (commencing with Section 13350).~~

Date of Hearing: March 24, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1877 (Stefani) – As Amended March 17, 2026

As Proposed to be Amended in Committee

SUMMARY: Makes the willful and knowing violation of specified criminal protective orders and stay-away orders punishable as an alternate felony-misdemeanor, rather than a misdemeanor, if the person who is the subject of a protective order was charged with, or convicted of, a felony for the conduct upon which the protective order was based, unless the matter is reduced to a misdemeanor or the charge was dismissed. Specifically, **this bill**:

1) Provides that if there is an allegation that the violation resulted in a physical injury to the victim, the court, in considering the seriousness of the offense charged and the protection of the public, shall include consideration of the violation of the protective order or stay-away order and alleged injury to the victim in setting, reducing or denying bail.

2) Increases the punishment, from an alternate felony-misdemeanor to a straight felony, for a second or subsequent conviction for a violation of an order occurring within seven years of a prior conviction for a violation of any of a criminal protective orders or stay-away orders involving an act of violence or "a credible threat" of violence, as defined in existing law.

EXISTING LAW:

1) Authorizes the trial court in a criminal case to issue a protective order when there is a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur. (Pen. Code, § 136.2, subd. (a).)

2) Provides that a person violating a protective order may be punished for any substantive offense described in provisions of law related to intimidation of witnesses or victims, or for contempt of court. (Pen. Code, § 136.2, subd. (b).)

3) Prohibits a person who is subject to a protective order from owning, possessing, purchasing, attempting to purchase or receive a firearm while the protective order is in effect, and the court shall order a person subject to the protective order to relinquish ownership or possession of any firearms. (Pen. Code, § 136.2, subd. (d).)

4) Authorizes a court to issue a restraining order upon conviction of specified offenses for a period not to exceed 10 years. (Pen. Code, § 132.6, subd. (i).)

5) Authorizes courts to issue civil harassment restraining orders, as specified, including workplace and educational institution violence restraining orders. (Code Civ. Proc., § 527 et seq.)

6) Authorizes courts to issue domestic violence restraining orders, as specified. (Fam. Code, § 6300 et seq.)

7) Authorizes courts to issue a restraining order to protect against elder and dependent adult abuse. (Welf. & Inst. Code, §14657.03.)

8) States that a person is guilty of contempt of court, punishable as a misdemeanor, for a willful disobedience of terms, as written, of a process or court order or out-of-state order, lawfully issued by a court, including orders pending trial. (Pen. Code, § 166, subd. (c)(1).)

9) Provides that if a violation of the above paragraph 8) results in physical injury, the person shall be imprisoned in a county jail for at least 48 hours, whether a fine or imprisonment is imposed, or the sentence is suspended. (Pen. Code, § 166, subd. (c)(2).)

10) States that a second or subsequent conviction for a violation of an order as described in paragraph 8) occurring within 7 years of prior conviction of the same violation and involving an act of violence or "a credible threat" of violence is punishable by imprisonment in a county jail not to exceed one year, or in the state prison for 16 months, or two or three years. (Pen. Code, § 166, subd. (c)(2).)

11) Defines "a credible threat" to mean a threat made with the intent and the apparent ability to carry out the threat so as to cause the target of the threat to reasonably fear for his or her safety or the safety of his or her immediate family. (Pen. Code, § 139, subd. (c).)

12) Provides that any intentional and knowing violation of a protective order as authorized in the Family Code related to domestic violence, civil harassment, workplace violence, postsecondary education violence, or elder and dependent adult abuse is a misdemeanor punishable by a fine of not more than $1,000, or by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment. (Pen. Code, § 273.6, subd. (a).)

13) States that in the event of a violation of the above provision that results in physical injury, the person shall be punished by a fine of not more than $2,000, or by imprisonment in a county jail for not less than 30 days or more than one year, or by both that fine and imprisonment. (Pen. Code, § 273.6, subd. (b).)

14) Specifies that a subsequent conviction for a violation of an order as described in the above paragraph 9) occurring within seven years of a prior conviction for a violation of an order and involving an act of violence or "a credible threat" of violence, as defined, is punishable by imprisonment in a county jail not to exceed one year, or as a county jail eligible felony. (Pen. Code, § 273.6, subd. (d).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Protective and stay away orders are one of the most important tools available to survivors of domestic violence, stalking, and sexual assault, but they are only effective if violations are taken seriously and enforced. Under current law, violations of these court orders can only be charged as misdemeanors, even

when the underlying conduct is charged as a felony or when violations occur repeatedly. This creates a dangerous gap in accountability that can allow abuse to escalate and leaves survivors vulnerable until further harm occurs. AB 1877 strengthens enforcement by allowing prosecutors to charge violations as felonies in the most serious cases, including when the underlying conduct is charged as a felony, when violations are repeated, or when a new violation occurs within one year of a prior conviction. The bill also ensures courts consider allegations of physical injury when determining pretrial release. By providing stronger tools to address serious and repeated violations, AB 1877 improves compliance with protective orders, enhances accountability, and helps protect survivors before violence escalates."

2) **Restraining Orders and Protective Orders Generally:** Protective orders and restraining orders are, in the outcome, very similar – both are orders issued or approved by a court that prevents a person from contacting another person under specific circumstances and may also restrict other conduct to prevent harassment, threats, or violence. (See generally, Fam. Code, § 6218, subds. (a)-(c).)

However, there are a couple of differences, at least in a practical sense. According to the California Courts, Self Help Guide, the police may ask for an emergency (which includes instances of domestic violence) protective order (EPO) to protect the victim of a crime, usually when the victim calls the police or 911 for help.

If the defendant (the person accused of committing the crime) is arrested and charged, a judge can issue a criminal protective order (CPO) to protect victims and witnesses, particularly during the pendency of the case (as with Penal Code section 136.2). EPOs and CPOs are protective orders. Protective orders and "temporary restraining orders or TROs" are often used interchangeably. A victim may also be able to file their own moving papers to request a protective or restraining order. A restraining order can include some of the same orders as an EPO or CPO, like ordering the defendant to stay away from the victim. But in restraining order cases filed by a victim (instead of law enforcement), additional protections may be available. A victim can have a restraining order and an EPO or CPO at the same time as one is issued on an emergency basis and one is issued for a longer period of time. (See Fam. Code, § 6320, subd. (a); Judicial Branch of California, California Courts Self-Help Guide, Guide to Protective Orders, p. 1-2.)[1]

An EPO can include orders that the defendant: (a) not contact people protected by the order; (b) not harass, stalk, threaten or hurt people protected by the order; (c) stay a certain distance away from people protected by the order or places they live or go regularly; (d) move out from a home that is shared with the protected person; or (e) not have guns, firearms, or ammunition. An EPO only lasts a short time, usually 5-7 days. If the person protected by the EPO needs protection that lasts longer or wants to ask for other orders, they can apply for a restraining order. A protective order may be issued for a short period of time, often without service to the alleged wrongdoer (ex parte), so the victim may be protected while the court calendars a hearing on the order and the alleged wrongdoer may be served a more formalized notice. In some cases, law enforcement will seek a protective order even after the alleged wrongdoer was already arrested.

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[1] Located at https://selfhelp.courts.ca.gov/protective-orders, last visited February 20, 2025.

In cases of a restraining order, where a person may be enjoined from contacting someone for a longer period of time, the alleged victim may seek a civil order barring a person from coming within a certain distance, but may not have resulted from any police intervention against the person being restrained. A person may be the subject of a protective order or a restraining order even if they are not facing a criminal charge and are never convicted of any criminal act.

Simple violation of a protective or restraining order is a misdemeanor. (See Pen. Code, § 166, subd. (a)(4); Pen. Code, § 273.6, subd. (a).) If a person violates a protective or restraining order issued in a domestic violence case and injury results, that person may be sentenced to a minimum of 30 days and a maximum of one year in county jail – in addition to whatever the defendant receives for any possible assaultive or threatening conduct. (See Pen. Code, § 273.6, subd. (b).) Any criminal conviction also requires proof beyond a reasonable doubt that the defendant was aware of the protective order, knew what they were not allowed to do, and violated the order anyway.

In addition to the penalties for violating a protective order, any person who violates a protective order issued pursuant to Penal Code section 136.2, may be sentenced as if the person engaged in witness intimidation–to a state prison sentence of up to four years. (Pen. Code, § 136.1, subd. (c); Pen. Code, § 136.2, subd. (b).)

3) **Effect of this Legislation**: This bill applies to a willful and knowing violation of specified criminal protective orders issued based on intimidation or dissuasion of a witness, term of probation for domestic violence conviction, upon a conviction for elder or dependent adult abuse, upon a conviction for a sex offense involving a minor, or upon a conviction for willful infliction of corporal injury. As discussed above, a simple violation of a protective or restraining order is a misdemeanor. (Pen. Code, § 166, subd. (c).) This bill would provide, notwithstanding the existing misdemeanor penalty, that the violation is punishable as a wobbler if the person who is the subject of the protective order was charged with, or convicted of a felony for the conduct upon which the criminal protective order was based. However, the increased punishment would not be authorized if the matter was reduced to a misdemeanor or if the charge is dismissed.

   Essentially, the application of the increased punishment proposed by this bill would be dependent upon the prosecution of any criminal case that arises out of the conduct that is alleged to have violated the order. Based on defendant's conduct, they may be subject to two separate prosecutions – one for the violation of the protective order and one for the underlying conduct. For example, a person may have violated the order by making criminal threats against the victim or other witness, which is punishable as a wobbler.[2] If the subject of the protective order charged with or convicted of felony criminal threats, they would be subject to the wobbler punishment proposed by this bill.

   Except in situations where the two separate offenses are charged as separate counts in one accusatory pleading, there would have to be some action to delay or trail the case alleging violation of the order. For example, the prosecutor handling the violation of the criminal

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[2] See Pen Code, § 422.

order case may wait to see what the outcome of the felony charge is before filing the felony charge. Or, if the prosecutor moves forward with a felony charge for a violation of the protective order based on a charged felony, and not a conviction, the court would likely need to trial the case in order to allow the other underlying felony case to be resolved.

Under existing law, the court may consolidate the cases where appropriate. An accusatory pleading may charge two or more different offenses connected in their commission, or different statements of the same offense or two or more different offenses of the same class of crimes or offenses, under separate counts, or if two or more accusatory pleadings are filed in different cases, but in the same court, the court may order them to be consolidated. However, a trial court may, in the interests of justice and for good cause shown, order the different offenses or counts in the accusatory pleading be tried separately or divided into two or more groups and each of said group tried separately. (Pen. Code, § 954.)

If the cases are not consolidated, the court may also grant a continuance of the case until after the felony case is resolved pursuant to Penal Code section 1050 without a showing of good cause, however if a defendant does not waive their rights to a speedy trial, the court would be limited to the statutory period allowed under Penal Code section 1382. (*People v. Graves* (2010) 189 Cal.App.4th 619.) Thus, depending on whether the defendant has waived their speedy trial rights, the court would be limited in how long they can continue the violation of a criminal protective order case which may not be long enough for the underlying felony charge to be resolved. As written, the bill will likely require procedural action by the court in order to follow the resolution of the felony case. These actions are not guaranteed and may be limited depending on the defendant's rights and in the interests of justice, thus limiting the application of the bill.

As a practical matter, the bill as written allows for felony punishment for a violation of the order based on an arrest, charge or conviction of a felony, unless the matter is reduced to a misdemeanor or the charges are dismissed. Arrests often do not result in any charges or conviction. Thus, a person who is arrested for a felony but is never charged or convicted would not be subject to the safeguard this bill adds for persons who were charged or convicted of a misdemeanor rather than the felony originally charged. This creates an arguably unjust result for persons who were never found guilty of the underlying offense but nonetheless may receive the increased punishment proposed by this bill. Additionally, a person charged with a felony may also have the charges dismissed. This bill does not specify what is the occur if a person has their charges dismissed rather than reduced to a misdemeanor which may also lead to unjust results similar to arrests not resulting in charges or a conviction.

The proposed amendments remove the felony arrest trigger for the wobbler punishment and clarifies that it also does not apply where the charges are dismissed.

4) **Increased Penalties and Lack of Deterrent Effect:** This bill would increase the applicable punishment, from a misdemeanor to a wobbler, for the willing and knowing violation of a criminal protective order or stay-away court order if the person who is the subject of the order is arrested, charged or convicted of a felony for the conduct that the violation is based upon. A second or subsequent violation involving an act of violence or a credible threat of violence would be punishable as a straight felony, rather than a wobbler.

There is reason to doubt that longer terms of imprisonment will meaningfully deter future criminal conduct. The National Institute of Justice (NIJ) has looked into the concept of improving public safety through increased penalties.[3] As early as 2016, the NIJ has been publishing its findings that increasing punishment for given offenses does little to deter criminals from engaging in that behavior.[4] The NIJ has found that increasing penalties are generally ineffective and may exacerbate recidivism and actually reduce public safety.[5] These findings are consistent with other research from national institutions of renown.[6] Rather than penalty increases, the NIJ, advocates for polices that "increase the perception that criminals will be caught and punished" because such perception is a vastly more powerful deterrent than increasing the punishment.[7]

From a victim's perspective, increased punishment is often not the preferred response or support most often needed. A 2025 statewide survey conducted by Blue Shield of California Foundation revealed that 63 percent of participants reported having a personal connection to domestic violence, either directly or through friends and family, and 31 percent identified as a survivor of domestic violence.[8] Among survivors, the survey indicated that the top priorities for making survivors feel safe include the freedom to make decisions that are best for them and their families, being financially stable or having financial support while the survivor is stabilized, and having an affordable, safe place to live.[9] Comparatively, the survey indicated that the lowest priorities included having support from local police and having their partner go to jail.[10]

5) **Argument in Support**: According to the *San Francisco Mayor Daniel Lurie*, the sponsor of this bill, "Protective orders are meant to provide survivors with tangible and enforceable safety from further harm. However, orders are far too often violated without repercussion. Under existing law, violations are treated as minor offenses, even when they are repeated. This can leave survivors vulnerable to danger and perpetuate a lack of confidence in the justice system's ability to protect them. Repeated violations are also warning signs of escalating danger and have to be taken seriously for the safety if the survivor and their family.

"Your legislation remedies the penalty structure for protective order violations to reflect the actual risk posed to the protected person. This bill would give prosecutors greater authority to respond when violations of protective orders show a serious risk to survivor safety. By allowing felony charges in high-risk cases, AB 1877 (Stefani) makes sure that the law reflects the serious nature of repeated or dangerous violations, and ensures meaningful

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[3] https://nij.ojp.gov/about-nij.
[4] "Five Things About Deterrence," NIJ, May 2016, available at: https://www.ojp.gov/pdffiles1/nij/247350.pdf.
[5] *Ibid.*
[6] See Travis, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, National Research Council of the National Academies of Sciences, Engineering, and Medicine, April 2014, at pp. 130 -150 available at: https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1026&context=jj_pubs.
[7] "Five Things About Deterrence," *supra*.
[8] Californians' Needs and Experiences with Domestic Violence, Equity, and Safety, Results from a Statewide Survey, Blue Shield California Foundation (Oct. 2025) available at Californians-Needs-Experiences-DV-Equity-Safety-PerryUndum-2025.pdf.
[9] *Id.* at p. 24.
[10] *Ibid.*

actions and measures can be taken when warning signs are clear."

6) **Argument in Opposition**: According to *ACLU California Action*, "Under existing law, willful disobedience of a court order as contempt of court is punishable as a misdemeanor up to six months in county jail, which can be increased to one year as a gross misdemeanor if the defendant willfully and knowingly violated specified protective orders. For any second or subsequent violation of these specified protective orders within seven years of a prior conviction and involving an act of violence or credible threat of violence is punishable as either a misdemeanor or felony, otherwise known as a wobbler.

"This proposal undermines a great amount of study and evidence surrounding the efficacy behind longer criminal sentencing and its impact on crime deterrence. Evidence indicates that applying longer criminal sentences has failed to deter crime.1 The federal Department of Justice shared a paper discouraging increasing existing punishments.2 Other studies support this evidence, finding that the severity of punishment does not generally have an increased effect on deterrence.3 Rather, studies have concluded that certainty of punishment — that someone will be punished for a particular crime — has a greater deterrence effect than the severity of the punishment itself.4 Increasing criminal penalties of existing crimes will incur an additional $133,100 cost per person incarcerated each additional year they are sentenced."

7) **Related Legislation**: AB 292 (Patterson) would remove misdemeanor sentencing discretion for defendants who commit domestic violence within seven years of a prior felony domestic violence conviction, requiring the offense to be charged and sentenced as a felony with a two-, four-, or five-year state prison term, and increases the mandatory minimum county jail term on probation from 15 days to 60 days for those defendants. AB 292 is pending referral in the Senate.

8) **Prior Legislation**:

   a) AB 467 (Gabriel), Chapter 14, Statutes of 2023, clarified that a court that sentenced a defendant and issued a 10-year criminal protective order, may make modifications to it throughout the duration of the order.

   b) AB 2024 (Pacheco), Chapter 648, Statutes of 2024, eliminated delays in getting domestic violence restraining order protection forms to the judicial officer due to relatively minor errors or omissions.

   c) AB 1378 (Essayli), of the 2023-2024 Legislative Session, would have made the violation of a protective order issued based on victim or witness intimidation or threats punishable as a misdemeanor or state prison felony, or if the person was armed with a firearm the crime would be punishable as a state prison felony. AB 1378 failed passage in this Committee.

   d) AB 2040 (Maienschein), of the 2021-2022 Legislative Session, would have made the violation of certain domestic violence-related protective orders, which involve forcible entry into, or unlawful presence in, the protected person's "residential dwelling," punishable by a minimum of 30 days in the county jail, unless the sentence is not in the interest of justice. AB 2040 was held in the Assembly Appropriations Committee.

e) SB 935 (Min), Chapter 88, Statutes of 2022, clarified that certain protective orders issued under the Domestic Violence Protection Act (DVPA) may be renewed more than once.

REGISTERED SUPPORT / OPPOSITION:

Support

City and County of San Francisco (Sponsor)
Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California District Attorneys Association
California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
LA Casa De Las Madres
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Assocation
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association

Opposition

ACLU California Action

Analysis Prepared by: Stella Choe / PUB. S. / (916) 319-3744

Amended Mock-up for 2025-2026 AB-1877 (Stefani (A))

Mock-up based on Version Number 98 - Amended Assembly 3/17/26
Submitted by: Stella Choe, Assembly Public Safety

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 166 of the Penal Code is amended to read:

166. (a) Except as provided in subdivisions (b), (c), and (d), a person guilty of any of the following contempts of court is guilty of a misdemeanor:

(1) Disorderly, contemptuous, or insolent behavior committed during the sitting of a court of justice, in the immediate view and presence of the court, and directly tending to interrupt its proceedings or to impair the respect due to its authority.

(2) Behavior specified in paragraph (1) that is committed in the presence of a referee, while actually engaged in a trial or hearing, pursuant to the order of a court, or in the presence of a jury while actually sitting for the trial of a cause, or upon an inquest or other proceeding authorized by law.

(3) A breach of the peace, noise, or other disturbance directly tending to interrupt the proceedings of the court.

(4) Willful disobedience of the terms, as written, of a process or court order or out-of-state court order, lawfully issued by a court, including orders pending trial.

(5) Resistance willfully offered by a person to the lawful order or process of a court.

(6) The contumacious and unlawful refusal of a person to be sworn as a witness or, when so sworn, the like refusal to answer a material question.

(7) The publication of a false or grossly inaccurate report of the proceedings of a court.

(8) Presenting to a court having power to pass sentence upon a prisoner under conviction, or to a member of the court, an affidavit, testimony, or representation of any kind, verbal or written, in aggravation or mitigation of the punishment to be imposed upon the prisoner, except as provided in this code.

(9) Willful disobedience of the terms of an injunction that restrains the activities of a criminal street gang or any of its members, lawfully issued by a court, including an order pending trial.

(b) (1) A person who is guilty of contempt of court under paragraph (4) of subdivision (a) by willfully contacting a victim by telephone or mail, social media, electronic communication, or electronic communication device, or directly, and who has been previously convicted of a violation of Section 646.9 shall be punished by imprisonment in a county jail for not more than one year, by a fine of no more than five thousand dollars ($5,000), or by both that fine and imprisonment.

(2) For the purposes of sentencing under this subdivision, each contact shall constitute a separate violation of this subdivision.

(3) The present incarceration of a person who makes contact with a victim in violation of paragraph (1) is not a defense to a violation of this subdivision.

(4) For purposes of this subdivision, the following definitions shall apply:

(A) "Social media" has the same definition as in Section 632.01.

(B) "Electronic communication" has the same definition as in Section 646.9.

(C) "Electronic communication device" has the same definition as in Section 646.9.

(c) (1) (A) Notwithstanding paragraph (4) of subdivision (a), and except as provided in subparagraph (B), a willful and knowing violation of a protective order or stay-away court order described as follows shall constitute contempt of court, a misdemeanor, punishable by imprisonment in a county jail for not more than one year, by a fine of not more than one thousand dollars ($1,000), or by both that imprisonment and fine:

(i) An order issued pursuant to Section 136.2.

(ii) An order issued pursuant to paragraph (2) of subdivision (a) of Section 1203.097.

(iii) An order issued after a conviction in a criminal proceeding involving elder or dependent adult abuse, as defined in Section 368.

(iv) An order issued pursuant to Section 1201.3.

(v) An order described in paragraph (3).

(vi) An order issued pursuant to subdivision (j) of Section 273.5.

(B) Notwithstanding paragraph (4) of subdivision (a), a willful and knowing violation of a criminal protective order or stay-away court order described in subparagraph (A)**, except clause (v),** shall constitute contempt of court punishable by imprisonment in a county jail for not more than one

year, by a fine of not more than one thousand dollars ($1,000), or by both that imprisonment and fine, or imprisonment pursuant to subdivision (h) of Section 1170 if the person who is the subject a protective order was ~~arrested for,~~ charged with, or convicted of a felony for the conduct upon which the criminal protective order was based. **However,** ~~A~~ ***a*** violation ~~of the criminal protective orders described in subparagraph (A)~~ shall not be punishable as a felony pursuant to this subdivision if an individual was ~~arrested or~~ charged with a felony and the matter was reduced to a misdemeanor **or if the charge was dismissed**.

(2) (A) If a violation of paragraph (1) results in a physical injury, the person shall be imprisoned in a county jail for at least 48 hours, whether a fine or imprisonment is imposed, or the sentence is suspended.

(B) If there is an allegation that the violation of paragraph (1) resulted in a physical injury to the victim, the court, in considering the seriousness of the offense charged and the protection of the public, shall include consideration of the violation of the protective order or stay-away order and alleged injury to the victim **in setting, reducing, or denying bail pursuant to section 1275**.

(3) Paragraphs (1) and (2) apply to the following court orders:

(A) An order issued pursuant to Section 6320 or 6389 of the Family Code.

(B) An order excluding one party from the family dwelling or from the dwelling of the other.

(C) An order enjoining a party from specified behavior that the court determined was necessary to effectuate the orders described in paragraph (1).

(4) A second or subsequent conviction for a violation of an order described in paragraph (1) occurring within seven years of a prior conviction for a violation of any of those orders and involving an act of violence or "a credible threat" of violence, as provided in subdivision (c) of Section 139, is punishable by imprisonment pursuant to subdivision (h) of Section 1170.

(5) The prosecuting agency of each county shall have the primary responsibility for the enforcement of the orders described in paragraph (1).

(d) (1) A person who owns, possesses, purchases, or receives a firearm knowing that person is prohibited from doing so by the provisions of a protective order as defined in Section 136.2 of this code, Section 6218 of the Family Code, or Section 527.6 or 527.8 of the Code of Civil Procedure, shall be punished under Section 29825.

(2) A person subject to a protective order described in paragraph (1) shall not be prosecuted under this section for owning, possessing, purchasing, or receiving a firearm to the extent that firearm is granted an exemption pursuant to subdivision (h) of Section 6389 of the Family Code.

(e) (1) If probation is granted upon conviction of a violation of subdivision (c), the court shall impose probation consistent with Section 1203.097.

(2) If probation is granted upon conviction of a violation of subdivision (c), the conditions of probation may include, in lieu of a fine, one or both of the following requirements:

(A) That the defendant make payments to a domestic violence shelter-based program up to a maximum of one thousand dollars ($1,000).

(B) That the defendant provide restitution to reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.

(3) For an order to pay a fine, make payments to a domestic violence shelter-based program, or pay restitution as a condition of probation under this subdivision or subdivision (c), the court shall make a determination of the defendant's ability to pay. An order to make payments to a domestic violence shelter-based program, shall not be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support.

(4) If the injury to a married person is caused, in whole or in part, by the criminal acts of the person's spouse in violation of subdivision (c), the community property shall not be used to discharge the liability of the offending spouse for restitution to the injured spouse required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents required by this subdivision, until all separate property of the offending spouse is exhausted.

(5) A person violating an order described in subdivision (c) may be punished for any substantive offenses described under Section 136.1 or 646.9. A finding of contempt shall not be a bar to prosecution for a violation of Section 136.1 or 646.9. However, a person held in contempt for a violation of subdivision (c) shall be entitled to credit for any punishment imposed as a result of that violation against a sentence imposed upon conviction of an offense described in Section 136.1 or 646.9. A conviction or acquittal for a substantive offense under Section 136.1 or 646.9 shall be a bar to a subsequent punishment for contempt arising out of the same act.

~~**SEC. 2.** Section 273.6 of the Penal Code is amended to read:~~

~~**273.6.** (a) Any intentional and knowing violation of a protective order, as defined in Section 6218 of the Family Code, or of an order issued pursuant to Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, or Section 15657.03 of the Welfare and Institutions Code, is a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000), or by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment.~~

~~(b) In the event of a violation of subdivision (a) that results in physical injury, the person shall be punished by a fine of not more than two thousand dollars ($2,000), or by imprisonment in a county jail for not less than 30 days nor more than one year, or by both that fine and imprisonment. However, if the person is imprisoned in a county jail for at least 48 hours, the court may, in the interest of justice and for reasons stated on the record, reduce or eliminate the 30-day minimum~~

~~imprisonment required by this subdivision. In determining whether to reduce or eliminate the minimum imprisonment pursuant to this subdivision, the court shall consider the seriousness of the facts before the court, whether there are additional allegations of a violation of the order during the pendency of the case before the court, the probability of future violations, the safety of the victim, and whether the defendant has successfully completed or is making progress with counseling.~~

~~(c) Subdivisions (a) and (b) shall apply to the following court orders:~~

~~(1) Any order issued pursuant to Section 6320 or 6389 of the Family Code.~~

~~(2) An order excluding one party from the family dwelling or from the dwelling of the other.~~

~~(3) An order enjoining a party from specified behavior that the court determined was necessary to effectuate the order described in subdivision (a).~~

~~(4) Any order issued by another state that is recognized under Part 5 (commencing with Section 6400) of Division 10 of the Family Code.~~

~~(d) A subsequent conviction for a violation of an order described in subdivision (a), occurring within seven years of a prior conviction for a violation of an order described in subdivision (a) and involving an act of violence or "a credible threat" of violence, as defined in subdivision (c) of Section 139, is punishable by imprisonment pursuant to subdivision (h) of Section 1170.~~

~~(e) In the event of a subsequent conviction for a violation of an order described in subdivision (a) for an act occurring within one year of a prior conviction for a violation of an order described in subdivision (a) that results in physical injury to a victim, the person shall be punished by imprisonment pursuant to subdivision (h) of Section 1170.~~

~~(f) The prosecuting agency of each county shall have the primary responsibility for the enforcement of orders described in subdivisions (a), (b), (d), and (e).~~

~~(g) (1) Every person who owns, possesses, purchases, or receives a firearm knowing they are prohibited from doing so by the provisions of a protective order as defined in Section 136.2 of this code, Section 6218 of the Family Code, or Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, or Section 15657.03 of the Welfare and Institutions Code, shall be punished under Section 29825.~~

~~(2) Every person subject to a protective order described in paragraph (1) shall not be prosecuted under this section for owning, possessing, purchasing, or receiving a firearm to the extent that firearm is granted an exemption pursuant to subdivision (f) of Section 527.9 of the Code of Civil Procedure, or subdivision (h) of Section 6389 of the Family Code.~~

~~(h) If probation is granted upon conviction of a violation of subdivision (a), (b), (c), (d), or (e), the court shall impose probation consistent with Section 1203.097, and the conditions of probation may include, in lieu of a fine, one or both of the following requirements:~~

~~(1) That the defendant make payments to a domestic violence shelter-based program or to a shelter for abused elder persons or dependent adults, up to a maximum of five thousand dollars ($5,000), pursuant to Section 1203.097.~~

~~(2) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.~~

~~(i) For any order to pay a fine, make payments to a domestic violence shelter-based program, or pay restitution as a condition of probation under subdivision (e), the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a domestic violence shelter-based program be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. Where the injury to a married person is caused in whole or in part by the criminal acts of their spouse in violation of this section, the community property may not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.~~

SEC. ~~3~~ 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Date of Hearing: March 24, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1897 (Haney) – As Amended March 18, 2026

PULLED BY THE AUTHOR

Analysis Prepared by: Andrew Ironside / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1927 (Krell) – As Amended March 16, 2026

SUMMARY: Creates the Bail Consumer Protection Act and prohibits a bail agent or someone impersonating a bail agent from engaging in authorized solicitation of bail to a family member or known contact of an arrested individual for purposes of bail bond services. Specifically, **this bill**:

1) Prohibits a bail agent or impersonator from engaging in unauthorized solicitation of bail to any family member or known contact of an arrested person for the purpose of engaging the recipient in bail bond services.

2) States the prohibitions of a bail agent or impersonator applies regardless of whether the bail agent or impersonator obtained the personal information of the family member or known contact from public records, arrest booking information, or any other source.

3) Authorizes solicitation for bail services in the following circumstances:

    a) Where permitted in regulations for bail solicitation, as specified;

    b) Where the communication to any family member or known contact in response to a voluntary inquiry or request for bail bond services initiated by the same family member or known contact.

    c) When the communications occur through written advertisements or publicly accessible websites, if the communications do not target specific family members or known contacts without consent.

4) Mandates a first violation of unauthorized solicitation of bail be punishable as a civil penalty of not less than $1,000 and not more than $5,000 for each unauthorized solicitation.

5) Requires a second violation or subsequent violation of unauthorized solicitation of bail be punishable as a civil penalty of not less than $5,000 and not more than $10,000 for each unauthorized solicitation.

6) Authorizes the Department of Justice (DOJ) to investigate complaints, impose penalties, and seek injunctive relief for unauthorized solicitation of bail.

7) Requires the DOJ to notify the Department of Insurance (DOI) of any actions brought by the DOJ against a licensed bail agent for unauthorized solicitation of bail.

8) States, in addition to the civil penalties, a bail agent's license may be suspended or revoked by the DOI upon a finding of unauthorized solicitation of bail and a violation of the Unfair

Competition Law (UCL).

9) Authorizes any person who receives an unauthorized solicitation of bail may bring a civil action for actual damages, injunctive relief, and reasonable attorneys' fees against the bail agent or impersonator.

10) Defines the following terms:

   a) "Arrested individual" means a person who has been taken into custody by a law enforcement agency on suspicion of committing a criminal offense.

   b) "Bail agent" means any person licensed to engage in the business of bail for the release of persons from custody, including any licensed or unlicensed person or entity acting at the direction or on behalf of a bail agent.

   c) "Family member" means a spouse, domestic partner, parent, child, sibling, grandparent, grandchild, or other person related by blood, marriage, or adoption to the arrested individual, or any person identified in public records or arrest notifications as a known emergency contact or cohabitant of the arrested individual.

   d) "Impersonator" means any person or entity impersonating a bail agent or government law enforcement agency for the purpose of engaging in the unauthorized solicitation of bail, as specified.

   e) "Known contact" means any person identified in the arrested individual's booking records, emergency contact information, or other publicly available arrest-related data as a potential point of contact for the arrested individual.

   f) "Unauthorized solicitation of bail" means any telephone call, text, email, or other form of communication to an arrestee, an arrestee's family, or adult personal contacts initiated by a bail agent or impersonator to solicit the purchase of bail where the recipient has not previously requested bail services, as specified.

11) States the provisions of the bill are severable.

EXISTING LAW:

1) Provides that an insurer shall not execute an undertaking of bail except by and through a person holding a bail license issued as provided in this chapter. A person shall not in this state solicit or negotiate in respect to execution or delivery of an undertaking of bail or bail bond by an insurer or execute or deliver such an undertaking of bail or bail bond unless licensed as provided. (Ins. Code, §1800.)

2) Defines "bail bond" to include any contract not executed by a surety insurer for or method of release of person arrested or confined on account of any actual or alleged violation of the provisions of any law of this or any other State or of any municipality in this State, including any release by means of cash or other property deposited in lieu of bail under the provisions of applicable Penal Code sections whereby the attendance in court when required by law and

obedience to orders and judgment of any court by the person released is guaranteed. (Ins. Code, § 1800.4.)

3) Provides that bail licenses include bail agents' licenses, bail permittees' licenses, and bail solicitors' licenses. (Insurance Code § 1801)

4) Requires a bail agent licensee to file with the IC a surety bond of $1,000. (Ins. Code § 1802, subd. (a).)

5) Requires an applicant for a license to act as a bail agent to file with the DOI a notice of appointment executed by a surety insurer, as specified. (Ins. Code § 1802.1, subd. (a).)

6) States any violation of the Insurance Code rules on bail services, or of any rule of the Insurance Commissioner is punishable by up to one year in county jail or three years in county jail, a fine of $10,000, or by both imprisonment and fine. (Ins. Code, § 1814.)

7) Establishes the Bail Fugitive Recovery Persons Act which requires that all bail fugitive recovery persons meet specified training requirements and comply with particular laws including, but not limited to, being at least 18 years of age and completing various courses and classes. (Pen. Code, § 1299 et seq.)

8) Defines "bail fugitive recovery person" as a person who is provided written authorization, as specified, by the bail or depositor of bail, and is contracted to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court jail, or police department, and any person who is employed to assist a bail or depositor of bail to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court, jail, or police department. (Pen. Code, § 1299.01, subd. (d).)

9) Requires a bail fugitive recovery person to have in their possession copies of completed certificates of required training at all times when performing their duties. (Pen. Code, § 1299.04)

10) Requires the California Department of Insurance (CDI) to charge and collect specified fees for an application for a new or renewed bail license by a bail agent, bail permittee, or bail solicitor. (Ins. Code, § 1811)

11) Provides that no person other than a certified law enforcement officer shall be authorized to apprehend, detain, or arrest a bail fugitive unless that person meets one of the following conditions:

    a) They are a person licensed by CDI, as specified;

    b) They are a bail fugitive recovery person who has been provided with written authorization by the bail, depositor of the bail, and is contracted to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate authorities, as specified;

    c) They are licensed by the State of California as a private investigator; or,

    d) They hold a private investigator's license issued by another state, is authorized by the bail or depositor of bail, to apprehend a bail fugitive, and in compliance with provisions

of law that govern the apprehension of a fugitive that has been admitted to bail in another state. (Pen. Code, § 1299.02, subd. (a)(1-3).)

12) Makes a violation of the Bail Fugitive Recovery Act a misdemeanor, punishable by a fine of $5,000, or imprisonment in a county jail not to exceed one year, or by both a fine and imprisonment. (Pen. Code, § 1299.11.)

13) Mandates, except as specified, no bail licensee may solicit any person for bail in any prison, jail, or other place of detention of persons, court or public institution connected with the administration of justice; or in the halls or corridors adjacent thereto; provided that a bail licensee *may* in such halls, corridors or in other rooms or areas where not prohibited by local rule or ordinance transact bail, as specified, who have prior to transaction, requested the bail licensee's services. (Cal. Code Regs., tit. 10, § 2074.)

14) Prohibits a bail licensee, for any purpose, directly or indirectly, from entering into an arrangement of any kind or have any understanding with a law enforcement officer, newspaper employee, messenger service or any of its employees, a trusty in a jail, any other person incarcerated in a jail, or with any other persons, to inform or notify any licensee (except in direct answer to a question relating to the public records concerning a specific person named by the licensees in the request for information), directly or indirectly, of:

    a) The existence of a criminal complaint;

    b) The fact of an arrest; or

    c) The fact that an arrest of any person is impending or contemplated.

    d) Any information pertaining to [those] matters or the persons involved with them. (Cal. Code Regs., tit. 10, § 2076.)

15) Prohibits a bail licensee from soliciting bail except as specified and from:

    a) An arrestee;

    b) The arrestee's attorney;

    c) An adult member of the arrestee's immediate family; or

    d) Such other person as the arrestee shall specifically designate in writing. Such designation shall be signed by the arrestee before the solicitation, unless prohibited by the rules, regulations or ordinances governing the place of imprisonment. If so prohibited, it may be signed after release of the arrested to ratify a previous oral designation made by the arrestee. (Cal. Code Regs., tit. 10, § 2079, subd. (a-d).)

16) States any solicitation of an arrestee themselves shall be only after a bona fide request for bail services has been received from the arrestee or from a person, as specified. Any solicitation of a person shall be only between the hours of 7 o'clock a.m., and 11 o'clock p.m., unless the bail licensee is directly and specifically authorized in writing by the arrestee or the

arrestee's attorney to make such solicitation at some other specific time. (Cal. Code Regs., tit. 10, § 2079.1.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Bail is founded on the presumption of innocence and the right to personal freedom. Reflective of this, the right to bail is enshrined in our State Constitution, and it serves a vital role in navigating the court system. More often than not, Californians rely on bail agents and consumer bail bonds to post bail. Recognizing the sensitivities of the bail industry, California regulates when and under what circumstances bail agents can solicit bail. Unfortunately, many individuals, consisting of both licensed bail agents and unlicensed scammers, illegally solicit bail. Currently, while prohibited by existing regulations, existing law does not provide any explicit remedies to those impacted. AB 1927, the Bail Consumer Protection Act, would provide these remedies and bolster enforcement to ensure that arrestees and their family members are adequately protected and have recourse in case of unlawful actions."

2) **Bail Generally**: Bail is a contract for release of a person from jail upon a promise to appear at future court hearings. The promise is backed by a bond issued through a bail agent. A bailed defendant is said to be in the constructive custody of the bail agent. (*Taylor v. Taintor* (1862) (16 Wall.) 83 U.S. 366, 372.) "In pre-Norman England, a bondsman … could suffer the same penalty as the fugitive. This … led to the allowance of rather extreme measures for capture [of the fugitive]." (*Ouzts v. Maryland National Ins. Co.* (1974) 505 F.2d 547, 550.) These measures include allowing a bail agent to arrest a fugitive in a state other than where bail was issued. (*Ibid.*)

   The court in *Ouzts* recognized the right of California to regulate bail:

   > "Thus, we note that the common law right of the bondsman to apprehend his principal arises out of a contract between the parties and does not have its genesis in statute or legislative fiat. Because it is a contract right it is transitory and may be exercised wherever the defendant may be found. All of this is not to say, however, that the state may not enter the field and regulate the business and practice of bail bondsmen. California has done precisely that." (*Ibid.*)

3) **Existing Regulations for Bail Bond Solicitation**: CDI has several regulations related to a bail licensee's[1] solicitation for bail services. Title 10 of the Code of Regulations, section 2079 states a bail licensee may not directly solicit an arrestee, an arrestee's attorney, or an adult member of the arrestee's immediate family. (Cal. Code of Reg., tit. 10, § 2079, subd. (a-c).) Regulations also prohibit a bail licensee from soliciting anyone for bail that is in prison, jail, or a place of detention. (Cal. Code of Regs., tit. 10, § 2074.) Finally, regulations

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[1] A bail licensee is defined in Insurance Code section 1800, et seq., as any person who is licensed to offer bail services in California. All bail businesses must be licensed.

demand that an arrestee must seek bail services before a licensee may solicit for services. (Cal. Code of Regs., tit. 10, § 2079.1.) Insurance Code section 1814 states that any violation of the CDI regulations related to bail solicitation may be charged as either a misdemeanor or a Realigned felony. (See Ins. Code, § 1814.)

In 2023, the California Supreme Court ruled CDI was within its authority to prohibit bail licensees from receiving "inside" information from jail inmates about new arrestees booked into a county jail for purposes of solicitation. (*People v. Martinez* (2023) 15 Cal.5th 326.) The Court in *Martinez* held, in rejecting the plaintiff's First Amendment argument:

> Because Cal. Code Regs., tit. 10, § 2076, promulgated and enforced under Ins. Code, §§ 1812 [and] 1814, operated in a commercial setting and restricted commercial speech in prohibiting bail agents … from entering into agreements with jail inmates to obtain information about recent arrests, a bail agent's claim that the regulation burdened a protected speech right under the First Amendment, U.S. Const., 1st Amend., and Cal. Const., art. I, § 2, subd. (a), was subject to intermediate scrutiny, not strict scrutiny…. To the extent protected speech might have been implicated, the regulation was not facially invalid because it was narrowly tailored and directly advanced significant state interests that went beyond preventing unlawful solicitation and included furthering sound jail administration and fair competition in the bail bond industry. (*Martinez*, 15 Cal.5th at 352.)

In most county jails, there is information about bail services either posted near a phone or distributed to all arrestees. This prevents a monopoly by one bail licensee who happens to have an "in" with the jail and the likelihood of vexatious calls from bail agents offering services to family members who do not want services. This bill seeks to add CDI regulations to the Penal Code, as well as prohibitions against contacting the arrestee's family members for purposes of soliciting bail services.

4) **Argument in Support**: According to *National Association of Bail Agents*: "NABA is the principal national organization representing licensed secured bail professionals across the United States. We commend the California Bail Agents Association and the bill's author for advancing this critical measure, which addresses one of the most harmful practices currently undermining the integrity of the secured bail profession: the unsolicited data mining of arrest records and cold calling of arrestees' family members for commercial solicitation without any prior request. Using automated scraping software, bad actors harvest real-time booking data, trace family members through commercial data broker services, and place unsolicited calls — sometimes within minutes of arrest — to parents and spouses who are frightened and wholly unprepared to evaluate a financial contract. The documented harms are severe:

- Emotional exploitation during acute crisis: California courts have recognized that families of the newly arrested are in a "stressful setting" where they "may be vulnerable to pressure to make an immediate decision" (People v. Dolezal, 2013).

- Predatory pricing: Cold-call solicitors frequently lure families with illegal below-rate

premiums, then layer hidden fees that leave families paying far more than represented.

- Unlicensed operator access: The same public booking data is equally accessible to unlicensed individuals posing as bail agents, enabling outright fraud targeting families in crisis.

- Privacy exploitation: Automated jail-roster scraping combined with commercial data broker services exploits personal information made public for governmental accountability — not commercial targeting.

"NABA emphasizes that ethical licensed professionals are harmed — not protected — by these practices. Reputational damage from predatory solicitation falls on the entire profession, and illegal below-rate discounting creates unfair competition that compliant agents cannot match. AB 1927 levels the field and protects both consumers and ethical practitioners. California's existing CCR framework (Sections 2074–2079.1), affirmed in *People v. Martinez* (2023), does not explicitly reach the modern practice of independent automated scraping followed by data-broker-assisted family contact — precisely the gap AB 1927 closes. Minnesota's 2016 consent decrees offer a proven national model. NABA urges a favorable vote and stands ready to provide additional testimony or research at the Committee's request."

5) **Argument in Opposition**: None submitted.

6) **Related Legislation**: SB 562 (Ashby) requires a court to order a refund to an arrestee or defendant of any money paid to a licensed bail surety agent within 30 days in specific circumstances. SB 562 is pending in this Committee.

7) **Prior Legislation**:

   a) AB 2043 (Jones-Sawyer) Chapter 768, Statutes of 2022, prohibits a person from performing the activities of a bail fugitive recovery agent without a license and requires an applicant for a bail fugitive recovery agent's license to file a surety bond, a policy of liability insurance, and a notice of appointment with CDI.

   b) AB 1347 (Jones-Sawyer) Chapter 444, Statutes of 2021, prohibits charging a renewal premium on a bail bond or immigration bond and provides civil penalties for a violation of this prohibition.

REGISTERED SUPPORT / OPPOSITION:

Support
California Bail Agents Association (Sponsor)
Afuera Bail Bonds
Aia Surety
All American Bail Bonds
Allegheny Casualty Company
Answer Bail Bonds
Armando S. Espinoza Bail Bonds
Artisan Bail Bonds
Bail Bond Professionals
Bail Bond Woman
Bail House Bail Bonds
Bob Drake Bail Bonds
California Civil Liberties Advocacy
California Public Defenders Association
Carson Bail Bonds
Cecil C. Armstrong Bail Bonds INC.
Consumer Attorneys of California
Crime Victims United
Diaz Brothers Bail Bonds
Fausto's Bail Bonds INC
Gae Geram Bail Bond Agent
Golden State Bail Agents Association, INC.
Holly Bail Bonds INC.
Intrastate Bail Bonds
Josh Herman Bail Bonds
Kenny Ware Bail Bonds
Lil' Zeke's Bail Bonds
National Association of Bail Agents
Smokin' Ace Bail Bonds
Superior Bail Bonds
T. Jennings Bail Bonds
Trinity Bail Bonds

Opposition
None submitted.

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Date of Hearing: March 24, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1941 (Mark González) – As Introduced February 13, 2026

As Proposed to be Amended in Committee

SUMMARY: Creates new crimes of organized metal theft. Specifically, **this bill**:

1) Makes a person who commits any of the following acts guilty of organized metal theft.

   a) Acts in concert with one or more people to steal metal materials from wire, cable, copper, lead, solder, mercury, iron or brass which a person knows or reasonably should know is ordinarily used by or ordinarily belongs to a railroad or other transportation, telephone, telegraph, gas, water, electric light company, or a county or city engaged in furnishing public utility service, as specified, or from items owned or previously owned by a public agency, city, county, special district, or private utility, as specified, including a fire hydrant, fire department connection, maintenance hole cover or lid, backflow device or connection, or reasonably recognizable street light, traffic signal, and their reasonably recognizable related equipment (hereafter, "specified utility metal materials,") with the intent to sell, exchange, or return the metal materials for value.

   b) Acts in concert with two or more persons to receive, purchase, or possess specified utility metal materials knowing or believing it to have been stolen.

   c) Acts as an agent of another individual or group of individuals to steal specified utility metal materials as part of an organized plan to commit metal theft.

   d) Recruits, coordinates, organizes, supervises, directs, manages, or finances another to undertake any of the acts described above or acts described in any other statute defining theft of metal, except for the conduct of acting as an agent to steal specified utility metal materials.

2) Punishes organized metal theft as follows:

   a) If any of the above violations, except for recruiting, organizing, or financing another to undertake specified organized metal theft acts, are committed on two or more separate occasions within a 12-month period, and if the aggregated value of the metal stolen, received, purchased, or possessed within that 12-month period exceeds $950, the offense is punishable as an alternate-felony misdemeanor (wobbler) by imprisonment in a county jail not exceeding one year or by imprisonment for 16 months, or two or three years.

   b) Any other violation that is not described in the immediately preceding paragraph, except for recruiting, organizing, or financing another to undertake specified organized metal theft acts, is punishable by imprisonment in a county jail not exceeding one year.

c) A violation of recruiting, organizing, or financing another to undertake specified organized metal theft acts, as specified, is punishable as a wobbler by imprisonment in a county jail not exceeding one year or as a jail-eligible felony by imprisonment for 16 months, or two or three years.

3) Provides that for the purpose of determining if the defendant acted in concert with another person, the trier of fact may consider any competent evidence, including, but not limited to:

   a) The defendant has previously acted in concert with another person in committing acts constituting theft, or any related offense, including any conduct that occurred in counties other than the county of the current offense, if relevant to demonstrate a fact other than the defendant's disposition to commit the act.

   b) That the defendant used or possessed an artifice, instrument, container, device, or other article capable of facilitating the removal of metal from specified utility metal materials without permission or authorization, and the use of the artifice, instrument, container, or device, or other article is part of an organized plan to commit metal theft.

   c) The property involved in the offense is of a type or quantity that would not normally be collected or purchased for personal use, and the property is intended for resale.

4) Prohibits, in a prosecution under this bill, a prosecutor from being required to charge any other co-participant of the organized metal theft.

5) Provides that this bill does not preclude or prohibit prosecution for vandalism or the charging of specified sentence enhancements.

6) Authorizes local law enforcement agencies, public agencies, and private entities, including, but not limited to, telecommunication companies, recycling companies, and private utility companies, to provide information about theft of commodity metals, including, but not limited to, ferrous metal, copper, brass, aluminum, nickel, stainless steel, and alloys, to the Department of Justice (DOJ), and requires the DOJ make this information available to such local law enforcement agencies, public agencies, and private entities.

EXISTING LAW:

1) States that every person who feloniously steals, takes, carries, leads, or drives away the personal property of another, or who fraudulently appropriates property which has been entrusted to them, or who knowingly and designedly, by any false or fraudulent representation or pretense, defrauds any other person of money, labor or real or personal property, is guilty of theft. Divides theft into two degrees: petty theft and grand theft. (Pen. Code §§ 484, subd. (a) 486.)

2) Punishes petty theft as a misdemeanor, punishable by fine not exceeding $1,000, or by imprisonment in the county jail not exceeding six months, or both. (Pen. Code, § 490.)

3) Defines grand theft as theft of money, labor, real or personal property of a value exceeding $950, and punishes grand theft as a wobbler – subject to imprisonment in county jail not

exceeding one year, or by imprisonment in county jail for 16 months, two years, or three years (Pen. Code, §§ 487, 489.)

4) Provides that in any case involving one or more acts of theft or shoplifting, including but not limited to, shoplifting, theft, and petty theft, the value of property or merchandise stolen may be aggregated into a single count or charge, with the sum of the value of all property or merchandise being the values considered in determining the degree of theft. (Pen. Code, § 490.3.)

5) Makes it a crime to buy or receive stolen property. If the value of the property is less than $950, the offense is a misdemeanor punishable by imprisonment in county jail for one year. If the value of the property is over $950, the offense is punishable as a wobbler – subject to imprisonment in a county jail not exceeding one year, or by imprisonment in county jail for 16 months, two years, or three years (Pen. Code, §§ 487, 489, 496.)

6) Provides that a person who has two or more prior convictions for specified theft offenses, including petty theft, grand theft, shoplifting, or receipt of stolen property, and who is convicted of petty theft or shoplifting, is punishable by imprisonment in county jail for up to one year, or by 16 months, or two or three years, and makes a second or subsequent conviction of petty theft with two priors punishable by imprisonment in the county jail not exceeding one year or by imprisonment in state prison. (Pen. Code, § 666.1, subd. (a).

7) Provides that any person that: 1) acts in concert with one or more persons to steal merchandise with the intent to sell, exchange, or return the merchandise for value; 2) acts in concert with two or more persons to receive, purchase, or possess merchandise knowing or believing it to have been stolen; 3) acts as the agent of another individual or group to steal merchandise from one or more merchants as part of an organized plan to commit theft; or, 4) recruits, coordinates, organizes, supervises, directs, manages, or finances another to undertake acts of retail theft, is guilty of organized retail theft. (Pen. Code, § 490.4, subd. (a).

8) Punishes organized retail theft as follows:

   a) If violations of the above provisions, except the recruiting, organizing or financing another to engage in retail theft, are committed on two or more separate occasions within one year, and if the aggregated value of the merchandise stolen, received, purchased, or possessed within that period exceeds $950 the offense is punishable as a misdemeanor by imprisonment in a county jail not exceeding one year or as a jail-eligible felony.

   b) Any other violation of the above provisions, except the recruiting, organizing, or financing of another to engage in retail theft, is punishable as a misdemeanor by imprisonment in a county jail not exceeding one year.

   c) Recruiting, organizing, or financing another to undertake acts of organized retail theft is punishable as either a misdemeanor by imprisonment in a county jail not exceeding one year or as a jail-eligible felony. (Pen. Code, § 490.4, subd. (b).)

9) Establishes additional penalties for theft of certain metals, including copper:

   a) Makes it a wobbler, punishable by a fine not exceeding $2,500 or imprisonment in a county jail not exceeding one year, or by 16 months, or two, or three years in county jail,

and a $10,000 fine, for any person to steal, carry, or take away copper materials of another, including, but not limited to copper wire, copper cable, copper tubing and copper piping, which are of a value exceeding $950. (Pen. Code, § 487j.)

b) Makes it a crime to unlawfully purchase or receive certain metal materials, as follows:

   i) Prohibits a dealer or collector of junk, metals, or secondhand materials, from buying or receiving any wire, cable, copper, lead, solder, mercury, iron, or brass which they know or reasonably should know is ordinarily used by or ordinarily belongs to a county, city, or a public utility or transportation company, as specified, without using due diligence to ascertain that the person selling or delivering the property has legal right to do so.

   ii) Makes this crime a wobbler, punishable by up to one year in county jail, or 16 months, or two, or three years in county jail, or by a fine not more than $5,000. (Pen. Code, § 496a, subd. (a).)

c) Makes it a crime to possess certain stolen public agency-related materials, as follows:

   i) Prohibits any person who is engaged in the salvage, recycling, purchase, or sale of scrap metal from possessing specified items that were owned or previously owned by any public agency, city, county, city and county, special district, or private utility that have been stolen or obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, or failing to report possession of the items.

   ii) Punishes this offense by up to a $5,000 fine, in addition to any other penalty provided by law. (Pen. Code, § 496e.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Copper wire theft continues to plague communities across the state—leaving neighborhoods in the dark, draining taxpayer resources, and creating significant public safety hazards.

   "Copper wire theft is not a victimless crime, it is a crime that leaves Abuelitas without power for A/C or heat, brings our public transportation to a halt, blackouts phone service to rural community members, and leaves our neighborhoods in the dark. AB 1941 sends a clear message. If you treat our neighborhoods as salvage, if you destroy our infrastructure for some quick cash, if you endanger our community with these senseless crimes, there will be consequences."

2) **Need for this Bill:** Recent reports suggest that theft of copper wiring from certain public utility infrastructure has led to significant interruptions in telecommunications services and other public utility services such as street lighting. According to the Bureau of Street Lighting, which maintains over 223,000 streetlights in the City of Los Angeles (LA):[1]

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[1] LA Lights, *About* (accessed April 22, 2025), available at: https://lalights.lacity.org/about/

> Over several years, a dramatic increase in the number of theft and vandalism incidents has significantly impacted the street lighting network. In the span of just four years between Fiscal Year 2017/2018 (where the Bureau saw 607 theft-related incidents) and FY2021/2022 (where the Bureau saw 6344 [Copper Wire & Power Theft] CWPT theft-related incidents) was a 10-fold increase in reported issues. And while these types of incidents are endemic to electrical and lighting systems due to the value of metals and electricity, the cumulative damage – and the time and resources required to fix such an issue – has led to months-long backlogs of lighting outages.
>
> Generally speaking, routine maintenance requires a couple hours of work. In comparison, copper theft may take several days, and in some cases, weeks to repair. It is akin to rewiring your house, rather than replacing a light bulb.
>
> Copper Wire necessitates proper coordination among different disciplines (Wire Pulling Crews, Cement Crews, and Welding Crews). Secondly, circuit configurations and existing pole types can influence the repair times and complicate electrical repairs. Welders might need to fabricate vandal-proof doors for ornamental poles, and in some instances, the need to procure materials can result in further delays. Lastly, encampments, field conditions, and other obstructions might prevent crews from completing work in a timely manner…
>
> The increasing incidents of theft and vandalism create unsafe conditions by leaving communities in the dark for extended periods of time, which can contribute to community safety issues like crime, pedestrian safety, and vehicle collisions. These types of repairs are extensive and costly, which contributes to the backlog, requires additional resources, and exacerbates repair timelines.[2]

In response to increases in metal theft, LA City leaders created the Heavy Metal Task Force in early 2024, and early enforcement actions led to 82 arrests and the recovery of more than 2,000 pounds of copper wire.[3] In addition, on June 5, 2025, the Attorney General issued an information bulletin to all California law enforcement agencies, noting the spike in copper theft and summarizing relevant theft statutes and laws governing junk dealer or recyclers' obligations to collect and report information regarding the receipt, purchase, and sale of copper wire.[4]

3) **Effect of this Bill:** In 2018, in response to increases in retail theft across the state, the Legislature passed AB 1065 (Jones-Sawyer) Chapter 803, Statutes of 2018, which created the crime of organized retail theft and allowed the crime to be punished as a wobbler. AB 1065 contained a sunset date, which was extended multiple times since its enactment, and was removed in 2024, making the crime of organized retail theft permanent. (SB 92 (Wahab), Chapter 982, Statutes of 2024.) The crime of organized retail theft generally prohibits acting in concert to steal retail merchandise, acting in concert to receive or possess merchandise

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[2] LA Lights, *Outages and Issues* (Accessed April 22, 2025), available at: https://lalights.lacity.org/residents/outages_and_issues.html

[3] Stallworth, *More than 80 arrests made in new effort to battle theft of copper, metal in LA*, ABC Eye Witness News (Aug. 1, 2024), available at: <https://abc7.com/post/los-angeles-efforts-battle-theft-copper-scrap-metal-have-led-80-arrests-metal-recovery-officials-say/15128029/>

[4] California Department of Justice, *2025-DLE-12: State Statutes Applicable to Copper Wire Theft* (June 5, 2025), available at: https://oag.ca.gov/system/files/media/2025-dle-12.pdf

knowing it to be stolen, acting as an agent of another to steal merchandise as part of an organized plan, or recruiting, organizing, or financing another to undertake specified retail theft acts. (Pen. Code, § 490.4, subd. (b).) If organized retail theft violations, except for the financing and directing provision, are committed on two or more separate occasions within twelve months, and the aggregated value of stolen merchandise within that period exceeds $950, the offense is a wobbler. (Pen. Code, § 490.4, subd. (b)(1).) The specific offense of recruiting, organizing, or financing another to undertake specified organized retail theft acts is itself punishable as a wobbler. (Pen. Code, § 490.4, subd. (b)(4).)

This bill is substantially similar to the organized retail theft statute. However, instead of applying to theft of merchandise from merchants' premises, it applies to theft of specified utility metal materials. This bill makes any of the following organized metal theft: 1) acting in concert with one or more people to steal metal materials from specified public utility metal materials, with the intent to sell, exchange, or return the metal materials for value; 2) acting in concert with two or more persons to receive, purchase, or possess specified utility metal materials knowing or believing it to have been stolen; 3) acting as an agent of another individual or group to steal specified utility metal materials as part of an organized plan to commit metal theft; and 4) recruiting, coordinating, organizing, supervising, directing, managing, or financing another to undertake specified organized metal theft acts. Like the organized retail theft statute, if organized metal theft violations, except for the financing and directing provision, are committed on two or more separate occasions within twelve months, and the aggregated value of metal stolen, received, purchased, or possessed within that period exceeds $950, the offense is a wobbler. (Pen. Code, § 490.4, subd. (b)(1).) For example, a person who acts with another to steal $500 in copper wire from a streetlight, and six months later knowingly receives $500 in specified metal utility materials stolen by two co-conspirators, may be charged with a felony. Similar to organized retail theft, this bill makes the specific offense of recruiting, organizing, or financing another to undertake specified metal theft acts a wobbler. This bill prohibits a prosecutor from being required to charge any other co-participant in the organized metal theft.

Additionally, like the organized retail theft statute, this bill outlines certain information that may be considered in determining if a defendant acted in concert with another person. Specifically, it provides that the trier of fact may consider any competent evidence which includes: 1) the defendant has previously acted in concert with another person in committing acts constituting theft, or any related offense, as specified; 2) the defendant used a specified device capable of facilitating the removal of metal from specified utility metal materials without permission or authorization, and the use of the device is part of an organized plan to commit metal theft; and 3) property involved in the offense is of a type or quantity that would not normally be collected or purchased for personal use, and the property is intended for resale.

Finally, this bill authorizes the sharing of certain metal theft information between law enforcement agencies. Specifically, it authorizes local law enforcement agencies, public agencies, and private entities, including, but not limited to, telecommunication companies, recycling companies, and private utility companies, to provide information about theft of commodity metals, including, but not limited to, ferrous metal, copper, brass, aluminum, nickel, stainless steel, and alloys, to the DOJ. If such information is shared, the DOJ must make this information available to such local law enforcement agencies, public agencies, and private entities.

4) **Existing Penalties for Conduct Prohibited by this Bill**: Numerous criminal penalties can already be leveraged against the type of metal theft from public agency infrastructure or public utility materials at issue in this bill. Given the availability of such existing tools, the need for an additional criminal statute tailored to metal theft is somewhat unclear. Available tools include the following:

a) *Theft*

A person who feloniously steals or takes away the personal property of another, or who knowingly and designedly, by any false or fraudulent representation or pretense, defrauds any other person of money, labor or real or personal property, is guilty of theft. (Pen. Code §§ 484, subd. (a) 486.) If the value of the property is under $950, it is petty theft punishable by imprisonment in county jail for one year. If the value of stolen property exceeds $950, the offense can be charged as grand theft, punishable by imprisonment in a county jail for up to one year, or by imprisonment in the county jail for 16 months, two years, or three years. (Pen. Code, §§ 487, 489, 496.) Here, a person who directly steals copper wire from a streetlamp or telecommunications line could be prosecuted for petty theft or grand theft, depending on the amount of copper stolen.

Notably, after the passage of Prop 36 in November of 2024, it is now easier for prosecutors to charge persons with grand, rather than petty theft. First, Prop 36 targeted repeat theft offenders, by making a conviction for petty theft, where that person has two prior theft convictions, punishable by imprisonment in county jail for up to one year or by 16 months, or two or three years; and it made a second or subsequent conviction of petty theft with two priors punishable by imprisonment in the county jail not exceeding one year or by imprisonment in state prison. (Pen. Code, § 666.1, subd. (a).) Here, a person with two prior theft convictions who is arrested for petty theft for stealing copper wire from public utility infrastructure, such as a telecommunications line, can face up to three years in county jail. (Pen. Code, § 666.1, subd. (a).)

Second, Prop 36 made it easier to aggregate the value of stolen property in order to trigger the $950 grand theft threshold. Previously, the value of stolen property could be aggregated to charge grand theft where the acts were motivated by one intention, one impulse, and one plan. (Pen. Code, § 487, subd. (e).) However, Prop 36 authorized a more generous method of aggregation by stating that, in multiple cases of theft, the value of property may be aggregated into a single charge, with the sum of the value of all property or merchandise being the value considered in determining the degree of theft. (Pen. Code, § 490.3.) As such, pursuant to Prop 36's aggregation standard, prosecutors now have greater leeway to aggregate all theft associated with the type of copper wire theft at issue in this bill, making it easier to charge such persons with grand theft.

b) *Theft of Copper Materials*

The Penal Code contains a separate copper wire theft statute that imposes higher criminal fines for misdemeanor theft of copper wire than for misdemeanor theft more generally. Specifically, existing law makes it wobbler, punishable by a fine not exceeding $2,500 or imprisonment in a county jail not exceeding one year, or by 16 months, or two, or three years in county jail, or a $10,000 fine, for any person to steal, carry, or take away copper materials

of another, including, but not limited to, copper wire, copper cable, copper tubing and copper piping, which are of a value exceeding $950. (Pen. Code, § 487j.) As such, a prosecutor may charge a person who steals copper wire from a telecommunications line as regular theft or theft of copper wire. Notably, a person prosecuted for misdemeanor theft of copper wire may be subject to a higher fine ($2,500) than if charged for regular petty theft ($1,000). (Pen. Code, §§ 487j. 490.)

c) *Receipt of Stolen Property*

Existing law makes it a crime to buy or receive stolen property with knowledge that the property is stolen. (Pen. Code, 496, subd. (a).) To convict a person for buying or receiving stolen property, the prosecution must prove: 1) the defendant bought, received, or sold property that had been stolen or obtained by extortion; 2) the defendant knew that the property had been stolen or obtained by extortion; and 3) the defendant actually knew of the presence of the property. (1 CALCRIM 1750 (2025).) If the value of the stolen property is under $950, this crime is a misdemeanor, punishable by imprisonment in a county jail not exceeding one year or up to a $1,000 fine. If the value of received stolen property exceeds $950, it is punishable as a wobbler – subject to imprisonment in a county jail not exceeding one year (or up to a $1,000 fine), or by imprisonment in county jail for 16 months, two years, or three years, or a fine up to $10,000. (Pen. Code, §§ 487, 489, 496.) As such, individuals who are not directly involved in the theft of metal materials from public utility infrastructure, but receive over $950 in copper wire with knowledge that it was stolen, can be prosecuted with a felony for receipt of stolen property.

d) Receipt of Copper or Specified Materials Belonging to a Public Agency

Additionally, a person engaged in the salvage, recycling, purchase, or sale of scrap metal is already prohibited from possessing specified public utility-related materials, such as fire hydrant parts, reasonably recognizable streetlights, and irrigation wiring, among others, that have been stolen, with knowledge that the property was stolen. (Pen. Code, § 496e, subd. (a).) A violation of this prohibition is, in addition to any other penalty, punishable by up to a $5,000 fine. (Pen. Code, § 496e, subd. (b).) Similarly, dealers or collectors of junk and metals are also prohibited from purchasing or receiving certain metal materials they know ordinarily belong to certain public agencies, without using due diligence to determine that the seller lawfully owns the property. (Pen. Code, § 496e, subd. (a).) This offense is a wobbler, punishable by up to three years in county jail or a fine of up to $5,000.

e) *Cutting or Disconnecting A Utility Line*

There have been reports that individuals have damaged telecommunications lines during efforts to steal the copper wire contained within such infrastructure. Notably, it is already a crime for a person to take down, remove, injure, disconnect, cut, or obstruct a line of a telephone, cable television, or any line used to conduct electricity. (Pen. Code, § 591.) This crime is punishable as a misdemeanor by up to one year in county jail or a fine of up to $1,000, or as a felony by 16 months, two, or three years in county jail, and a fine not more than $10,000. (*Ibid.*) As such, an individual who damages or cuts an electrical line in the process of stealing copper wire from that line can face up to three years in county jail.

f) *Vandalism*

A person who steals copper wire from public utility infrastructure, damaging that infrastructure in the process, may also be charged with vandalism. Vandalism requires that the defendant maliciously defaced with graffiti or damaged, or destroyed, real or personal property, and the defendant did not own the property. (Pen. Code, § 594, subd. (a); 2 CALCRIM 2900 (2025).) When a person commits vandalism with respect to real property, vehicles, signs, fixtures, furnishings, or property belonging to a public entity, it creates an inference that the person did not own the property or have permission to damage the property. (*Ibid.*) The value threshold to charge a person with felony vandalism is lower than the threshold to charge a person with grand theft. If the amount damaged is less than $400, vandalism is punishable by imprisonment in county jail for up to one year, or by a fine of $1,000. (Pen. Code, § 594, subd. (b)(2)(A).) However, if the amount of damage is over $400, it is punishable as a wobbler – subject to imprisonment in a county jail not exceeding one year or by imprisonment in county jail for 16 months, two years, or three years, or a fine up to $10,000. (Pen. Code, § 594, subd. (b)(1).) If the amount of damage is $10,000 or more, a person can receive a fine of up to $50,000. (*Ibid.*) In sum, if a person steals $100 of copper wire from a streetlight or telecommunications line, an amount that would only constitute petty theft, but creates over $400 in damage in the process, that person can be charged with felony vandalism.

g) *Sentence Enhancements for Theft and Damage to Property*

Further, a person who steals copper wire, or receives stolen wire, where the ultimate value of the amount stolen or damaged exceeds $50,000, can be subject to additional sentence enhancements created by Prop. 36. Specifically, Prop. 36 provided that, if a person takes or damages property in the attempted commission of a felony, or commits a felony violation of buying or receiving stolen property, a court is required to impose additional sentence enhancements of between one year and four years, depending on the value of the property taken. (Pen. Code, § 12022.6.) As such, a person, or group of persons, who steal copper wire from a telecommunications line in excess of $50,000 in value, or causes over $50,000 in damages to the line, could not only be prosecuted with felony grand theft but also could be subject to multi-year enhancements depending on the amount stolen or damaged.

Similarly, any person who acts in concert with two or more persons to take, attempt to take, damage, or destroy property, in the commission or attempted commission of a felony, shall be punished by an additional and consecutive term of imprisonment of one, two, or three years. (Pen. Code, § 12022.65.) Accordingly, if a person acts in concert to steal public utility materials, where the property stolen or damaged does not meet the $50,000 threshold mentioned above, they can still be subject to a sentence enhancement under this provision.

5) **Argument in Support**: According to the *California Broadband and Video Association and US-Telecom*, "[t]he rising market value of copper, which is used in many communications facilities, has created a powerful incentive for criminal theft and vandalism targeting communications and other infrastructure across California. Bad actors steal copper and related communications equipment for resale—in the indiscriminate search for copper, they also sabotage modern communications facilities that may contain little or no copper, including fiber-optic transmission lines, underground vaults, and wireless communications sites. These attacks can cause widespread outages, disrupt emergency communications, and jeopardize public safety.

"As documented in the Critical Attacks on Communications Infrastructure report, organized metal theft is no longer a nuisance crime – it is a direct threat to public safety. Between January and June 2025, communications companies across the country reported 9,770 incidents of intentional theft and/or vandalism targeting their infrastructure. California accounted for 6,003 incidents, representing 61% of all recorded intentional theft or vandalism incidents nationwide.

"AB 1941 builds upon previous efforts to tackle copper wire theft by establishing a new tool of "organized metal theft", allowing prosecutors to bring enhanced charges for coordinated or repeated thefts. The bill also supports improved information sharing among law enforcement agencies, public agencies, and private entities such as telecommunication companies and junk dealers and recyclers through a statewide database to help identify patterns, connect cases, and dismantle theft rings.

"These incidents of theft and vandalism have become increasingly common and cause unnecessary service disruptions that threaten California consumers and businesses. AB 1941 gives California added tools needed to stop coordinated theft rings that cut off 911 access, disrupt essential services, and endanger communities."

6) **Argument in Opposition**: According to *Californians United for a Responsible Budget*, AB 1941 "Metal theft, by an individual or a group, is already criminalized under existing law. Under the general grand theft statute, any theft of materials whose value exceeds $950 is punishable up to a year in prison. Theft of less than $950 in materials would lead to a petty theft charge, carrying up to six months of incarcerations and $1000 fine. If multiple petty thefts occur in line with one intention, impulse, or plan, the thefts may be aggregated into a grand theft charge. When this theft is in concert with others, each individual faces the full punishment available under the relevant statute for aiding and abetting the crime. This addition is unnecessary and redundant given current law.

   "AB 1941's increased punishment schemes for group theft of metals will not deter crime. AB 1941 would double the maximum punishment for certain misdemeanors, ratchet up certain misdemeanors into potential felonies, and create a 12-month-long aggregation window for grand theft of metals. Evidence indicates that applying longer criminal sentences has failed to deter crime. Other studies demonstrate that the severity of punishment does not generally have an increased effect on deterrence. Rather, studies have concluded that certainty of punishment, that someone will be punished for a particular crime, has a greater deterrence effect than the severity of the punishment itself.

   "Finally, local officials are already identifying non-carceral solutions to copper metal theft. Los Angeles city Councilmember Eunisses Hernandez has invested $500,000 from her discretionary fund to have solar-powered lights installed in Lincoln Heights and Cypress Park to keep the neighborhoods bright and prevent copper wire theft."

7) **Related Legislation**: AB 2337 (Lackey) makes theft of property taken without lawful authority by a public officer under color of authority grand theft, among other changes. AB 2337 is pending a hearing in this Committee.

8) **Prior Legislation**:

a) AB 476 (González), Chapter 694, Statutes of 2025, increases fines for crimes related to the possession or purchase of specified items previously owned by a public utility provider or public agency; expands the list of items that a junk dealer is prohibited from possessing to include specified items previously owned by a public agency or local government; and expands record-keeping requirements for junk dealers, as specified.

b) AB 1218 (Soria), of the 2024-2025 Legislative Session, would make it a wobbler for a person to possess certain copper materials without written proof of lawful ownership. The hearing on AB 1218 was cancelled at the request of the author.

c) AB 2943 (Zbur), Chapter 168, Statutes of 2024, creates a new crime of unlawful deprivation of a retail business opportunity and makes various changes to provisions of law on arrest authority, aggregation, and probation terms for theft-related offenses.

d) AB 1802 (Jones-Sawyer), Chapter 166, Statutes of 2024, eliminates the sunset date for the crime of organized retail theft and for the existence of a task force established by the California Highway Patrol to analyze organized retail theft and vehicle burglary and to assist local law enforcement in counties identified as having elevated property crime.

e) SB 982 (Wahab), Chapter 982, Statutes of 2024, bill removes the sunset date on the organized retail theft statute, thereby making the operation of the law permanent.

f) AB 331 (Jones-Sawyer), Chapter 113, Statutes of 2021, extended the sunset date for organized retail theft through January 1, 2026.

g) AB 2356 (Rodriguez), Chapter 22, Statues of 2022, expanded the definition of "grand theft" where the aggregate amount taken by all participants exceeds $950.

h) AB 1065 (Jones-Sawyer), Chapter 803, Statutes of 2018, created the crime of organized retail theft and expanded jurisdiction to prosecute cases of theft, as specified.

i) SB 1387 (Berryhill), Chapter 656, Statutes of 2012, this bill prohibits junk dealers and recyclers from possessing fire hydrants, manhole covers or backflow devices without proper certification, as specified; and provides that possession of stolen fire hydrants, manhole covers or backflow devices by persons engaged in the salvage, recycling, purchase or sale of scrap metal, shall be punishable by an additional fine up to $3000.

j) AB 316 (Carter), Chapter 317, Statutes of 2011, creates a section for grand theft of copper materials and adds a fine of up to $2,500 on to the existing penalties as specified.

k) AB 1859 (Adams), Chapter 659, Statutes of 2008, creates a fine of not more than $3,000 for any person who knowingly receives any part of a fire hydrant, including bronze or brass fittings and parts.

REGISTERED SUPPORT / OPPOSITION:

Support

City of San Jose (Co-Sponsor)
Advance Sf
Arcadia Police Officers' Association
Asian Pacific American Community Center
At&t
Bizfed Central Valley
Brea Police Association
Burbank Police Officers' Association
Burbank/burbank Redevelopment Agency; City of
Calbroadband
Calcom Association
California Asian Pacific Chamber of Commerce
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
California State Sheriffs' Association
Cameron House
Central City Association of Los Angeles
Central Valley Business Federation
Chamber San Mateo County
Chinese Chamber of Commerce of San Francisco
City of Hidden Hills
City of Pico Rivera
Claremont Police Officers Association
Corona Police Officers Association
County of Yolo
CTIA - the Wireless Association
Culver City Police Officers' Association
Curry Senior Center
Fairfield-suisun Chamber of Commerce
Fremont Chamber of Commerce
Fresno Chamber of Commerce
Fullerton Police Officers' Association
Greater Stockton Chamber of Commerce
Hayward Chamber of Commerce
Joint Venture Silicon Valley
Lakewood; City of
League of California Cities
Los Angeles County District Attorney's Office
Los Angeles County Metropolitan Transportation Authority
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Los Angeles; City of
Mayor Matt Mahan, City of San Jose
Milpitas Chamber of Commerce
Mission Bit
Monterey Bay Economic Partnership

Monterey County Board of Supervisors
Monterey County District Attorney's Office - ODA - Salinas, CA
Monterey County Farm Bureau
Murrieta Police Officers' Association
Napa Chamber of Commerce
Napa County Farm Bureau
Newport Beach Police Association
Oakland Chamber of Commerce
Palo Alto Chamber of Commerce
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Assocation
Pomona Police Officers' Association
Port of Redwood City
Renaissance Entrepreneurship Center
Riverside Police Officers Association
Riverside Sheriffs' Association
Sacramento Hispanic Chamber of Commerce
Sacramento Metro Chamber of Commerce
San Bruno Education Foundation
San Francisco African American Chamber of Commerce
San Francisco Chamber of Commerce
San Francisco Police Officers Association
San Francisco Tech Council
San Jose Downtown Association
San Mateo County Economic Development Association (SAMCEDA)
San Rafael Chamber of Commerce
Santa Cruz Area Chamber of Commerce
Santa Rosa Metro Chamber
Self-help for the Elderly
Sf.citi
Silicon Valley Leadership Group
United States Telecom Association Dba Ustelecom - the Broadband Association
Wireless Infrastructure Association

Opposition

ACLU California Action
California Public Defenders Association
Californians United for a Responsible Budget
Community Works West
Initiate Justice
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
San Francisco Public Defender
Smart Justice California, a Project of Beyond Impact
Vera Institute of Justice

Analysis Prepared by: Ilan Zur / PUB. S. / (916) 319-3744

Amended Mock-up for 2025-2026 AB-1941 (Mark González (A))

Mock-up based on Version Number 99 - Introduced 2/13/26
Submitted by: Staff Name, Office Name

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares the following:

(a) California is facing a statewide surge in organized metal theft, particularly involving copper wire and other high-value metals used in public infrastructure, communication networks, and utility systems.

(b) Driven by soaring global copper prices and gaps in enforcement and regulation, criminals have increasingly targeted essential public assets, including streetlights, bridges, rail systems, telecommunications lines, and electrical infrastructure, to strip and resell stolen metal for profit.

(c) This epidemic of metal theft has caused widespread public safety hazards, power outages, and costly disruptions to critical infrastructure. The resulting repair costs are borne by taxpayers and local agencies, often exceeding millions of dollars for damage that yields thieves only a fraction of that amount in illicit sales.

(d) Recent incidents illustrate the scope and severity of the problem across California:

(1) In Los Angeles, copper wire theft has repeatedly plunged entire neighborhoods and landmarks, including the Sixth Street Viaduct known as the "Ribbon of Light," into darkness with repair costs exceeding $2,500,000 and thousands of feet of wire stolen in broad daylight.

(2) The Los Angeles Bureau of Street Lighting has reported unprecedented levels of streetlight outages, with nearly 46,000 service requests in 2024, of which approximately 40 percent were theft related.

(3) Telecommunications providers, including Frontier, have been forced to suspend service to residents due to repeated copper theft cutting off access to 911 emergency systems and leaving seniors and vulnerable populations without reliable communication.

(4) In northern California, copper theft has caused power outages severe enough to close public schools and disrupt essential services.

(e) Law enforcement agencies have made arrests and seized tens of thousands of pounds of stolen copper. Despite these efforts, organized theft rings and unscrupulous recyclers continue to profit from the resale of stolen metal, often exploiting loopholes in existing laws and insufficient oversight of scrap metal transactions.

(f) The financial burden of repairing damaged infrastructure continues to escalate. Municipalities have been forced to divert scarce public resources and propose increased property assessments to fund streetlight repairs and security improvements.

(g) Metal theft undermines public safety by darkening streets, disabling traffic signals, and jeopardizing emergency communications and thus creates conditions that endanger residents, first responders, and essential workers.

(h) The Legislature recognizes that, while local task forces and ordinances have been established to combat this growing threat, a coordinated statewide response is necessary to deter theft, strengthen penalties for organized operations, and enhance accountability for metal recyclers and dealers who knowingly purchase stolen materials.

(i) It is the intent of the Legislature to support local governments and law enforcement agencies through enhanced coordination and penalties targeting organized theft networks and protect public infrastructure, utilities, and community safety from the escalating economic and social harms caused by metal theft.

SEC. 2. Section 496f is added to the Penal Code, to read:

496f. (a) A person who commits any of the following acts is guilty of organized metal theft and shall be punished pursuant to subdivision (b):

(1) Acts in concert with one or more persons to steal metal materials from one or more of the items described in subdivision (a) of Section 496a or subdivision (a) of Section 496e~~.~~ **with the intent to sell, exchange, or return the metal materials for value.**

(2) Acts in concert with two or more persons to receive, purchase, or possess metal materials described in subdivision (a) of Section 496a or subdivision (a) of Section 496e knowing or believing it to have been stolen.

(3) Acts as an agent of another individual or group of individuals to steal metal materials described in subdivision (a) of Section 496a or subdivision (a) of Section 496e as part of an organized plan to commit metal theft.

(4) Recruits, coordinates, organizes, supervises, directs, manages, or finances another to undertake any of the acts described in paragraph (1) or (2) or any other statute defining theft of metal.

(b) Organized metal theft is punishable as follows:

(1) If violations of paragraph (1), (2), or (3) of subdivision (a) are committed on two or more separate occasions within a 12-month period, and if the aggregated value of the metal stolen, received, purchased, or possessed within that 12-month period exceeds nine hundred fifty dollars ($950), the offense is punishable by imprisonment in a county jail not exceeding one year or pursuant to subdivision (h) of Section 1170.

(2) Any other violation of paragraph (1), (2), or (3) of subdivision (a) that is not described in paragraph (1) of this subdivision is punishable by imprisonment in a county jail not exceeding one year.

(3) A violation of paragraph (4) of subdivision (a) is punishable by imprisonment in a county jail not exceeding one year or pursuant to subdivision (h) of Section 1170.

(c) For the purpose of determining whether the defendant acted in concert with another person or persons in any proceeding, the trier of fact may consider any competent evidence, including, but not limited to, all of the following:

(1) The defendant has previously acted in concert with another person or persons in committing acts constituting theft, or any related offense, including any conduct that occurred in counties other than the county of the current offense, if relevant to demonstrate a fact other than the defendant's disposition to commit the act.

(2) That the defendant used or possessed an artifice, instrument, container, device, or other article capable of facilitating the removal of metal from materials described in subdivision (a) of Section 496a or subdivision (a) of Section 496e without permission or authorization and use of the artifice, instrument, container, or device or other article is part of an organized plan to commit metal theft.

(3) The property involved in the offense is of a type or quantity that would not normally be collected or purchased for personal use, and the property is intended for resale.

(d) In a prosecution under this section, the prosecutor shall not be required to charge any other coparticipant of the organized metal theft.

(e) This section does not preclude or prohibit prosecution pursuant to Section 594 or charging an enhancement pursuant to Sections 12022.6 or 12022.65.

SEC. 3. Section 11199.6 is added to the Penal Code, immediately following Section 11199.5, to read:

11199.6. Local law enforcement agencies, public agencies, and private entities, including, but not limited to, telecommunication companies, recycling companies, and private utility companies, may provide information about theft of commodity metals, including, but not limited to, ferrous metal, copper, brass, aluminum, nickel, stainless steel, and alloys, to the Department of Justice. The department shall make this information available to such local law enforcement agencies, public agencies, and private entities.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Date of Hearing: March 24, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2004 (Alanis) – As Amended March 18, 2026

SUMMARY: Adds the Counties of San Joaquin and Fresno to a list of counties in which deputy sheriffs who perform custodial duties are considered peace officers.

EXISTING LAW:

1) Provides that any deputy sheriff of the Counties of Los Angeles, Butte, Calaveras, Colusa, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Mariposa, Mendocino, Modoc, Plumas, Riverside, San Benito, San Diego, San Luis Obispo, Santa Barbara, Santa Clara, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, and Yuba who is employed to perform duties exclusively or initially relating to custodial assignments with responsibilities for maintaining the operations of county custodial facilities, including the custody, care, supervision, security, movement, and transportation of inmates, is a peace officer whose authority extends to any place in California only while engaged in the performance of the duties of his or her respective employment and for the purpose of carrying out the primary function of employment relating to custodial assignments or when performing other law enforcement duties directed by his or her employing agency during a local state of emergency. (Pen. Code, § 830.1, subd. (c).)

2) Provides that all cities and counties are authorized to employ custodial officers who are public officers but not peace officers for the purpose of maintaining order in local detention facilities. Custodial officers under this section do not have the right to carry or possess firearms in the performance of his or her duties. However, custodial officers may use reasonable force to establish and maintain custody and may make arrests for misdemeanors and felonies pursuant to a warrant. (Pen. Code, § 831.)

3) Provides that notwithstanding existing law, law enforcement agencies in counties with a population of 425,000 or less and the Counties of San Diego, Fresno, Kern, Napa, Riverside, Santa Clara, and Stanislaus may employ custodial officers with enhanced powers. The enhanced powers custodial officers are empowered to serve warrants, writs, or subpoenas within the custodial facility and, as with regular custodial officers, use reasonable force to establish and maintain custody. (Pen. Code, § 831.5, subd. (a).)

4) Provides that custodial officers with enhanced powers may carry firearms under the direction of the sheriff while fulfilling specified job-related duties such as while assigned as a court bailiff, transporting prisoners, guarding hospitalized prisoners, or suppressing jail riots, escapes, or rescues. (Pen. Code, § 831.5, subd. (b).)

5) Requires a peace officer to be present in a supervisorial capacity whenever 20 or more custodial officers are on duty. (Pen. Code, § 831.5, subd. (d).)

6) Provides that enhanced powers custodial officers may also make warrantless arrests within the facility. (Pen. Code, § 831.5, subd. (f).)

7) Provides that custodial officers employed by the Department of Correction (DOC) of the County of Santa Clara, and the DOCs of the Counties of Napa and Madera upon resolution of their boards of supervisors, are authorized to perform the following additional duties in the facility:

   a) Arrest a person without a warrant whenever the custodial officer has reasonable cause to believe that the person to be arrested has committed a misdemeanor or felony in the presence of the officer that is a violation of a statute or ordinance that the officer has the duty to enforce;

   b) Search property, cells, prisoners, or visitors;

   c) Conduct strip or body cavity searches of prisoners as specified;

   d) Conduct searches and seizures pursuant to a duly issued warrant;

   e) Segregate prisoners; and,

   f) Classify prisoners for the purpose of housing or participation in supervised activities. (Pen. Code, § 831.5, subds. (g)-(i).)

8) Provides that Penal Code section 831.5 does not authorize a custodial officer to carry or possess a firearm when the officer is not on duty. (Pen. Code, §831.5, subd. (j).)

9) Provides that every peace officer shall satisfactorily complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training (POST) and that, after July 1, 1989, satisfactory completion of the course shall be demonstrated by passage of an appropriate examination developed or approved by POST. (Pen. Code, § 832, subd. (a).)

10) Provides that prior to the exercise of peace officer powers, every peace officer shall have satisfactorily completed the POST course. (Pen. Code, § 832, subd. (b).)

11) Provides that a person shall not have the powers of a peace officer until he or she has satisfactorily completed the POST course. (Pen. Code, § 832, subd. (c).)

12) Provides that any person completing the POST training who does not become employed as a peace officer within three years from the date of passing the examination, or who has a three-year or longer break in service as a peace officer, shall pass the examination prior to the exercise of powers as a peace officer, except as specified. (Pen. Code, § 832, subd. (e)(1).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 2004 addresses the inequitable classification of deputy sheriffs in San Joaquin County assigned to critical custodial duties in county correctional facilities. These officers perform the same demanding and dangerous work as their counterparts in 40 other counties including supervising inmates, ensuring facility security, transporting individuals, and responding to emergencies, but do not receive the same statutory peace officer designation under Penal Code §830.1. This bill includes San Joaquin County deputies in the existing framework, providing consistent legal recognition, POBOR protections, operational flexibility during local emergencies, and appropriate honoring for their service. By aligning San Joaquin with statewide policy, AB 2004 makes Californians safer through more effective use of law enforcement resources in our jails and advances equity by ensuring officers are treated based on their responsibilities rather than county lines."

2) **Designating Custodial Deputy Sheriffs as Peace Officers**: Penal Code section 830.1 subdivision (c), custodial deputy sheriffs' classification, is part of a continuum of classifications of custodial officers in county jails and other local detention facilities. Custodial officers under Penal Code sections 831 and 831.5 are not peace officers, whereas a section 830.1 subdivision (c) custodial deputy sheriff is a peace officer, "who is employed to perform duties exclusively or initially relating to custodial assignments." (Pen. Code, § 830.1, subd. (c).) One of the most significant differences between the section 830.1 subdivision (c) custodial deputy sheriffs and section 831 and 831.5 custodial officers is that as "peace officers" the section 830.1, subdivision (c) custodial deputy sheriffs are granted all the rights and protections contained in the Public Safety Officers Procedural Bill of Rights (POBOR). (See Gov. Code, § 3301 et seq.)

   This bill would add custodial deputy sheriffs in Fresno and San Joaquin County to that classification. With one limitation, deputies granted authority by this bill are limited in their authority as a peace officer "only while engaged in the performance of the duties of his or her respective employment and for the purpose of carrying out the primary function of employment relating to his or her custodial assignments, or when performing other law enforcement duties directed by his or her employing agency during a local state of emergency." (Pen. Code, § 830.1, subd. (c).)

3) **Peace Officer Bill of Rights (POBOR)**: The POBOR provides peace officers with procedural protections relating to investigation and interrogations of peace officers, self-incrimination, privacy, polygraph exams, searches, personnel files, and administrative appeals. As described in *Binkley v. City of Long Beach* (1993) 16 Cal.App.4th 1795, 1805:

   > [T]he Act: (1) secures to public safety officers the right to engage in political activity, when off duty and out of uniform, and to seek election to or serve as a member of the governing board of a school district; (2) prescribes certain protections which must be afforded officers during interrogations which could lead to punitive action; (3) gives the right to review and respond in writing to adverse comments entered in an officer's personnel file; (4) provides that officers may not be compelled to submit to polygraph examinations; (5) prohibits searches of officers' personal storage spaces or lockers except under specified circumstances; (6) gives officers the right to administrative appeal when any

punitive action is taken against them, or they are denied promotion on grounds other than merit; and (7) protects officers against retaliation related any rights expressed und the Act.

Under current law, the custodial deputy sheriffs of Fresno and San Joaquin County are not included within POBOR. This bill would give them POBOR protections.

4) **Argument in Support:** According to *Fresno County Public Safety Association*, "Correctional officers operate in high-risk environments and routinely respond to complex and volatile situations. This bill appropriately aligns their authority with the realities of the job, enhancing safety for both staff and the public.

"Additionally, this change provides the Sheriff with greater flexibility to deploy trained personnel during emergencies and critical incidents, without altering day-to-day duties.

"Importantly, this legislation does not create new positions or require additional funding, resulting in no fiscal impact to the County."

5) **Argument in Opposition:** According to the *Peace Officers Research Association of California*, "[I]n practice, several counties have attempted to use this provision to expand peace officer authority to correctional officers who do not meet the same training standards as fully sworn deputy sheriffs. Because these positions are often compensated at significantly lower rates—typically 15 to 30 percent less—there is a strong incentive to use them as a substitute for fully trained deputy sheriffs.

"Expanding this authority to additional counties, as proposed by AB 2004, raises important considerations regarding training standards and the long-term structure of the law enforcement workforce. While we understand the operational needs counties are seeking to address, this approach could blur the distinction between fully trained deputy sheriffs and personnel assigned primarily to custodial roles. Over time, this may lead to increased reliance on positions with different training requirements in roles traditionally filled by deputy sheriffs."

6) **Related Legislation:** AB 2286 (Bryan) would clarify that, for the purposes of the crime of denying an arrestee's request for an attorney visit, an "officer having charge of a prisoner" includes individuals responsible for a person in custody in a jail, prison, or medical facility, including a hospital. AB 2286 is pending a hearing in this Committee.

7) **Prior Legislation**:

   a) SB 229 (Alvarado-Gil), Chapter 51, Statutes of 2025, provided peace officer status to deputy sheriffs employed in the Counties of Amador and Nevada.

   b) AB 2974 (Dahle), Chapter 18, Statutes of 2024, provided peace officer status to deputy sheriffs employed in the County of Modoc.

   c) AB 2735 (Gray), Chapter 416, Statutes of 2022, provided peace officer status to deputy sheriffs employed in Merced County.

d) AB 779 (Bigelow), Chapter 558, Statutes of 2021, provided peace officer status to deputy sheriffs employed by the Counties of Del Norte, Madera, Mono, and San Mateo.

e) AB 524 (Bigelow), of the 2019-2020 Legislative Session, would have provided peace officer status to deputy sheriffs employed by the Counties of Del Norte, Mono, and San Mateo. AB 524 was vetoed by the Governor.

f) SB 1254 (La Malfa), Chapter 66, Statutes of 2012, provided peace officer status to deputy sheriffs in Trinity and Yuba Counties employed to provide custodial care and supervision of inmates in the county jail and related facilities.

g) SB 490 (Maldonado), Chapter 52, Statutes of 2009, provided peace officer status and protections to deputy sheriffs employed in San Luis Obispo and Colusa Counties.

h) AB 2215 (Berryhill), Chapter 15, Statutes of 2008, provided peace officer status and protections to deputy sheriffs employed in Lake, Calaveras, Mariposa, and San Benito Counties.

i) AB 151 (Berryhill), Chapter 84, Statutes of 2007, provided peace officer status and protections to deputy sheriffs employed in Glenn, Lassen, and Stanislaus Counties.

REGISTERED SUPPORT / OPPOSITION:

Support

Fresno County Public Safety Association
Riverside Sheriffs' Association
San Joaquin County Correctional Officers Association
1 Private Individual

Opposition

Fresno Deputy Sheriff's Association
Peace Officers Research Association of California (PORAC)
San Joaquin County Deputy Sheriff's Association

Analysis Prepared by: Andrew Ironside / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2047 (Bauer-Kahan) – As Introduced February 17, 2026

SUMMARY: Requires the Department of Justice (DOJ) or other relevant state agency, among other things, to engage in an investigation of known firearm blueprint design files and existing firearm blueprint detection algorithms and any business that produces or manufactures three-dimensional printers for sale or transfer in California to submit to the DOJ an attestation for each make and model of printer they intend to make available for sale or transfer in California, as defined. Specifically, **this bill**:

1) States that the DOJ or other relevant state agency shall engage in an investigation of known firearm blueprint design files and existing firearm blueprint detection algorithms.

2) States that the DOJ or other relevant state agency may create, maintain, and regularly update a library of firearm blueprint files and illegal firearm parts blueprint files for use by firearm blueprint detection algorithm designers, or may coordinate with another government agency or major research institution, including, but not limited to, a University of California academic department, to create, maintain, and regularly update a library with safeguards to prevent unauthorized access to, or misuse of, the library.

3) Requires on or before July 1, 2027, the DOJ or other relevant state agency shall publish written guidance on performance standards for persons or entities engaged in the creation of firearm blueprint detection algorithms to be certified for three-dimensional printer manufacturer use in complying with specified laws.

4) States that the DOJ or other relevant state agency may seek input from relevant stakeholders and technical experts in the process of preparing written guidance on performance standards for firearm blueprint detection algorithms.

5) Provides that the performance standards shall require that firearm blueprint detection algorithms have the capacity, with a high degree of accuracy, to do all of the following:

   a) Evaluate three-dimensional printing files, whether in the form of STL files or other computer-aided design files or geometric code.

   b) Detect and identify any such files that can be used to program a three-dimensional printer to produce a firearm or illegal firearm parts.

   c) Flag any disallowed files for rejection by a software control process.

6) Provides that the performance standards shall require that, at a minimum, firearm blueprint detection algorithms have the capacity to utilize an inventory of disallowed firearm blueprint

files that have been commonly downloaded or shared on public internet forums to detect those files and modified versions of those files.

7) States that the DOJ or other relevant state agency shall not require that a firearm blueprint detection algorithm produce a perfect success rate at detecting disallowed files.

8) States that the DOJ or other relevant state agency preparing the written guidance on performance standards shall include performance standards requiring that the firearm blueprint detection algorithm have the capacity to implement regular updates to the set of disallowed firearm files it has the capacity to detect, to an extent and with a frequency to be determined by the department that accounts for the rate of innovation for the design and availability of new firearm blueprint files.

9) States that the DOJ or other relevant state agency preparing the written guidance on performance standards shall periodically review emerging detection software techniques, including, but not limited to, advanced forms of image recognition and pattern analysis as well as volumetric search functionality.

10) Provides that if, at any time, the department or other relevant state agency preparing the written guidance on performance standards determines that a novel technique with a substantially higher degree of performance is available to be utilized by algorithms already certified, as specified, the DOJ or other relevant state agency preparing the written guidance on performance standards may require that previously certified algorithms update their technology to match or exceed the performance of that novel technique.

11) Provides that any vendor with a previously qualified algorithm who is required to make that update shall have a reasonable period of time, not less than three months, to update their previously qualified algorithm.

12) Requires that on or before January 1, 2028, the DOJ or other relevant state agency that prepared the written guidance on performance standards described in this section shall accept applications for certification of firearms blueprint detection algorithms and begin issuing certifications of algorithms that meet or exceed the performance standards, as described.

13) States that for purposes of evaluating applications for firearm blueprint detection algorithm certification, the DOJ or other relevant state agency that prepared the written guidance on performance standards described in this section shall require applicants to satisfy both of the following:

    a) Identify the inventory of firearm blueprint files used to design the algorithm so that the department or other relevant state agency evaluating applicants may assess and confirm that the file inventory is sufficiently thorough.

    b) Provide access for testing, as well as schematics or other detailed explanation of their technology sufficient for the department or other relevant state agency evaluating applicants to evaluate its suitability for certification.

14) Provides that the list of firearm blueprint detection algorithms that have received certification as meeting or exceeding performance standards shall be made publicly available on the internet website of the department or other relevant state agency issuing certification.

15) Requires the DOJ or other relevant state agency issuing certification to revoke certification for a firearms blueprint detection algorithm if, at any time, it fails to meet the performance standards for certification, including, without limitation, failure by a certified algorithm to implement regular updates to its inventory of disallowed files as required by the DOJ or relevant state agency, or to update its technology to match the state-of-the-art performance of an emerging detection technique as required.

16) States that in the event of a specified revocation, the DOJ or relevant state agency shall notify relevant printer manufacturers with printer models known to use that algorithm that an algorithm they have deployed is no longer certified, and the manufacturer shall have a reasonable period, not less than three months, to update their model and resubmit their attestation of use of certified blocking technology, as described.

17) States that the DOJ or relevant state agency shall engage in an investigation of existing software controls processes available for use in three-dimensional printers for the purpose of preventing three-dimensional printing of firearms and illegal firearm parts.

18) Requires that on or before July 1, 2027, the DOJ or relevant state agency shall publish written guidance on performance standards for persons or entities engaged in the creation of software controls processes to be certified for three-dimensional printer manufacturer use in complying defined laws.

19) States that the DOJ or other relevant state agency preparing the written guidance on performance standards may seek input from relevant stakeholders and technical experts in the process of preparing written guidance on performance standards for software controls processes, including from persons who provide software, firmware, or other services integral to establishing software controls processes for three-dimensional printers.

20) Establishes that the performance standards shall require that software controls processes have the capacity, to a high degree of reliability, to effectively prevent a technically skilled user from evading a firearms blueprint detection algorithm.

21) States that the DOJ shall not require that a software controls process produces a perfect success rate at preventing a user from evading a firearms blueprint detection algorithm.

22) Provides that the performance standards shall set out options for design forms that may be used for a software controls process integration into a three-dimensional printer, including all of the following:

    a) Firmware design.

    b) Integrated preprint software design.

    c) Any other form, including, but not limited to, handshake authentication design, if the department first determines that the software controls process is both of the following:

i) At least as effective in ensuring no print jobs can proceed unless they are evaluated by a firearm blueprint detection algorithm as the design forms described.

ii) At least as resistant to being defeated by a technically skilled user as the design forms described in subparagraphs (A) and (B).

23) Provides that the written guidance shall include both of the following:

a) For firmware design, guidance for how vendors are required to demonstrate that their technology will ensure a printer directs potential print jobs to the algorithm before printing can occur.

b) For integrated preprint software design, guidance for how vendors shall demonstrate that printers will accept print jobs exclusively from a single preprint software and will not accept print jobs from any other preprint software, including from a user seeking to evade a detection algorithm.

24) Requires that on or before January 1, 2028, the DOJ or other relevant state agency that prepared the written guidance on performance standards described shall accept applications for certification of software controls processes and begin issuing certifications of software controls processes that meet or exceed the performance standards described.

25) Provides that for purposes of evaluating applications for certification, the department or other relevant state agency evaluating applicants shall require applicants to provide software and hardware, as applicable, for testing by regulators, as well as schematics or other detailed explanation of their technology sufficient for the DOJ to evaluate its suitability for certification.

26) Establishes that the list of software controls processes that have received certification as meeting or exceeding performance standards shall be made publicly available on the internet website of the department or other relevant state agency issuing certification.

27) States that the DOJ or other state agency that issued certification shall revoke certification for a software controls process if, at any time, it fails to meet the performance standards for certification. In that case, the DOJ or other state agency that issued certification shall notify relevant printer manufacturers with printer models known to use that software controls process that a software controls process they have deployed is no longer certified, and the manufacturer shall have a reasonable period, not less than three months, to update their model and resubmit their attestation of use of certified blocking technology, as described.

28) Requires on or before March 1, 2028, the DOJ or other relevant state agency shall publish written guidance on performance standards for manufacturers of three-dimensional printers on how to equip printers with firearm blocking technology. This guidance shall include all of the following:

a) Performance standards for equipping three-dimensional printers with a certified firearm blueprint detection algorithm and where to find updated lists of certified firearm blueprint detection algorithms published by the department.

b) Performance standards for equipping three-dimensional printers with a certified software controls process and where to find updated lists of certified software controls processes published by the department.

c) Performance standards on how to test functionality of the certified firearm blueprint detection algorithm and software controls process to meet a specified degree of reliability in blocking the printing of firearms or illegal firearm parts.

29) Establishes that the performance standards described above shall be made publicly available on the internet website of the department or the state agency that prepared the written guidance on performance standards described in this section.

30) Requires on or before July 1, 2028, any business that produces or manufactures three-dimensional printers for sale or transfer in California shall submit to the DOJ an attestation form for each make and model of printer they intend to make available for sale or transfer in California.

31) States that the self-attestation shall include all of the following information:

a) The make and model of the three-dimensional printer.

b) Confirmation that the manufacturer has equipped that make and model with a certified firearm blueprint detection algorithm and which certified firearm blueprint detection algorithm from the list published, as specified.

c) Confirmation that the manufacturer has equipped that make and model with a certified software controls process and which certified software controls process from the list published.

d) Confirmation of testing the functionality of the certified firearm blueprint detection algorithm and software controls process once installed according to performance standards issued by the DOJ, as specified.

32) States that if the self-attestation form is incomplete or contains information indicating the make and model of printer identified may not be effectively equipped with firearm blocking technology, the Attorney General has authority to investigate and inspect the submission, including, but not limited to, requesting sample models from the manufacturer to verify the attestation of compliance.

33) States that any make and model of three-dimensional printer actively under investigation and inspection shall be identified as having an incomplete attestation on the list, as described.

34) Requires on or before July 1, 2028, the DOJ shall begin accepting applications from three-dimensional printer manufacturers for a voluntary verification of their self-attestation, allowing the DOJ to inspect and confirm that a specific make and model of printer complies with the performance standards, as described.

35) Provides that if the DOJ verifies a printer make and model is properly equipped with firearm blocking technology, the DOJ shall issue to the manufacturer a written notice of compliance verification for the make and model, which shall constitute compliance with specified laws.

36) Establishes that no manufacturer of a printer for which a written notice of compliance verification has been issued shall be subject to defined civil actions. This does not apply to a manufacturer who received notice from the DOJ that the previously verified model contained a firearms blueprint detection algorithm for which certification was revoked pursuant or a software controls process for which certification was revoked, as defined, until the manufacturer updates their model and resubmits the model for an updated compliance verification.

37) Requires that on or before September 1, 2028, the DOJ shall publish a list of all the makes and models of three-dimensional printers whose manufacturers have submitted complete self-attestations, any makes and models of three-dimensional printers that have an incomplete attestation on file, any makes and models that have submitted for and received the voluntary compliance verification described, and any makes and models that have a pending submission for voluntary compliance verification, as specified.

38) Specifies that the lists shall be updated no less frequently than on a quarterly basis and made accessible on the DOJ's internet website. Retailers or distributors of three-dimensional printers shall consult the lists posted on the department's internet website to ensure their inventory for sales in California consists of three-dimensional printers in compliance with this title.

39) Provides that it shall be an affirmative defense to any action against a retailer, distributor, importer, wholesaler, or other individual transferor of a three-dimensional printer for an alleged, specified violation that the retailer, distributor, or other individual transferor only sold or transferred the three-dimensional printer after verifying that the make and model was listed by the DOJ on the published list described, and not designated as having an incomplete attestation.

40) States that any business that produces or manufactures three-dimensional printers for sale or transfer in California shall take both of the following steps:

    a) Before any three-dimensional printer is offered, sold, transferred, or distributed to any person or business in California, the manufacturer shall equip the three-dimensional printer with certified firearm blocking technology, as described.

    b) Before any three-dimensional printer is offered, sold, transferred, or distributed to any person or business in California, the manufacturer shall submit a self-attestation of installation of firearm blocking technology to the department, as described.

41) States that any business that sells, offers to sell, distributes, or transfers for consideration a three-dimensional printer in California shall consult the list published by the DOJ, as described.

42) Provides that it shall be unlawful to sell or transfer for consideration a three-dimensional printer in California that does not meet both of the following requirements:

a) The three-dimensional printer shall be equipped with firearm blocking technology.

b) The three-dimensional printer shall be listed by the DOJ on the published list specified as having a complete attestation on file, having received a certificate of compliance verification, or having a pending application for a certificate of compliance verification.

43) Establishes that this section shall not apply to the following products:

a) Printers manufactured for and sold exclusively to a state-licensed firearms manufacturer, as defined.

b) Printers manufactured for and sold exclusively to the State of California or law enforcement agencies of the United States for the manufacturing of firearms for law enforcement or military purposes.

c) Printers manufactured for and sold exclusively to aerospace, biomedical, automotive, or chemical or mechanical engineering companies or government contractors that are not also sold on the consumer retail market.

44) Provides that a civil action may be brought against a person who does either of the following:

a) Sells, offers to sell, or transfers for consideration a three-dimensional printer in California that is not equipped with firearm blocking technology.

i) It shall be an affirmative defense to any action against a retailer, distributor, wholesaler, importer, or other individual transferor of a three-dimensional printer for an alleged violation of this section that the retailer, distributor, wholesaler, importer, or other individual transferor only sold or transferred the three-dimensional printer after verifying that the make and model was listed by the department on the published list described in this section, and not designated as having an incomplete attestation.

ii) It shall be an affirmative defense to any action for violation of this paragraph that the department issued a written notice of compliance verification for the make and model of printer at issue.

b) Knowingly files an attestation containing false information. The filing of a civil action under this section shall not preclude potential criminal prosecution for perjury, as defined.

45) States that a person who has suffered harm in California as a result of a violation of this section may bring an action in a court of competent jurisdiction to establish that a person has violated this section, and may seek compensatory damages as well as injunctive relief sufficient to prevent the person and any other defendant from further violating the law.

46) Provides that the Attorney General, a county counsel, or a city attorney may bring an action in a court of competent jurisdiction to establish that a person has violated this section, and may seek a civil penalty not to exceed $25,000 for each violation, as well as injunctive relief sufficient to prevent the person and any other defendant from further violating the law.

47) States that a prevailing plaintiff shall be entitled to recover reasonable attorney's fees and costs.

48) States that the remedies provided by this section are cumulative and shall not be construed as restricting any other rights, causes of action, claims, or defenses available under any other law.

49) States that the DOJ may promulgate regulations and develop forms and publications necessary to implement this title.

50) Provides that it is unlawful to knowingly disable, deactivate, uninstall, or otherwise circumvent any firearm blocking technology installed in a three-dimensional printer with intent to manufacture firearms or to distribute, sell, or transfer for consideration in California one or more modified versions of a three-dimensional printer identified on the DOJ's list of three-dimensional printers eligible for sale in California, as described. States that a violation of this section is a misdemeanor and does not preclude prosecution under any other law providing for a greater penalty.

51) Defines "department" as the Department of Justice.

52) Defines "firearm" as a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.

53) Defines "firearm blocking technology" as hardware, firmware, or other integrated technological measures capable of ensuring a three-dimensional printer will not proceed to any print job unless the underlying three-dimensional printing file has been evaluated by a firearms blueprints detection algorithm and determined not to be a printing file that would produce a firearm or illegal firearm parts.

54) Defines "firearm blueprint detection algorithm" as a software service that evaluates three-dimensional printing files, whether in the form of stereolithography (STL) files or other computer-aided design files or geometric code, to determine if the files can be used to program a three-dimensional printer to produce a firearm or illegal firearm parts, and flag any such files to prevent their use to manufacture a firearm or illegal firearm parts.

55) Defines "firearm precursor part" as any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted.

56) Defines "firmware design" as integration of a firearms blueprint detection algorithm directly into a three-dimensional printer's firmware, such that any geometric code received by the printer must be evaluated by the algorithm before the printer will proceed to print, and such that the printer will reject print jobs identified by the algorithm because they would direct the printer to print firearms or illegal firearm parts.

57) Defines "illegal firearm parts" as a firearm precursor part and any part designed and intended for use in converting a semiautomatic weapon into a machine gun, including, but not limited to, a pistol convertor.

58) Defines "integrated pre-print software design" as a limitation of a three-dimensional printer's operation to accept geometric code for printing exclusively from a single slicer or other preprint software, which may be the manufacturer's proprietary software, and integration of a firearms blueprint detection algorithm into that preprint software, such that any STL file or other computer-aided design file must be evaluated by the algorithm before the software will proceed to produce geometric code, and such that the software will not produce geometric code for files that are identified by the algorithm because they would direct the printer to print firearms or illegal firearm parts.

59) Defines "pistol convertor" as any device or instrument that when installed in or attached to the rear of the slide of a semiautomatic pistol, replaces the backplate, and interferes with the trigger mechanism and thereby enables the pistol to shoot automatically more than one shot by a single function of the trigger. A pistol converter includes, but is not limited to, a pistol converter manufactured using a three-dimensional printer, as defined.

60) Defines "software controls process" means a system designed to stop a three-dimensional printer from initiating any print job unless the underlying three-dimensional printing file has been evaluated by a firearms blueprints detection algorithm and determined not to be a printing file that would produce a firearm or illegal firearm parts.

61) Defines "three-dimensional printer" as a computer-aided manufacturing device capable of producing a three-dimensional object from a three-dimensional digital model through an additive manufacturing process that involves the layering of two-dimensional cross sections formed of a resin or similar material that are fused together to form a three-dimensional object.

EXISTING LAW:

1) Authorizes a civil action to be brought against a person who knowingly distributes or causes to be distributed, by any means including the internet, any digital firearm manufacturing code to any other person in this state who is not a federally licensed firearms manufacturer, member of the Armed Forces of the United States or the National Guard, while on duty and acting within the scope and course of employment, or any law enforcement agency or forensic laboratory. (Civ. Code, § 3273.61, subd. (a).)

2) Authorizes the Attorney General, county counsel, or city attorney to bring an action in any court of competent jurisdiction to establish that a person has violated specified laws and may seek a civil penalty not to exceed twenty-five thousand dollars ($25,000) for each violation, as well as injunctive relief sufficient to prevent the person and any other defendant from further violating the law. (Civ. Code, § 3273.61, subd. (c)(2).)

3) Establishes that a person shall not sell, offer to sell, transfer, advertise, or market a CNC milling machine or three-dimensional printer in a manner that knowingly or recklessly causes another person in this state to engage in prohibited conduct, or in a manner that otherwise

knowingly or recklessly aids, abets, promotes, or facilitates prohibited conduct. (Civ. Code, § 3273.62, subd. (a).)

4) Provides that there shall be a rebuttable presumption that a person is engaged in defined prohibited conduct if both of the following are true:

   a) The person offers to sell, advertises, or markets a CNC milling machine or three-dimensional printer in a manner that, under the totality of the circumstances, is targeted at purchasers seeking to manufacture firearms or that otherwise affirmatively promotes the machine or printer's utility in manufacturing firearms, regardless of whether the machine or printer is otherwise described or classified as having any other capabilities.

   b) The person sells or transfers the CNC milling machine or three-dimensional printer without verifying that a purchaser or transferee in this state is a federally licensed firearms manufacturer or not otherwise prohibited from purchasing or using the machine or printer to manufacture firearms. (Civ. Code, § 3273.62, subd. (b).)

5) States that it is unlawful to knowingly, willfully, or recklessly cause another person to engage in the unlawful manufacture of firearms, or to knowingly, willfully, or recklessly aid, abet, promote, or facilitate the unlawful manufacture of firearms. (Civ. Code, § 3273.625, subd. (a).)

6) Defines the "unlawful manufacture of firearms" to include any of the following:

   a) The manufacture of a firearm by a minor, or by a person who is prohibited from owning or possessing firearms under California law.

   b) The manufacture of four or more firearms within the state in the same calendar year by an individual who is not licensed to manufacture firearms.

   c) The manufacture of any firearm using a three-dimensional printer or computer numerical control (CNC) milling machine by an individual who is not licensed to manufacture firearms.

   d) The manufacture of a firearm by a person who is not a federally licensed firearms manufacturer, for the purpose of selling or transferring ownership of that firearm to another person who is not a federally licensed firearms manufacturer.

   e) The manufacture of a firearm for the purpose of selling, loaning, or transferring the firearm to another person, with the intent to complete the sale, loan, or transfer without a required background check on the transferee initiated by a licensed firearms dealer.

   f) The manufacture of defined arms. (Civ. Code, § 3273.625, subd. (b).)

7) Defines "firearm accessory" as an attachment or device designed or adapted to be inserted into, affixed onto, or used in conjunction with a firearm that is designed, intended, or functions to increase a firearm's rate of fire or to increase the speed at which a person may reload a firearm or replace the magazine, or any other attachment or device described that may render a firearm an assault weapon when inserted into, affixed onto, or used in

conjunction with a firearm. The term firearm accessory also includes any other device, tool, kit, part, or parts set that is clearly designed and intended for use in manufacturing firearms. (Civ. Code, § 3273.50, subd. (c).)

8) Defines "firearm-related product" as a firearm, ammunition, a firearm precursor part, a firearm component, firearm manufacturing machine, and a firearm accessory that meets any of the following conditions:

   a) The item is sold, made, or distributed in California.

   b) The item is intended to be sold or distributed in California.

   c) The item is or was possessed in California and it was reasonably foreseeable that the item would be possessed in California. (Civ. Code, § 3273.50, subd. (d).)

9) Defines "firearm manufacturing machine" as a three-dimensional printer, as defined, a computer numerical control (CNC) milling machine, or a similar machine, that is marketed or sold as or is reasonably designed or intended to be used to manufacture or produce firearms, firearm components, or firearm accessories. (Civ. Code, § 372.50, subd. (g).)

10) Defines "digital firearm manufacturing code" as any digital instructions in the form of computer-aided design files, computer-aided manufacturing files, or other code or instructions stored and displayed in electronic format as a digital model that may be used to program a CNC milling machine, a three-dimensional printer, or a similar machine, to manufacture or produce any of the following:

   a) A firearm, including a completed frame or receiver or a firearm precursor part.

   b) A large-capacity magazine.

   c) A large-capacity magazine conversion kit.

   d) A machinegun.

   e) A multiburst trigger activator.

   f) A silencer.

   g) A firearm accessory.

   h) A firearm barrel. (Civ. Code, § 3273.60, subd. (a).)

11) Defines "federally licensed firearms manufacturer" as a person, firm, corporation, or other entity that holds a valid license to manufacture firearms issued pursuant to defined federal law and regulations. (Civ. Code, § 3273.60, subd. (b).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "California has set a standard for the country in creating commonsense gun regulations and gun violence prevention work. AB 2047 continues this work by requiring that all three-dimensional printers sold in California are equipped with firearm blocking features to prohibit the printing of dangerous gun parts. Specifically, it requires that they have a firearm detection algorithm and software controls that identifies files that would produce guns and illegal gun parts and block such printing requests.

   "There is alarming data showing that 3D-printed firearms have become an escalating public safety threat. A report from Everytown for Gun Safety shows that recoveries of 3D-printed guns increased by 1,000 percent between 2020 and 2024. Just last month, Santa Rosa police seized three 3D printers along with 167 firearms- including 150 guns with obliterated serial numbers- in an illegal ghost gun manufacturing operation that left weapons easily accessible to a young child.

   "As technology evolves, it's important that consumer protections change with it to ensure the safety of our communities."

2) **Effect of the Bill**: AB 2047 is a comprehensive bill that intends to slow or proscribe the proliferation of firearms software used with three-dimensional printers (3DP) to produce unserialized firearms, otherwise known as ghost guns.

   This bill would require various actions by the DOJ, or another designated agency, to address the spread and use of firearms software. AB 2047 would require, among other things, DOJ or another agency to: 1) engage in an investigation of known firearm blueprint design files and existing firearm blueprint detection algorithms, 2) publish written guidance on performance standards for persons or entities engaged in the creation of firearm blueprint detection algorithms to be certified for use by 3DP manufacturers, 3) prepare written guidance on performance standards to accept applications for certification of firearms blueprint detection algorithms and begin issuing certifications of algorithms that meet or exceed defined performance standards, and 4) publish written guidance on how to 3DP's with firearm blocking technology.

   AB 2047 also requires: 1) any business that produces or manufactures 3DP's for sale or transfer in California to submit to DOJ an attestation for each make and model of printer they intend to make available for sale or transfer in California, 2) DOJ to publish a list of all the makes and models of 3DP's whose manufacturers have submitted complete self-attestations, and 3) prohibitions on the sale or transfer of 3DP's that are not equipped with firearm blocking technology, except as specified. This bill would also make it a misdemeanor to knowingly disable, deactivate, uninstall, or otherwise circumvent any firearm blocking technology installed in a 3DP with intent to manufacture firearms or to distribute, sell, or transfer for consideration in California one or more modified versions of 3DP's identified on DOJ's list of 3DP's eligible for sale in California.

   There is a possible, minor drafting concern with how this provision is constructed the author may wish to consider reworking. Section 29187(a) of the bill reads, "It is unlawful to knowingly disable, deactivate, uninstall, or otherwise circumvent any firearm blocking technology installed in a [3DP] with intent to manufacture firearms or to distribute, sell, or

transfer for consideration in California one or more modified versions of a [3DP] . . . ." It is unclear whether the state of mind word, "knowingly," is intended to apply to the prohibited conduct after the word "or." The prohibited conduct after "or" is "distribute, sell, or transfer for consideration in California one or more modified versions of a 3DP[.]" Due to the way this section is constructed it is unclear whether "knowingly" would apply to, for example, distribution of an unlawfully modified 3DP in California. Additionally, the lack of parallel language that reads, "with the intent to manufacture firearms" after the "or" could similarly lead to unintentional applications of the statute. Without requiring a person to "knowingly" distribute, sell, or transfer a modified 3DP, combined with the lack of matching language stating, "with the intent to manufacture firearms," an individual who intentionally or knowingly disabled firearm blocking technology to print ghost guns would be subject to the same penalty as a person who unknowingly transferred a modified 3DP to a recycler willing to pay for an old 3D printer to scrap it for sellable parts.

Additionally, public safety concerns have quickly developed as the manufacture of untraceable firearms has moved beyond professionally licensed manufacturers and responsible, law-abiding hobbyists into the production of ghost guns for use in crime. The ongoing battle to reduce or eliminate ghost guns has proven difficult. A recent report found a dramatic increase in ghost guns recovered in recent years.[1] The report noted that from 2019-2021, there was a 592% increase in the number of ghost guns recovered as a result of criminal activity, which represented 70% of the entire increase in guns recovered during the same period.[2] From 2021-23, however, there was a 23% decrease in ghost gun recoveries.[3] The reduction in ghost gun recoveries accounted for 73% of the overall reduction in crime guns recovered from 2021-23.[4] While this could be an early sign of regulatory efficacy, a concerning number of ghost guns continue showing up in crime.[5]

By placing additional regulations around 3DP and firearms software manufacturers, AB 2047 could help continue the progress California has made in reducing the incidence of ghost guns used in crime.

3) **The *Bruen* Analysis:** AB 2047 may interfere with some protected Second Amendment conduct, though the current constitutional test suggests a Second Amendment violation is unlikely with this bill.

To be subject to Second Amendment scrutiny, a law must first infringe on plain text Second Amendment conduct. (*New York State Rifle & Pistol Association, Inc. v. Bruen,* (2022) 597 U.S. 1, 17.) Justifying a law or regulation that purports to place restrictions on protected Second Amendment conduct requires the government to demonstrate the law is "consistent with the nation's historical tradition of firearms regulation." (*Id.* at p. 24.) A firearms regulation is constitutional if the government establishes the proposed law is "relevantly similar" to historical laws, regulations, and traditions. (*Id.* at p. 29.)

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[1] *California's Fight Against the Ghost Gun Crisis: Progress and New Challenges*, California Department of Justice (Oct. 2024) <https://oag.ca.gov/system/files/media/ogvp-report-ghost-guns.pdf> [as of Mar. 18, 2026].
[2] *Ibid.*
[3] *Ibid.*
[4] *Ibid.*
[5] *Ibid.*

AB 2047 arguably does not infringe on plain text Second Amendment conduct. The Court has provided meaningful room to continue regulating the commercial sale of arms since *Heller*. (See, e.g., *District of Columbia v. Heller* (2008) 554 U.S. 626-27, *McDonald v. City of Chicago* (2010) 561 U.S. 742, 787.) This bill seems to be primarily aimed at regulating commercial conduct. AB 2047 makes room for an individual to be charged with a misdemeanor for deactivating firearm blocking software, but this course of conduct must be evaluated using the plain text of the Second Amendment and it seems strained to suggest that an individual has a plain text constitutional right to possess software to use with 3DP's. Even if we assume, as many courts have done in cases involving a Second Amendment challenge that an individual has a plain text Second Amendment right to possess software to manufacture firearms, and that right is impacted by AB 2047, it seems unlikely a law prohibiting only one means of unlicensed firearms manufacture would be struck down under *Bruen*.

American history does not appear to have much to offer in the way of ghost guns. One of the reasons for this could be the process for manufacturing and acquiring ghost guns significantly differs from processes used historically to manufacture and acquire firearms.[6] The firearms manufacturing process can be analogized in principle, but there is no clear indication that the Second Amendment encompasses an individual right to *manufacture* firearms. It is also not clear from the case law whether courts would consider 3DP manufactured firearms as sufficiently analogous to the dangerous or unusual weapons prohibited during the key historical timeframes, particularly when personal historical self-manufacture was not necessarily uncommon.[7] The greater prevalence of unregulated manufacture likely will produce less reliable firearms, which may prove unconstitutionally dangerous. Ultimately, the nexus between the software prohibitions and 3DP manufacturer restrictions relative to individual Second Amendment rights may be too attenuated to implicate the Second Amendment.

The Court to this point appears not to have found Second Amendment concerns with regulating ghost guns. AB 2047 only indirectly touches ghost guns, instead focusing much of its regulatory aim at software. Given the above, it appears unlikely AB 2047 draws fatal Second Amendment scrutiny.

4) **The Dormant Commerce Clause:** This bill would impact certain out-of-state businesses by establishing requirements for 3DP manufacturers and sellers of certain 3DP software. Because this would create a disadvantage for certain out-of-state commerce, the bill's constitutionality under the Constitution's Commerce Clause may be an issue.

The dormant Commerce Clause is a constitutional rule read into the Commerce Clause. The Supreme Court has interpreted the Commerce Clause to infer a constitutional rule that state laws putting unreasonable restrictions on interstate commerce, even in areas where Congress has not regulated, are unconstitutional. (*Nat'l Pork Producers Council v. Ross* (2023) 598 U.S. 356, 357.) It is possible for a state law to discriminate against interstate commerce

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[6] Kopel & Greenlee, *The History on Bans of Types of Arms Before 1900* (2024) University of Denver Journal of Legislation <https://scholarship.law.nd.edu/jleg/vol50/iss2/3/> [as of Mar. 18, 2026].
[7] Greenlee, J. *The American Tradition of Self-Made Arms* (2023) 54 St. Mary's University Law Journal <https://commons.stmarytx.edu/cgi/viewcontent.cgi?article=2119&context=thestmaryslawjournal> [as of Mar. 16, 2026].

"either on its face or in practical effect." (*Maine v. Taylor* (1986) 477 U.S. 131, 138.) If a showing is made that the law discriminates against interstate commerce, the proponents must demonstrate that the statute serves a legitimate local purpose and that purpose cannot be equally served by available nondiscriminatory means. (*Ibid.*)

On its face, it is unclear whether AB 2047 unconstitutionally discriminates against interstate commerce. The purpose of the bill is to enhance public safety for Californians by placing prohibitions on firearms software for 3DP's. The author expects this will enhance public safety by reducing the proliferation of ghost guns, which could then reduce the number of those guns used in crimes. AB 2047 would produce some amount of discrimination against interstate commerce because out-of-state retailers of 3DP's and firearms software no longer would be able to sell those products to California consumers. Whether this law rises to the level of an "undue" burden, however, is debatable, since the law provides a remedy for 3DP manufacturers to sell to Californians by installing and attesting to their products being incapable of operating the prohibited software.

The key questions here may then be whether AB 2047's purpose is legitimate, and if that purpose otherwise can be accomplished by available, nondiscriminatory means. The nature and legitimacy of the bill appear sound. Public safety concerns are a widely accepted and foundational purpose for state regulation. Ghost guns are a documented public safety concern. Whether there are available, nondiscriminatory means to achieve this objective likely presents the greatest constitutional concern for this bill under the dormant Commerce Clause. Certainly, California can and does regulate numerous acts related to ghost guns and while we have seen some improvement in reduced recovery rates of ghost guns in crime, the issue stubbornly persists in communities across the State. While a dormant Commerce Clause concern is possible, it seems unlikely to be fatal to the bill.

5) **Argument in Support**: According to *Brady United Against Gun Violence*, "The Firearm Printing Prevention Act, which will combat the emerging crisis of 3D printed firearms by requiring that every 3D printer sold in our state comes with technology that will block 3D print jobs for firearms and illegal firearm parts that turn pistols into machine guns (machinegun-conversion devices, commonly called "switches" or "MCDs").

"Rapid evolution in the printing industry in recent years has radically increased the threat from 3D printed firearms. Over the past decade, 3D printers have improved in capabilities, dropped in price, and exploded in popularity. Entry-level models now cost as little as $250 and are capable of printing the critical components of firearms. Anyone with internet access can find thousands of digital instructional files for guns and illegal gun parts online.

"California's status as the state with the strongest gun laws makes 3D printing all the more appealing for people prohibited from owning firearms. In 2025, domestic abusers, teenagers, and large-scale criminal suppliers were found manufacturing 3D-printed firearms in California. Just in February 2026:

- Law enforcement in Santa Rosa seized over 165 guns and 3D printers from a 22-year-old ghost guns manufacturer.
- Victor Valley sheriffs arrested two men with a 3D-printed assault rifle, over 130 Polymer80 jigs (ghost gun making tools), 3D printer materials and a 3D printing guide for different firearms.

- A San Jose teen was caught with 27 finished or near-finished 3D-printed firearms, including DIY machine guns, and two 3D printers.

"3D-printed firearms undermine our state's entire gun safety apparatus. Skip-the-background-check gun printing upends the entire system of gun safety laws - circumventing California's laws that seek to ensure guns don't end up in the hands of people with dangerous histories and that extremely dangerous weapons don't end up in our state.

"The good news is: the technology already exists to equip printers to identify and block these dangerous print jobs—this new legislation will simply ensure that printer manufacturers actually deploy these solutions and stop the spread of DIY firearms before it accelerates any further. The Firearm Printing Prevention Act is an upstream solution that builds on California's legacy of combating emerging firearm threats, like the first wave of ghost guns and DIY machine guns.

"California has taken early steps to prohibit personal manufacturing of firearms with a 3D printer and created pathways to civil liability for people who aid and abet illegal 3D firearm manufacturing. While those recent laws have focused on prohibition and deterrence, AB 2047 provides an opportunity for prevention using new technology to stop 3D gun printing at its source. We can't fully address this emerging threat to our foundational gun laws and public safety without this intervention at the manufacturing stage.

"We can help prevent illegal guns flowing into California communities and thwart gun traffickers trying to flout California's strong gun safety laws by ensuring that all 3D printers sold on the California household consumer retail market have firearm printing blocking technology installed. For these reasons, we strongly support AB 2047 and we urge the legislature to stand with us in combatting the emerging threat of 3D-printed firearms."

6) **Argument in Opposition**: According to the *National Rifle Association Institute for Legislative Action*, "On the outset, the NRA has consistently opposed efforts to ban or restrict the use of 3D printing technology as it relates to the lawful exercise of the right to keep and bear arms. AB 2047 represents a significant expansion of such efforts, establishing an unprecedented regulatory regime that conditions the sale and use of 3D printers on state-approved software designed to detect and block firearm-related digital files.

"As a matter of policy, this approach raises significant constitutional and practical concerns. The bill implicates the Second Amendment by placing prospective restrictions on self-manufacture of firearms. By conditioning access to commonly available tools on government-imposed technology, the bill further burdens and prohibits the ability of law-abiding individuals to exercise a constitutional right.

"AB 2047 also raises serious First Amendment concerns. By mandating the use of state-approved filtering mechanisms to monitor and restrict digital files and code, the bill extends regulation into areas of protected expression. Requiring manufacturers to embed such controls, and penalizing their circumvention, introduces a government directed role in regulating the dissemination and use of information.

"In addition, the bill's reliance on evolving detection standards, that are not required to achieve complete accuracy, creates a substantial risk of overbreadth, potentially restricting

lawful and unrelated digital content. At the same time, individuals' intent on unlawful activity remain unlikely to be deterred by software-based restrictions that can be modified or circumvented.

"For those reasons, we respectably encourage that the Committee reject Assembly Bill 2047."

7) **Related Legislation**:

a) AB 1589 (Chen) would exempt from the prohibition on possessing silencers specified level I reserve peace officers. AB 1589 is pending hearing in the Assembly Appropriations Committee.

b) AB 1615 (Nguyen) would authorize a peace officer employed by a county probation department and using an unsafe handgun as a service weapon to satisfy the above-described training requirement by completion of the firearm portion of a training course prescribed by POST and who qualifies with the handgun, as specified, at least every 3 months. AB 1615 is pending hearing in the Assembly Appropriations Committee.

c) SB 1220 (Hurtado) would prohibit a person who is convicted on or after January 1, 2027, of defined laws, from owning, purchasing, receiving, or having in their possession or under their custody or control any firearm within 10 years of the conviction. SB 1220 is pending hearing in the Senate Public Safety Committee.

8) **Prior Legislation**:

a) AB 1127 (Gabriel), Chapter 572, Statutes of 2025, prohibited a licensed firearms dealer from selling, offer for sale, exchange, give, transfer, or deliver any semiautomatic convertible pistol, except as specified.

b) AB 1263 (Gipson), Chapter 636, Statutes of 2025, prohibited a person from knowingly or willfully causing another person to engage in the unlawful manufacture of firearms or knowingly or willfully aiding, abetting, prompting, or facilitating the unlawful manufacture of firearms, including the manufacture of assault weapons or .50 BMG rifles or the manufacture of any firearm using a 3DP printer or CNC milling machine, as specified.

c) AB 97 (Rodriguez), Chapter 233, Statutes of 2023, required the DOJ to collect and report specified information, including, among other things, the number and disposition of arrests made for violations of manufacturing a firearm or assembling a firearm from unserialized components.

d) AB 1089 (Gipson), Chapter 243, Statutes of 2023, required anybody who uses a 3DP or CNC milling machine to manufacture a firearm to be a state-licensed manufacturer.

e) AB 1420 (Berman), Chapter 245, Statutes of 2023, authorized the DOJ to conduct inspections and assess a fine for any violation of provisions relating to regulation of those licenses, for violations of specified provisions regulating the sale of secondhand firearms.

f) AB 1594 (Ting), Chapter 98, Statutes of 2022, prohibited a firearm industry member from manufacturing, marketing, importing, offering for wholesale sale, or offering for retail sale a firearm-related product that is abnormally dangerous and likely to create an unreasonable risk of harm to public health and safety in California

g) AB 1621 (Gipson), Chapter 76, Statutes of 2022, redefined a firearm precursor part as any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted.

h) AB 2156 (Wicks), Chapter 142, Statutes of 2022, expanded the firearms manufacturing prohibition to prohibit any person, regardless of federal licensure, from manufacturing firearms in the state without being licensed by the state.

REGISTERED SUPPORT / OPPOSITION:

Support
Everytown for Gun Safety Action Fund (Sponsor)
Moms Demand Action for Gun Sense in America (Sponsor)
Students Demand Action for Gun Sense in America (Sponsor)
Beverly Hills High School Students Demand Action
Brady California
Brady Campaign
CA Moms Demand Action
California Moms Demand Action
California Police Chiefs Association
Cft – a Union of Educators & Classified Professionals, Aft, Afl-cio
Chapman University Students Demand Action
Consumer Protection Policy Center/usd School of Law
Former City Attorney Mike Feuer, City of Los Angeles
Giffords
Newtown Action Alliance
San Diego City Attorney's Office
Students Demand Action At UC Davis
Ucla Students Demand Action
Youth Alive!
57 Private Individuals

Oppose
ACLU California Action
California Rifle and Pistol Association, INC.
Gun Owners of California, INC.
National Rifle Association - Institute for Legislative Action
4 Private Individuals

Analysis Prepared by: Dustin Weber / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2073 (Johnson) – As Introduced February 18, 2026

SUMMARY: Exempts from prosecution, for willfully omitting from a child certain necessities of life, among other defined crimes against children, an individual who voluntarily places a child 72 hours old or younger in an infant safety device at a safe-surrender site. Specifically, **this bill**:

1) States that a parent or other individual having lawful custody of a minor child 72 hours old or younger shall not be prosecuted for specified violations of the Penal Code, if that parent or individual voluntarily places the child in an infant safety device at a safe-surrender site.

2) Provides that personnel at a safe surrender site generally shall not have liability for a child surrendered at a safe surrender site, however, immunity is not conferred for injury resulting from acts or omissions constituting gross negligence or willful or wanton misconduct.

3) Requires a safe-surrender site that installs an infant safety device to ensure that the alarm system described is tested at least one time per week, and that the device is visually checked at least two times per day.

4) Defines "infant safety device" as a device that meets all of the following criteria:

   a) It is voluntarily installed by a safe-surrender site;

   b) It is physically located inside a safe-surrender site that is staffed 24 hours a day by medical or emergency personnel;

   c) It is placed in a conspicuous location that is visible to personnel on duty at the safe-surrender site;

   d) It is equipped with an adequate dual alarm system that is connected to the physical location of the device and that alerts staff immediately when a child is placed inside;

   e) It is climate-controlled and locks automatically upon closure; and,

   f) It provides for a process or mechanism that maintains the anonymity of an individual who is surrendering a minor child to a safe-surrender site.

EXISTING LAW:

1) States that a parent of a minor child who willfully omits to furnish necessary clothing, food, shelter or medical attendance, or other remedial care for his or her child, he or she is guilty of

a misdemeanor punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. This statute shall not be construed so as to relieve such parent from the criminal liability defined herein for such omission merely because the other parent of such child is legally entitled to the custody of such child nor because the other parent of such child or any other person or organization voluntarily or involuntarily furnishes such necessary food, clothing, shelter or medical attendance or other remedial care for such child or undertakes to do so. (Pen. Code, § 270.)

2) Provides that proof of abandonment or desertion of a child by such parent, or the omission by such parent to furnish necessary food, clothing, shelter or medical attendance or other remedial care for his or her child is prima facie evidence that such abandonment or desertion or omission to furnish necessary food, clothing, shelter or medical attendance or other remedial care is willful and without lawful excuse. (Pen. Code, § 270.)

3) Establishes that every parent who refuses to accept his or her minor child into the parent's home, or, failing to do so, to provide alternative shelter, upon being requested to do so by a child protective agency and after being informed of the duty imposed by this statute to do so, is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars ($500). (Pen. Code, § 270.5, subd. (a).)

4) States that every parent of any child under the age of 14 years, and every person to whom any such child has been confided for nurture, or education, who deserts such child in any place whatever with intent to abandon it, is punishable by a wobbler. (Pen. Code, § 271.)

5) States that every person who knowingly and willfully abandons, or who, having ability so to do, fails or refuses to maintain his or her minor child under the age of 14 years, or who falsely, knowing the same to be false, represents to any manager, officer or agent of any orphan asylum or charitable institution for the care of orphans, that any child for whose admission into that asylum or institution application has been made is an orphan, is punishable by as a wobbler. (Pen. Code, § 271a.)

6) Provides that no parent or other individual having lawful custody of a minor child 72 hours old or younger may be prosecuted for defined violations if he or she voluntarily surrenders physical custody of the child to personnel on duty at a safe-surrender site. (Pen. Code, § 271.5, subd. (a).)

7) States that a hospital and a safe-surrender site designated by the county board of supervisors or by a local fire agency, upon the approval of the appropriate local governing body of the agency, shall post a sign displaying a statewide logo that has been adopted by the State Department of Social Services (DSS) that notifies the public of the location where a minor child 72 hours old or younger may be safely surrendered. (Health & Saf. Code, § 1255.7, subd. (a)(4).)

8) Requires personnel on duty at a safe-surrender site shall accept physical custody of a minor child 72 hours old or younger pursuant to this section if a parent or other individual having lawful custody of the child voluntarily surrenders physical custody of the child to personnel who are on duty at the safe-surrender site. Safe-surrender site personnel shall ensure that a qualified person does all of the following:

a) Places a coded, confidential ankle bracelet on the child;

b) Provides, or makes a good faith effort to provide, to the parent or other individual surrendering the child a copy of a unique, coded, confidential ankle bracelet identification in order to facilitate reclaiming the child. However, possession of the ankle bracelet identification, in and of itself, does not establish parentage or a right to custody of the child; and,

c) Provides, or makes a good faith effort to provide, to the parent or other individual surrendering the child a medical information questionnaire, which may be declined, voluntarily filled out and returned at the time the child is surrendered, or later filled out and mailed in the envelope provided for this purpose. This medical information questionnaire shall not require identifying information about the child or the parent or individual surrendering the child, other than the identification code provided in the ankle bracelet placed on the child. (Health & Saf. Code, § 1255.7, subd. (b).)

9) Requires personnel of a safe-surrender site that has physical custody of a minor child to ensure that a medical screening examination and any necessary medical care is provided to the minor child. (Health & Saf. Code, § 1255.7, subd. (c).)

10) Provides that as soon as possible, but in no event later than 48 hours after the physical custody of a child has been accepted, personnel of the safe-surrender site that has physical custody of the child shall notify child protective services or a county agency providing child welfare services, as specified, that the safe-surrender site has physical custody of the child. (Health & Saf. Code, § 1255.7, subd. (d)(1).)

11) States that any personal identifying information that pertains to a parent or individual who surrenders a child that is obtained pursuant to the medical information questionnaire is confidential and shall be exempt from disclosure by the child protective services or county agency under the California Public Records Act. (Health & Saf. Code, § 1255.7, subd. (d)(2).)

12) Personal identifying information that pertains to a parent or individual who surrenders a child shall be redacted from any medical information provided to child protective services or the county agency providing child welfare services. (Health & Saf. Code, § 1255.7, subd. (d)(2).)

13) Requires child protective services or the county agency providing child welfare services to assume temporary custody of the child immediately upon receipt of notice. (Health & Saf. Code, § 1255.7, subd. (e).)

14) Requires child protective services or the county agency providing child welfare services to immediately investigate the circumstances of the case and file a petition. (Health & Saf. Code, § 1255.7, subd. (e).)

15) Requires child protective services or the county agency providing child welfare services to immediately notify the DSS of each surrendered child upon taking temporary custody of the child. (Health & Saf. Code, § 1255.7, subd. (e).)

16) Provides that, as soon as possible, but no later than 24 hours after temporary custody is assumed, child protective services or the county agency providing child welfare services shall report all known identifying information concerning the child, except personal identifying information pertaining to the parent or individual who surrendered the child, to the California Missing Children Clearinghouse and to the National Crime Information Center. (Health & Saf. Code, § 1255.7, subd. (e).)

17) States that if, prior to the filing of a petition, a parent or individual who has voluntarily surrendered a child requests that the safe-surrender site that has physical custody of the child return the child and the safe-surrender site still has custody of the child, personnel of the safe-surrender site shall either return the child to the parent or individual or contact a child protective agency if any personnel at the safe-surrender site knows or reasonably suspects that the child has been the victim of child abuse or neglect. The voluntary surrender of a child is not in and of itself a sufficient basis for reporting child abuse or neglect. (Health & Saf. Code, § 1255.7, subd. (f).)

18) Provides that subsequent to the filing of a petition, if, within 14 days of the voluntary surrender, the parent or individual who surrendered custody returns to claim physical custody of the child, the child welfare agency shall verify the identity of the parent or individual, conduct an assessment of that person's circumstances and ability to parent, and request that the juvenile court dismiss the petition for dependency and order the release of the child, if the child welfare agency determines that none of the specified conditions currently exist. (Health & Saf. Code, § 1255.7, subd. (g).)

19) States that a safe-surrender site, or the personnel of a safe-surrender site, shall not have liability of any kind for a surrendered child prior to taking actual physical custody of the child, and shall not be subject to civil, criminal, or administrative liability for accepting the child and caring for the child in the good faith belief that action is required or authorized. (Health & Saf. Code, § 1255.7, subd. (h).)

20) States that in order to encourage assistance to persons who voluntarily surrender physical custody of a child, no person who, without compensation and in good faith, provides assistance for the purpose of effecting the safe surrender of a minor 72 hours old or younger shall be civilly liable for injury to or death of the minor child as a result of the person's acts or omissions. This immunity does not apply to an act or omission constituting gross negligence, recklessness, or willful misconduct. (Health & Saf. Code, § 1255.7, subd. (i)(1).)

21) Provides that any identifying information that pertains to a parent or individual who surrenders a child, that is obtained as a result of the questionnaire or in any other manner, is confidential, shall be exempt from disclosure, and shall not be disclosed by any personnel of a safe-surrender site that accepts custody of a child pursuant to this section. (Health & Saf. Code, § 1255.7, subd. (k).)

FISCAL EFFECT: Unknown.

COMMENTS:

1) **Author's Statement**: According to the author, "I am proud to author AB 2073, which will provide local governments with a new legal mechanism to reduce unsafe abandonments and

custody surrenders. This bill modernizes California's Safely Surrendered Baby Law by authorizing the optional installation of regulated infant safety devices to address a critical deficiency in current law: the requirement for a face-to-face handoff. While existing statutes provide legal confidentiality, the lack of a truly anonymous option remains a significant barrier for parents in extreme crisis who are deterred by the fear of judgment or a lack of privacy. This fear often leads to infants being abandoned in unsafe environments like dumpsters or parks. By authorizing climate-controlled, alarm-equipped devices, this bill provides a 100% anonymous and legal last-resort option that prevents illegal abandonment and ensures newborns are retrieved by medical personnel within minutes."

2) **Effect of the Bill**: AB 2073 would provide for optional safe surrender sites with infant safety devices, which are colloquially known as "baby boxes."

   A safe surrender site is generally defined as a location designated by a local governing agency, established in consultation with local fire departments and child welfare agencies that may provide services for surrendered infants. (Health & Saf. Code, § 1255.7, subd. (a)(5)(A).) A public or private hospital with the responsibility and capacity to take in a surrendered infant is also permissible. (Health & Saf. Code, § 1255.7, subd. (a)(5)(B).) Safe surrender sites shall post signage notifying the public of its location and qualified personnel must be on duty at safe surrender sites. (Health & Saf. Code, § 1255.7, subds. (b) & (c).)

   AB 2073 would make installment of defined infant safety devices optional for localities that choose to use them. Should a locality choose to install an infant safety device, the person or individual surrendering a child in an infant safety device would be immune from prosecution for certain acts prohibited by law that harm children (See Pen. Code, §§ 270-271a.). It is unclear whether these devices would improve on the existing system California has implemented for safe surrender of children.

3) **Need for the Bill**: AB 2073 would provide another option for surrendering infants in designated infant safety devices. The bill does not mandate installation of infant safety devices but instead permits them. By offering installation of infant safety devices only as an option, this bill offers localities the ability to decide for themselves what best suits the needs of their communities. California has relatively well-established surrender laws, however, so it is unclear whether there is a need for this legislation.

   There may be a concern that the "overwhelming majority of the more than 200 active baby boxes currently in place in at least 15 states are provided by one company: a nonprofit called Safe Haven Baby Boxes Inc."[1] This article notes the recent growth of baby boxes in states that have more restrictive abortion laws.[2] At least 19 states permit newborn drop-off boxes, though more than half of those devices installed are in Indiana, which is the home state of the company that makes them.[3]

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[1] Vollers, A.C. *More places install drop-off boxes for surrendered babies. Critics say they're a gimmick.* (Feb. 26, 2024) Stateline <https://stateline.org/2024/02/26/more-places-install-drop-off-boxes-for-surrendered-babies-critics-say-theyre-a-gimmick/> [as of Mar. 18, 2026].
[2] *Ibid.*
[3] *Ibid.*

It is similarly unclear whether these boxes are as effective relative to different remedies for individuals in crisis who feel they need to surrender their infant. One bioethicist at Yale School of Medicine describes baby boxes as a "poor solution to infant abandonment because we know things like prenatal care are more integral to the health of an infant, as well as to the birthing parent."[4] Rather than baby boxes, she suggests states should consider authorizing women to deliver at hospitals anonymously, which would provide for relinquishing their newborns in a safer setting.[5] Certain experts are also concerned by the inability to establish informed consent or medical histories.[6] Some scholars question whether surrender is truly voluntary in the context of baby box drop-offs.[7]

There does not appear to be much uniformity in safe surrender laws across the country making data collection and analysis difficult.[8] One of the few recognized evidence-based approaches is led by Dr. Micah Orliss, who leads safe surrender program at the Children's Hospital Los Angeles.[9] In one study led by Dr. Orliss, his team found over half of surrendered infants had medical issues, while the majority were surrendered in communities with low median incomes.[10] The National Safe Haven Alliance, however, estimates more than 4,500 babies have been surrendered pursuant to safe haven laws since 1999.[11] They additionally estimate another roughly 1,600 babies were illegally abandoned, of which fewer than 50% were found alive.[12]

There appears to be genuine controversy over the need for this type of intervention. Bipartisan votes have been taken in many states supporting installation of these infant safety devices, but some experts caution that votes funding these baby boxes are poor replacements for investing in evidence-based prenatal and postnatal care.[13] California is a national leader in prenatal and postnatal services, according to the March of Dimes, ranking seventh nationally.[14] According to Forbes, California ranks third in the nation in best states to have a baby.[15] Given the available data, it is difficult to establish a clear need for this bill.

4) **Argument in Support**: According to the *California Family Council*, "On behalf of tens of thousands of constituents, allied organizations, and more than 2,000 churches across

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[4] *Ibid.*
[5] *Ibid.*
[6] *Ibid.*
[7] *Ibid.*
[8] Lewis, C and Oberman, M. *Wildly Inconsistent Safe Haven Laws Put Surrendered Infants, Parents at Risk* (Jan. 17, 2023) Governing < https://www.governing.com/now/wildly-inconsistent-safe-haven-laws-put-surrendered-infants-parents-at-risk> [as of Mar. 18, 2026] (The author of this analysis attended law school where one author of this article, Professor Michelle Oberman, teaches courses. However, the analysis' author did not have a class taught by Professor Oberman.).
[9] *Ibid.*
[10] Orliss, M, et al. *Safely surrendered infants in Los Angeles County: A medically vulnerable population* (July 30, 2019) National Institute of Health (NIH) <https://pubmed.ncbi.nlm.nih.gov/31322754/> [as of Mar. 18, 2026].
[11] *Ibid.*
[12] *Ibid.*
[13] *Ibid.*
[14] *2025 Report Card for California* <https://www.marchofdimes.org/peristats/reports/california/report-card> [as of Mar. 18, 2026].
[15] Galan, F. *What's the best state in the US to have a baby? Here's where California ranked* (Sep. 17, 2024) https://www.sacbee.com/news/california/article292451854.html#storylink=cpy> [as of Mar. 18, 2026].

California, the California Family Council proudly supports AB 2073, legislation that strengthens California's commitment to protecting vulnerable newborns.

"California's Safe Surrender law was established to provide a compassionate, life-affirming option for women in crisis. AB 2073 builds on that foundation by helping ensure safe surrender is as safe, accessible, and effective as possible for mothers facing overwhelming circumstances.

"AB 2073 allows designated Safe Surrender locations to install regulated infant safety devices commonly known in other states as "baby boxes." These devices place surrendered infants in a secure, climate-controlled environment and immediately alert on-site staff to respond. This rapid notification system increases response speed, ensuring that trained personnel attend to the infant within minutes. These devices are designed to work in tandem with, not replace, in-person Safe Surrender options.

"According to Safe Haven Baby Boxes, over 300 boxes have been installed across 20 states as of January 2025, each equipped with cutting-edge technology to ensure the safety and immediate care of surrendered infants.

"For some parents overwhelmed by fear, trauma, or stigma, directly approaching personnel may feel unthinkable. Infant safety devices provide a critical last resort alternative for those in desperate situations who might otherwise abandon a child in an unsafe location. AB 2073 upholds and reinforces the intent of California's Safe Surrender law: to protect life, reduce unsafe abandonment, and give every newborn the opportunity for safety and care. For these reasons, California Family Council respectfully urges a yes vote on AB 2073."

5) **Argument in Opposition**: According to *Bastard Nation: The Adoption Rights Organization* and *Stop Safe Haven Baby Boxes Now*, "Safe Haven Baby Box advocates claim that traditional Safe Haven laws, with their anonymous personal hand-off 'relinquishment' provisions, are tricky and dangerous. 'Women demand anonymity' leading proponents insist--granted total anonymity in child relinquishment, in order to be protected from shame and guilt. But what says more about shame and guilt than promoting a program where women are taught how to hide pregnancy and childbirth, skip pre-and post- natal care, and encouraged to skulk around dark obscure (but "prominent") spots outside of hospitals and fire or police stations to drop their babies into a box, like trash, and walk away. 'No one will ever have to know.' But people will know!

"Under AB2073, babies up to 3 days of age can be dropped off at state-designated locations such as hospitals and fire stations or just left in a box. These babies potentially have known identities parent(s), families, medical providers, social connections, birth certificates, Social Security cards, and any number of other ties to their families and communities. With passage of AB2073, they will be unceremoniously disappeared inside a box. And no one will ask 'Where's the baby?'???? Seriously!

"This personal hand-off practice that occurs currently in California offers but does not force interventions: crisis counseling services, support, family preservation options. In other words, decompression and reconsideration. Traditional safe haven advocates, in fact, report that about 30% of mothers who initially plan to use their state's safe haven law, change their minds and retain custody, transfer custody to a family member, or place their babies in open

adoptions. According to the Office of Child Abuse Prevention see above link) 65 babies have reclaimed by their parents.

"The secret Safe Haven Baby Box procedure makes retrieval nearly impossible."

6) **Related Legislation**: AB 1628 (M. Rodriguez) would establish a parent or other individual with lawful custody of a minor child 30 days of age or younger, who voluntarily surrenders physical custody of the child to personnel on duty at a safe-surrender site, cannot be prosecuted for child abandonment. AB 1628 is currently set for a later hearing in this committee.

7) **Prior Legislation**:

   a) AB 1048 (Torrico), Chapter 567, Statutes of 2010, requires a designating entity to consult with the governing body of a city, if the site is within city limits, and with representatives of the applicable fire department and child welfare agency, as specified. The bill would permit a local fire agency, upon the approval of the appropriate local governing body of the agency, to designate a safe-surrender site.

   b) AB 81 (Torrico), of the 2007-2008 Legislative Session, would have permitted a local fire agency, upon the approval of the appropriate local governing body of the agency, to designate a safe-surrender site. The bill would have specified certain circumstances in which a safe-surrender site and its personnel have no liability for a surrendered child. AB 81 was vetoed by the Governor.

   c) AB 2262 (Torrico), of the 2007-2008 Legislative Session, would have permitted a local fire agency, upon the approval of the appropriate local governing body of the agency, to designate a safe-surrender site. The bill would have specified certain circumstances in which a safe-surrender site and its personnel have no liability for a surrendered child. AB 81 was vetoed by the Governor.

   d) SB 116 (Dutton), Chapter 625, Statutes of 2005, repealed the sunset date for laws that made it a crime, among other things, for a parent of a minor child, without lawful excuse, to not furnish necessary clothing, food, shelter, or medical or remedial care for the child, or to refuse, without lawful excuse, to accept the child in his or her home or provide alternate shelter.

   e) AB 1873 (Torrico), of the 2005-2006 Legislative Session, would have designated certain locations as safe-surrender sites for the safe surrender of newborn children who are 30 days of age or younger. AB 1873 was vetoed by the Governor.

   f) SB 1413 (Brulte), Chapter 103, Statutes of 2004, provides that no person who, without compensation and in good faith, provides assistance for the purpose of effecting the safe surrender of a minor 72 hours old or younger shall be civilly liable for injury to, or the death of, the minor child as a result of any of his or her acts or omissions.

   g) SB 139 (Brulte), Chapter 139, Statutes of 2003, eliminated the requirement that the child be surrendered to a designated employee on duty in the emergency room of a hospital or location designated by the board of supervisors. SB 139 allows the surrender of the child

to a safe-surrender site, as defined, at a hospital or location designated for this purpose by a county board of supervisors.

REGISTERED SUPPORT / OPPOSITION:

Support

California Baptist for Biblical Values
California Family Council
Concerned Women for America
The California Baptist Capitol Ministry

Oppose

Bastard Nation: the Adoptee Rights Organization

Analysis Prepared by: Dustin Weber / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2119 (Jackson) – As Introduced February 18, 2026

As Proposed to be Amended in Committee

SUMMARY: Provides that every victim of sexual assault or domestic violence has the right to a fair, unbiased, and complete investigation by law enforcement and the collection of all relevant evidence by law enforcement regardless of the victim's gender, gender identity or expression, sexual orientation, age, race or ethnicity, disability, immigration status, or relationship to the alleged perpetrator. Specifically, **this bill**:

1) Requires the Department of Public Health (DPH), in collaboration with the California Victim Compensation Board (Cal VCB), the Office of Emergency Services (OES), and victim advocacy organizations to develop materials to educate the public that all genders may be the victim of sexual assault and domestic violence, that all genders may perpetrate sexual assault and domestic violence, and that all genders have equal rights to safety, shelter, and legal protections and remedies.

2) Mandates that the aforementioned materials be distributed statewide via television and radio public service announcements, social media and internet platforms, and printed materials at public health offices, hospitals, schools, public transit centers, and county offices.

3) States every victim of sexual assault or domestic violence has the right to a fair, unbiased, and complete investigation by law enforcement and the collection of all relevant evidence by law enforcement regardless of the victim's gender, gender identity or expression, sexual orientation, age, race or ethnicity, disability, immigration status, or relationship to the alleged perpetrator.

4) Mandates that in the course of an investigation of sexual assault, law enforcement may not question or imply that a victim's physiological sexual response constitutes consent or undermines their credibility. This does not apply to a district attorney, their deputy, or other prosecutor investigating a complaint of sexual assault.

5) States that any alleged perpetrator of sexual assault or domestic violence has the right to equal treatment under the law regardless of gender identity or expression.

6) Authorizes a victim to request a district attorney reinvestigate a complaint of sexual assault or domestic violence within 60 days after making the initial report to law enforcement and a victim who reported a sexual assault or act of domestic violence on or after January 1, 2020, but before January 1, 2027, may request a reinvestigation at any time.

7) Allows a victim to bring a civil action for damages against the investigating law enforcement agency, for any report of sexual assault or domestic violence occurring before January 1,

2027, for violations of the rights specified above for the recovery of actual damages, pain and suffering, punitive damages, and attorney fees and court costs.

8) Requires a district attorney to establish and maintain an individual process for reviewing and investigating reported cases of sexual assault or domestic violence, with or without an arrest, that includes all of the following:

   a) An independent investigation of the case, not conducted by the initial investigating agency.

   b) An evaluation of any evidence that the alleged perpetrator violated provisions of law pertaining to offering false or forged instruments for filing, obstructing a peace officer, false reporting, or impersonating a law enforcement officer.

   c) A report to the victim explaining the decision whether or not to bring criminal accusations and which accusations to allege.

9) Prohibits, in determining whether or not to bring criminal allegations in a case of sexual assault or domestic violence, a prosecutor from relying solely upon the report of the initial investigating agency.

10) Mandates that each state and local law enforcement agency (LEA) adopt a Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence policy that complies with the guidelines and practices provided in the Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence publication issued by the Biden Department of Justice in 2022.

11) Requires the Commission on Peace Officer Standards and Training (POST) to add to its basic training instruction related to trauma-informed methods for responding to victims, regardless of gender, gender neutral, gender inclusive language, as determined by the victim, in report documentation.

12) Requires POST to prepare a course of instruction on gender bias and law enforcement response to reports of sexual assault and domestic violence.

13) Requires the course to the guidance provided in the Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence publication issued by the Biden Department of Justice in 2022.

EXISTING LAW:

1) Establishes the Racial and Identity Profiling Advisory Board (RIPA) for the purposes of eliminating racial and identity profiling and improving diversity and racial and identity sensitivity in law enforcement. Every year RIPA shall analyze law enforcement training and issue a report that provides RIPA's analysis. (Pen. Code, § 13519.4 subd. (j)(3)(B)(E).)

2) Mandates that the basic training course for peace officers include adequate instruction on racial, identity, and cultural diversity in order to foster mutual respect and cooperation between law enforcement and members of all racial, identity, and cultural groups. In developing the training, POST shall consult with appropriate groups and individuals having an interest and expertise in the field of racial, identity, and cultural awareness and diversity. (Pen. Code, § 13519.4 (b).)

3) Provides that once the initial basic peace officer training is completed, specified peace officers who adhere to the standards approved by the POST shall be required to complete a refresher course on racial and identity profiling, including implicit bias, every five years thereafter, or on a more frequent basis if deemed necessary, in order to keep current with changing racial, identity, and cultural trends. (Pen. Code, § 13519.4, subd. (i).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 2119 addresses a critical and long-standing gap in California law: the failure of our legal system to equally protect all victims of sexual assault and domestic violence regardless of gender. Current law lacks explicit requirements to prevent gender bias in law enforcement investigations, leaving male victims, LGBTQ+ survivors, and others who do not fit the cultural stereotype of a "typical" victim without the full protection of the law. Research consistently shows that sexual assault cases involving male victims or non-stranger perpetrators are disproportionately deprioritized, inadequately investigated, and far less likely to result in arrest or prosecution not because the crimes are less serious, but because deeply embedded assumptions about who can be a victim continue to shape how law enforcement responds.

   This bill requires law enforcement agencies to adopt gender bias prevention policies, prohibits the use of a victim's physiological response to undermine their credibility, creates independent oversight of charging decisions, and launches a statewide public education campaign to ensure all Californians know that sexual violence affects every gender and that every survivor deserves equal access to justice. AB 2119 is about fundamental fairness ensuring that the protections California promises to survivors are delivered equally, regardless of who they are.

2) **POST Learning Domain Regarding Gender Bias:** This bill requires POST to prepare a course of instruction on gender bias and law enforcement response to reports of sexual assault and domestic violence. The bill further requires the POST training adhere to the U.S. DOJ policy on Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault.[1] However, the POST Cultural Diversity/ Discrimination largely mirrors the recommendations of the 2022 US DOJ guidance as part of the basic course of instruction. Learning Domain 42 specifically trains in recognizing gender bias (and more specifically

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[1] https://www.justice.gov/archives/opa/file/799366/dl

LGBTQIA bias) in law enforcement.[2] Specifically, Chapter 4 of LD 42 is aimed at exposing sexual orientation and gender identity bias. The stated basis for the training is as follows:

> "Peace officers need to recognize and respect the complexities of sexual orientation and gender identity and develop the skills necessary to understand, effectively communicate, and respond to the needs of the community and law enforcement workplace."[3]

It is not clear that the current learning domain is insufficient. It is part of the basic course, meaning it is required for all law enforcement and mandatory to perform duties as a peace officer in California.

3) **State Auditor Report on Peace Officer Bias:** In 2022, the California State Auditor's Office (CSA) audited five law enforcement departments (including LA Sheriff, San Jose Police Department, and the California Department of Rehabilitation and Corrections (CDCR)) for peace officer bias and uncovered a number of bias-related issues.[4] As part of the audit, the State Auditor reviewed a selection of five internal investigations at each department, reviewed the public social media accounts of approximately 450 officers, and examined agency responses to incidents and allegations of biased conduct.

   The report defined bias in general as a lack of objectivity that can take the form of preconceived judgments, opinions, or attitudes about a person or group based on actual or perceived identity characteristics. (See fn. 4, at p. 13.) Using this general definition of bias, the State Auditor identified numerous occasions of explicit or implicit bias and the corresponding disciplinary actions. (See fn. 4, at p. 19.)

   One of these instances included an officer filming black incarcerated individuals and narrating, "Black Lives Matter"; he later explained he was sarcastically responding to their sagging pants. (See fn. 4, at p. 20.) That officer received a temporary pay reduction. (*Ibid.*) In another instance, an officer admitted teasing incarcerated black youth about watermelon and chicken, and also admitted to teasing them about their clothing, asking them if they were homosexual. (*Ibid.*) That officer, as part of a broader investigation into other matters, was given an unpaid suspension and was required to take training. (*Ibid.*) A third officer told investigators he shared a joke with one or two coworkers about taking a biology exam, being asked to name something commonly found in a cell, and being told that "Mexicans" was apparently an incorrect answer. (*Ibid.*) That officer retired during the investigation. (*Ibid.*)

4) **Practical Concerns**: While very laudable in its intent, this bill may result in more flawed investigations and lead to more unjust outcomes. *First*, the bill states that law enforcement may not "imply" that a victim's physiological sexual response constitutes consent or undermines credibility. It is unclear what the author means by "implied" questioning when obtaining information from a victim. This lack of clarity may result in detectives missing information that may lead to the arrest of a suspect. Furthermore, it is not clear why law

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[2] https://post.ca.gov › workbooks › LD_42-V7.0.pdf
[3] *Id.*, at p. 81 (4-1).
[4] https://information.auditor.ca.gov › pdfs › reports

enforcement is not allowed to "imply" certain information, but the district attorney is allowed to question a victim about physiological sexual response.

Additionally, this bill seems to provide rights only to some victims. All people may be subject to domestic violence and sexual assault including cis heterosexual men and women, both heterosexual and homosexual Trans men and women at any stage of transition, non-binary people, and Intersex people. However, by making reference to such things as "physiological sexual response," the assumption is these rights are only meant to apply to people with penises. Given that sexual assault may happen to anyone, it is arguable that portions of the bill are discriminatory. (*People v. Gregori* (1983) 144 Cal.App.3d 353, 356 [holding that in order to prove a law is discriminatory, the plaintiff must show they have been deliberately either included or excluded from enforcement or benefit.]).

Second, this bill states that a victim may request a district attorney reinvestigate a complaint within 60 days after making the initial report to law enforcement. It also allows a victim who reported a sexual assault or domestic violence between January 1, 2020, and January 1, 2027, to request a reinvestigation – presumably within 60 days, although the bill does not specify.

However, this provision does not take into account the status of the investigation. If an investigation is ongoing, asking for a reinvestigation makes little sense. A detective may be investigating a claim of sexual assault, including filing search warrants or questioning other witnesses all within the 60-day timeframe. While the victim may not know everything the detectives are doing, that does not mean they are not actively investigating a claim of sexual assault or domestic violence.

Third, this bill requires that district attorneys must establish an internal review of misdemeanor or felony sexual assault and domestic violence cases without an arrest that requires an independent investigation conducted by an outside agency, an evaluation of whether the alleged perpetrator filed a false report, engaged in obstruction, or engaged in assault under color of authority. Following a reinvestigation, the district attorney must issue a decision to the victim explaining whether to bring charges. It also states that the decision to charge may not be based solely on the report of the initial investigating agency.

For instance, if the Los Angeles Police Department takes a sexual assault complaint from a victim and begins an investigation, 58 days later the victim requests a reinvestigation even though the current LAPD investigation is still ongoing. Presumably, the LA County District Attorney must get another agency to investigate despite the fact that LAPD is still investigating. Furthermore, if no arrest is made in the specified period of time, the DA must explain the decision without making reference to the initial report. This seems unworkable given that law enforcement does not have sufficient resources to conduct separate investigations either as requested or to provide an explanation to the victim.

5) **Argument in Support**: None submitted.

6) **Argument in Opposition**: **Argument in Opposition**: According to the *California District Attorneys Association*: "Victims of sexual assault and domestic violence deserve respect, fairness, and equal access to justice. However, provisions within AB 2119 create vague legal standards, expose law enforcement agencies to significant new liability, and impose

substantial operational burdens on district attorneys' offices, without a clear funding mechanism.

"AB 2119 establishes a statutory right to a "fair, unbiased, and complete investigation" and creates a new civil cause of action against law enforcement agencies for alleged violations of this standard. While fairness and impartiality are foundational principles of the criminal justice system, the bill does not define a "complete" investigation. By creating a legally enforceable standard without clear parameters, agencies could face litigation over discretionary investigative decisions whenever a case does not result in prosecution or when a victim disagrees with how the investigation was conducted.

"In addition, AB 2119 would impose significant new operational requirements on district attorneys' offices. The bill directs prosecutors not to rely solely on the report of the investigating agency when evaluating cases and requires each district attorney to establish a process that includes its own "independent investigation." In addition, the bill requires prosecutors to provide a report to victims explaining whether criminal charges will be filed and identifying the charges alleged. Taken together, these provisions substantially alter the existing case review process. District attorneys already review investigations carefully and routinely request follow-up investigation, but mandating duplicative investigations and detailed written explanations would significantly increase workload and delay case processing.

"Finally, AB 2119 does not include a reliable funding mechanism to support these new mandates. Although the bill references the state mandate reimbursement process, reimbursement under that system is uncertain and frequently delayed. District attorneys' offices are already managing significant caseloads with limited staffing resources and imposing new investigative and reporting requirements without guaranteed funding risks diverting resources away from prosecuting cases and supporting victims."

7) **Related Legislation**: AB 2347 (Aherns) would require POST to conduct a comprehensive review of existing hate crimes training programs to be completed by January 1, 2028. And by July 1, 2028, adopt evidence-based training requirements to address the gaps identified in the review regarding the prevention, identification, and investigation of hate crimes. AB 2347 is pending hearing in this committee.

8) **Prior Legislation**:

   a) AB 2547 (Nazarian), AB 2547 would have required POST to establish a definition of "biased conduct," as specified, and would have required law enforcement agencies to use that definition in any investigation into a bias-related complaint or an incident that involves possible indications of officer bias. AB 2547 was held in the Senate Appropriations Committee.

   b) SB 2 (Bradford), Chapter 409, Statutes of 2021, required that peace officers lose their certification if they commit certain acts, including engaging in discrimination, as specified.

   c) AB 846 (Burke), Chapter 322, Statutes of 2020, required that POST review and update regulations and screening materials to ensure identification of implicit and explicit biases

towards specified characteristics.

d) AB 243 (Kamlager), of the 2019-2020 Legislative Session, would have required peace officers to complete a refresher training every two years on racial, identity, and cultural trends. AB 243 was held in the Senate Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support
None submitted

Opposition
California District Attorneys Association
California Police Chiefs Association
California State Sheriffs' Association

Analysis Prepared by: Kimberly Horiuchi / PUB. S. / (916) 319-3744

Amended Mock-up for 2025-2026 AB-2119 (Jackson (A))

Mock-up based on Version Number 99 - Introduced 2/18/26
Submitted by: Kimberly Horiuchi, Assembly Committee on Public Safety

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 1.5 (commencing with Section 24198) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 1.5. Public Education for Victims of Sexual Assault

24198. (a) The State Department of Public Health, in collaboration with the California Victim Compensation Board, the Office of Emergency Services, and victim advocacy organizations shall develop materials to educate the public that all genders may be the victim of sexual assault and domestic violence, that all genders may perpetrate sexual assault and domestic violence, and that all genders have equal rights to safety, shelter, and legal protections and remedies.

(b) These materials shall be distributed statewide via television and radio public service announcements, social media and internet platforms, and printed materials at public health offices, hospitals, schools, public transit centers, and county offices.

SEC. 2. Chapter 7.7 (commencing with Section 313.6) is added to Title 9 of Part 1 of the Penal Code, to read:

CHAPTER 7.7. Equal Rights in Sexual Assault and Domestic Violence Investigations

313.6. (a) Every victim of sexual assault or domestic violence has the right to a fair, unbiased, and complete investigation by law enforcement and the collection of all relevant evidence by law enforcement regardless of the victim's gender, gender identity or expression, sexual orientation, age, race or ethnicity, disability, immigration status, or relationship to the alleged perpetrator.

(b) (1) Except as provided in paragraph (2), in the course of an investigation of sexual assault, law enforcement shall not question or imply that a victim's physiological sexual response constitutes consent or undermines their credibility.

(2) Paragraph (1) does not apply to a district attorney, their deputy, or other prosecutor investigating a complaint of sexual assault.

(c) Every alleged perpetrator of sexual assault or domestic violence has the right to equal treatment under the law regardless of gender identity or expression.

(d) (1) Except as provided in paragraph (2), a victim may request that a district attorney reinvestigate a complaint of sexual assault or domestic violence within 60 days after making the initial report to law enforcement.

(2) Notwithstanding paragraph (1), a victim who reported a sexual assault or act of domestic violence on or after January 1, 2020, but before January 1, 2027, may request a reinvestigation pursuant to paragraph (1) at any time.

(e) This section applies to acts of sexual assault and domestic violence committed on or after January 1, 2020.

313.61. (a) A victim may bring a civil action for damages against the investigating law enforcement agency for a violation of Section 313.6 for the recovery of any of the following:

(1) Actual and compensatory damages.

(2) Pain and suffering.

(3) Punitive damages.

(4) Attorneys' fees and court costs.

(b) This section applies to reports of sexual assault or domestic violence made to a law enforcement agency prior to January 1, 2027.

313.62. (a) Each district attorney shall establish and maintain an internal process for reviewing and investigating reported cases of sexual assault or domestic violence, with or without an arrest, that includes all of the following:

(1) An independent investigation of the case, not conducted by the initial investigating agency.

(2) An evaluation of any evidence that the alleged perpetrator violated Section 115, paragraph (1) of subdivision (a) of Section 148, or Section 148.5 or 148.9.

(3) A report to the victim explaining the decision whether or not to bring criminal accusations and which accusations to allege.

(b) In determining whether or not to bring criminal allegations in a case of sexual assault or domestic violence, a prosecutor shall not rely solely upon the report of the initial investigating agency.

SEC. 3. Section 422.875 is added to the Penal Code, immediately following Section 422.87, to read:

422.875. Each state and local law enforcement agency shall adopt a Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence policy that shall comply with the guidelines and practices provided in the Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence publication issued by the Department of Justice in 2022.

~~**SEC. 4.** Section 803 of the Penal Code is amended to read:~~

~~**803.** (a) Except as provided in this section, a limitation of time prescribed in this chapter is not tolled or extended for any reason.~~

~~(b) The time during which prosecution of the same person for the same conduct is pending in a court of this state is not a part of a limitation of time prescribed in this chapter.~~

~~(c) A limitation of time prescribed in this chapter does not commence to run until the discovery of an offense described in this subdivision. This subdivision applies to an offense punishable by imprisonment in the state prison or imprisonment pursuant to subdivision (h) of Section 1170, a material element of which is fraud or breach of a fiduciary obligation, the commission of the crimes of theft or embezzlement upon an elder or dependent adult, or the basis of which is misconduct in office by a public officer, employee, or appointee, including, but not limited to, the following offenses:~~

~~(1) Grand theft of any type, forgery, falsification of public records, or acceptance of, or asking, receiving, or agreeing to receive, a bribe, by a public official or a public employee, including, but not limited to, a violation of Section 68, 86, or 93.~~

~~(2) A violation of Section 72, 118, 118a, 132, 134, or 186.10.~~

~~(3) A violation of Section 25540, of any type, or Section 25541 of the Corporations Code.~~

~~(4) A violation of Section 1090 or 27443 of the Government Code.~~

~~(5) Felony welfare fraud or Medi-Cal fraud in violation of Section 11483 or 14107 of the Welfare and Institutions Code.~~

~~(6) Felony insurance fraud in violation of Section 548 or 550 of this code or former Section 1871.1, or Section 1871.4, of the Insurance Code.~~

~~(7) A violation of Section 580, 581, 582, 583, or 584 of the Business and Professions Code.~~

~~(8) A violation of Section 22430 of the Business and Professions Code.~~

~~(9) A violation of Section 103800 of the Health and Safety Code.~~

~~(10) A violation of Section 529a.~~

~~(11) A violation of subdivision (d) or (e) of Section 368.~~

~~(d) If the defendant is out of the state when or after the offense is committed, the prosecution may be commenced as provided in Section 804 within the limitations of time prescribed by this chapter, and no time up to a maximum of three years during which the defendant is not within the state shall be a part of those limitations.~~

~~(e) A limitation of time prescribed in this chapter does not commence to run until the offense has been discovered, or could have reasonably been discovered, with regard to offenses under Division 7 (commencing with Section 13000) of the Water Code, under Chapter 6.5 (commencing with Section 25100) or Chapter 6.7 (commencing with Section 25280) of Division 20 of, or Part 4 (commencing with Section 41500) of Division 26 of, or Part 2 (commencing with Section 78000) of Division 45 of, the Health and Safety Code, or under Section 386, or offenses under Chapter 5 (commencing with Section 2000) of Division 2 of, Chapter 9 (commencing with Section 4000) of Division 2 of, Section 6126 of, Chapter 10 (commencing with Section 7301) of Division 3 of, or Chapter 19.5 (commencing with Section 22440) of Division 8 of, the Business and Professions Code.~~

~~(f) (1) Notwithstanding any other limitation of time described in this chapter, if subdivision (b) of Section 799 does not apply, a criminal complaint may be filed within one year of the date of a report to a California law enforcement agency by a person of any age alleging that the person, while under 18 years of age, was the victim of a crime described in Section 261, 286, 287, 288, 288.5, or 289, former Section 288a, or Section 289.5, as enacted by Chapter 293 of the Statutes of 1991 relating to penetration by an unknown object.~~

~~(2) This subdivision applies only if all of the following occur:~~

~~(A) The limitation period specified in Section 800, 801, or 801.1, whichever is later, has expired.~~

~~(B) The crime involved substantial sexual conduct, as described in subdivision (b) of Section 1203.066, excluding masturbation that is not mutual.~~

~~(C) There is independent evidence that corroborates the victim's allegation. If the victim was 21 years of age or older at the time of the report, the independent evidence shall clearly and convincingly corroborate the victim's allegation.~~

~~(3) Evidence shall not be used to corroborate the victim's allegation if that evidence would otherwise be inadmissible during trial. Independent evidence excludes the opinions of mental health professionals.~~

~~(4) (A) In a criminal investigation involving any of the crimes listed in paragraph (1) committed against a child, if the applicable limitations period has not expired, that period shall be tolled from the time a party initiates litigation challenging a grand jury subpoena until the end of the litigation, including any associated writ or appellate proceeding, or until the final disclosure of evidence to the investigating or prosecuting agency, if that disclosure is ordered pursuant to the subpoena after the litigation.~~

~~(B) This subdivision does not affect the definition or applicability of any evidentiary privilege.~~

~~(C) This subdivision shall not apply if a court finds that the grand jury subpoena was issued or caused to be issued in bad faith.~~

~~(g) (1) Notwithstanding any other limitation of time described in this chapter, a criminal complaint may be filed within one year of the date on which the identity of the suspect is conclusively established by DNA testing, if both of the following conditions are met:~~

~~(A) The crime is one that is described in subdivision (c) of Section 290.~~

~~(B) The offense was committed before January 1, 2001, and biological evidence collected in connection with the offense is analyzed for DNA type no later than January 1, 2004, or the offense was committed on or after January 1, 2001, and biological evidence collected in connection with the offense is analyzed for DNA type no later than two years from the date of the offense.~~

~~(2) For purposes of this section, "DNA" means deoxyribonucleic acid.~~

~~(h) For any crime, the proof of which depends substantially upon evidence that was seized under a warrant, but which is unavailable to the prosecuting authority under the procedures described in People v. Superior Court (Laff) (2001) 25 Cal.4th 703, People v. Superior Court (Bauman & Rose) (1995) 37 Cal.App.4th 1757, or subdivision (c) of Section 1524, relating to claims of evidentiary privilege or attorney work product, the limitation of time prescribed in this chapter shall be tolled from the time of the seizure until final disclosure of the evidence to the prosecuting authority. This section does not otherwise affect the definition or applicability of any evidentiary privilege or attorney work product.~~

~~(i) (1) Notwithstanding any other limitation of time described in this chapter, a criminal complaint may be filed within one year of the date on which a hidden recording is discovered related to a violation of paragraph (2) or (3) of subdivision (j) of Section 647.~~

~~(2) Notwithstanding any other limitation of time described in this chapter, a criminal complaint may be filed within one year of the date on which it is discovered that, but not more than four years~~

~~after, an image was intentionally distributed in violation of paragraph (4) of subdivision (j) of Section 647.~~

~~(j) (1) Notwithstanding any other limitation of time described in this chapter, if a person flees the scene of an accident that caused death or permanent, serious injury, as defined in subdivision (d) of Section 20001 of the Vehicle Code, a criminal complaint brought pursuant to paragraph (2) of subdivision (b) of Section 20001 of the Vehicle Code may be filed within the applicable time period described in Section 801 or 802 or one year after the person is initially identified by law enforcement as a suspect in the commission of the offense, whichever is later, but in no case later than six years after the commission of the offense.~~

~~(2) If, after committing the crime described in paragraph (1), a person is out of the state for the purpose of evading prosecution, the statute of limitations may be tolled for up to three years during any time the person is out of the state.~~

~~(k) Notwithstanding any other limitation of time described in this chapter, if a person flees the scene of an accident, a criminal complaint brought pursuant to paragraph (1) or (2) of subdivision (c) of Section 192 may be filed within the applicable time period described in Section 801 or 802, or one year after the person is initially identified by law enforcement as a suspect in the commission of that offense, whichever is later, but in no case later than six years after the commission of the offense.~~

~~(l) A limitation of time prescribed in this chapter does not commence to run until the discovery of an offense involving the offering or giving of a bribe to a public official or public employee, including, but not limited to, a violation of Section 67, 67.5, 85, 92, or 165, or Section 35230 or 72530 of the Education Code.~~

~~(m) Notwithstanding any other limitation of time prescribed in this chapter, if a person actively conceals or attempts to conceal an accidental death in violation of Section 152, a criminal complaint may be filed within one year after the person is initially identified by law enforcement as a suspect in the commission of that offense, provided, however, that in any case a complaint may not be filed more than four years after the commission of the offense.~~

~~(n) (1) Notwithstanding any other limitation of time described in this chapter, a criminal complaint brought pursuant to a violation of Section 367g may be filed within one year of the discovery of the offense or within one year after the offense could have reasonably been discovered.~~

~~(2) This subdivision applies to crimes that were committed on or after January 1, 2021, and to crimes for which the statute of limitations that was in effect before January 1, 2021, has not run as of January 1, 2021.~~

~~(o) Notwithstanding any other limitation of time described in this chapter, the statute of limitations for a felony offense described in subdivision (c) of Section 290 or Section 273.5 that was committed on or after January 1, 2020, for which the statute of limitations that was in effect prior~~

~~to January 1, 2027, has not expired as of January 1, 2027, shall commence to run beginning on January 1, 2027.~~

SEC. 5. Section 13516 of the Penal Code is amended to read:

13516. (a) The commission shall prepare guidelines establishing standard procedures which may be followed by police agencies in the investigation of sexual assault cases, and cases involving the sexual exploitation or sexual abuse of children, including, police response to, and treatment of, victims of these crimes. Those guidelines shall include all of the following:

(1) Trauma-informed methods for responding to victims, regardless of gender.

(2) Gender-neutral or gender-inclusive language, as determined by the victim in report documentation.

(3) Best practices for bias prevention.

(b) The course of training leading to the basic certificate issued by the commission shall, on and after July 1, 1977, include adequate instruction in the procedures described in subdivision (a). No reimbursement shall be made to local agencies based on attendance on or after that date at any course which does not comply with the requirements of this subdivision.

(c) The commission shall prepare and implement a course for the training of specialists in the investigation of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases. Officers assigned to investigation duties which include the handling of cases involving the sexual exploitation or sexual abuse of children, shall successfully complete that training within six months of the date the assignment was made.

(d) It is the intent of the Legislature in the enactment of this section to encourage the establishment of sex crime investigation units in police agencies throughout the state, which units shall include, but not be limited to, investigating crimes involving the sexual exploitation and sexual abuse of children.

(e) It is the further intent of the Legislature in the enactment of this section to encourage the establishment of investigation guidelines that take into consideration the sensitive nature of the sexual exploitation and sexual abuse of children with respect to both the accused and the alleged victim.

SEC. 6. Section 13519 of the Penal Code is amended to read:

13519. (a) The commission shall implement by January 1, 1986, a course or courses of instruction for the training of law enforcement officers in California in the handling of domestic violence complaints and also shall develop guidelines for law enforcement response to domestic violence. The course or courses of instruction and the guidelines shall include a brief current and historical context on communities of color impacted by incarceration and violence, enforcement of criminal

laws in domestic violence situations, availability of civil remedies and community resources, and protection of the victim. If appropriate, the training presenters shall include domestic violence experts, who may include victims of domestic violence and people who have committed domestic violence and have been or are in the process of being rehabilitated, with expertise in the delivery of direct services to victims and people who have committed domestic violence, including, but not limited to, utilizing the staff of domestic violence shelter-based programs in the presentation of training.

(b) As used in this section, "law enforcement officer" means any officer or employee of a local police department or sheriff's office, a peace officer of the Department of Parks and Recreation, as defined in subdivision (f) of Section 830.2, a peace officer of the University of California Police Department, as defined in subdivision (b) of Section 830.2, a peace officer of the California State University Police Departments, as defined in subdivision (c) of Section 830.2, a peace officer, as defined in subdivision (d) of Section 830.31, or a peace officer as defined in subdivisions (a) and (b) of Section 830.32.

(c) The course of basic training for law enforcement officers shall include adequate instruction in the procedures and techniques described below:

(1) The provisions set forth in Title 5 (commencing with Section 13700) relating to response, enforcement of court orders, and data collection.

(2) The legal duties imposed on peace officers to make arrests and offer protection and assistance including guidelines for making felony and misdemeanor arrests.

(3) Techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of the victim. These techniques shall include, but are not limited to, the following:

(A) Methods for ensuring victim interviews occur in a venue separate from the alleged perpetrator and with appropriate sound barriers to prevent the conversation from being overheard.

(B) Questions for the victim, including, but not limited to, the following:

(i) Whether the victim would like a followup visit to provide needed support or resources.

(ii) Information on obtaining a gun violence restraining order and a protective order described in Section 6218 of the Family Code.

(C) A verbal review of the resources available for victims outlined on the written notice provided pursuant to paragraph (9) of subdivision (c) of Section 13701.

(4) The nature and extent of domestic violence.

(5) The signs of domestic violence.

(6) Criminal conduct that may be related to domestic violence, including, but not limited to, any of the following:

(A) Coercion, as described in paragraph (1) of subdivision (h) of Section 236.1, for purposes of committing or impeding the investigation or prosecution of domestic violence.

(B) False imprisonment, as defined in Section 236.

(C) Extortion, as defined in Section 518, and the use of fear, as described in Section 519.

(D) Identity theft, as defined in Section 530.5, impersonation through an internet website or by other electronic means, as defined in Section 528.5, false personation, as defined in Section 530, receiving money or property as a result of false personation, and mail theft.

(E) Stalking, as defined in Section 646.9, including by telephone or electronic communication.

(F) Nonconsensual pornography, as described in paragraph (4) of subdivision (j) of Section 647.

(7) The assessment of lethality or signs of lethal violence in domestic violence situations.

(8) The legal rights of, and remedies available to, victims of domestic violence.

(9) The use of an arrest by a private person in a domestic violence situation.

(10) Documentation, report writing, and evidence collection.

(11) Domestic violence diversion.

(12) Tenancy issues and domestic violence.

(13) The impact on children of law enforcement intervention in domestic violence.

(14) The services and facilities available to victims and batterers.

(15) The use and applications of this code in domestic violence situations.

(16) Verification and enforcement of temporary restraining orders when (A) the suspect is present and (B) the suspect has fled.

(17) Verification and enforcement of stay-away orders.

(18) Cite and release policies.

(19) Emergency assistance to victims and how to assist victims in pursuing criminal justice options.

(20) Trauma-informed methods for responding to victims, regardless of gender.

(21) Gender-neutral or gender-inclusive language, as determined by the victim, in report documentation.

(22) Best practices for bias prevention.

(d) The guidelines developed by the commission shall also incorporate the factors described in subdivision (c), and the following procedures and techniques:

(1) Identification and detection of staged crime scenes.

(2) Working with a multidisciplinary team in the handling of domestic violence cases.

(3) Indicators of domestic homicide in suspicious death cases, including all of the following:

(A) The decedent died prematurely or in an untimely manner.

(B) The scene of the death gives the appearance of death due to suicide or accident.

(C) One partner wanted to end the relationship.

(D) There is a history of being victimized by domestic violence that includes coercive control.

(E) The decedent is found dead in a home or place of residence.

(F) The decedent is found by a current or previous partner.

(G) There is a history of being victimized by domestic violence that includes strangulation or suffocation.

(H) The current or previous partner of the decedent, or child of the decedent or the decedent's current or previous partner, is the last to see the decedent alive.

(I) The partner had control of the scene before law enforcement arrived.

(J) The body of the decedent has been moved or the scene or other evidence is altered in some way.

(e) Local law enforcement agencies are encouraged to include, as a part of their advanced officer training program, periodic updates and training on domestic violence. The commission shall assist where possible.

(f) (1) The course of instruction, the learning and performance objectives, the standards for the training, and the guidelines shall be developed by the commission in consultation with appropriate groups and individuals having an interest and expertise in the field of domestic violence. The groups and individuals shall include, but shall not be limited to, the following: one representative each from the California Peace Officers' Association, the Peace Officers Research Association of California, the State Bar of California, the California Women Lawyers, and the Commission on the Status of Women and Girls; two representatives from the commission; two representatives from the California Partnership to End Domestic Violence; two peace officers, recommended by the commission, who are experienced in the provision of domestic violence training; two domestic violence experts, recommended by the California Partnership to End Domestic Violence, who are experienced in the provision of direct services to victims of domestic violence; and at least one representative of service providers serving the lesbian, gay, bisexual, and transgender community in connection with domestic violence. At least one of the persons selected shall be a former victim of domestic violence; one representative of an organization working to advance criminal justice reform; and one representative of an organization working to advance racial justice.

(2) The commission, in consultation with these groups and individuals, shall review existing training programs to determine in what ways domestic violence training might be included as a part of ongoing programs.

(g) Each law enforcement officer below the rank of supervisor who is assigned to patrol duties and would normally respond to domestic violence calls or incidents of domestic violence shall complete, every two years, an updated course of instruction on domestic violence that is developed according to the standards and guidelines developed pursuant to subdivisions (a) and (d). The instruction required pursuant to this subdivision shall be funded from existing resources available for the training required pursuant to this section. It is the intent of the Legislature not to increase the annual training costs of local government entities.

SEC. 7. Section 13519.17 is added to the Penal Code, to read:

13519.17. The commission shall prepare a course of instruction on gender bias and law enforcement response to reports of sexual assault and domestic violence. The course shall adhere to the guidance provided in the Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence publication issued by the Department of Justice in 2022.

SEC. 8. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

California State Assembly

PUBLIC SAFETY

NICK SCHULTZ
CHAIR

1020 N Ste, Room 111
(916) 319-3744
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AGENDA

Tuesday, March 24, 2026
8:30 a.m. -- State Capitol, Room 126

ANALYSES PACKET PART III
AB 2122 (Kalra) – AB 1968 (Gallagher – Recon Vote-Only)

Date of Hearing: March 24, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2122 (Kalra) – As Introduced February 18, 2026

SUMMARY: Eliminates certain processes and penalties if an individual is subject to an infraction, including: issuing a bench warrant for the person's arrest within 20 days of the failure to appear, a misdemeanor charge and conviction reported to the Department of Motor Vehicles (DMV), imposition of a civil fine for failing to appear or failing to make an installment payment on a bail contract, and authorizing the court to declare the bail forfeited and requiring the court to issue a bench warrant for the arrest of the person charged, as specified. Specifically, **this bill**:

1) Exempts the issuance of a bench warrant for an infraction from the general rule that all laws relating to misdemeanors apply to infractions.

2) Prohibits the issuance of a bench warrant for the failure to pay an infraction ticket.

3) Prohibits the issuance of a bench warrant for the failure to appear in court on a written promise to appear when the underlying charge is an infraction.

4) Removes the requirement that a court inform the DMV of a willful failure to pay bail in installments or pay the fine for a Vehicle Code infraction, as specified.

5) Eliminates the requirement that a misdemeanor shall be issued for failure to pay a bail installment.

6) Makes conforming changes to other provisions of law.

7) Includes legislative findings and declarations.

EXISTING LAW:

1) Establishes that it is the intent of the Legislature that the disposition of any criminal case use the least restrictive means available. (Pen. Code, § 17.2, subd. (a).)

2) States that specified wobblettes are infractions subject to defined procedures in the following cases:

   a) The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time they are arraigned, after being informed of their rights, elects to have the case proceed as a misdemeanor.

b) The court, with the consent of the defendant, determines that the offense is an infraction, in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint. (Pen. Code, § 17, subd. (d).)

3) Provides that all provisions of law relating to misdemeanors shall apply to infractions, as specified. (Pen. Code, § 19.7.)

4) States that except where a lesser maximum fine is expressly provided, an infraction is punishable by a fine not exceeding two hundred fifty dollars ($250) (Pen. Code, § 19.8, subd. (a)(2).)

5) States that except for specified violations based upon failure to appear, a conviction for an offense made an infraction is not grounds for the suspension, revocation, or denial of a license or for the revocation of probation or parole of the person convicted. (Pen. Code, § 19.8, subd. (c).)

6) Establishes that except as otherwise provided by law, in any case in which a person is arrested for an offense declared to be an infraction, the person may be released according to procedures for a misdemeanor. (Pen. Code, § 853.5, subd. (a).)

7) Provides that any person who willfully violates his or her written promise to appear or a lawfully granted continuance of his or her promise to appear in court is guilty of a misdemeanor. (Pen. Code, § 853.7.)

8) Establishes that when a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail, the magistrate shall issue and have delivered for execution a warrant for their arrest within 20 days after their failure to appear as promised or within 20 days after their failure to appear after a lawfully granted continuance. (Pen. Code, § 853.8.)

9) States that a bench warrant of arrest may be issued when a defendant fails to appear in court. (Pen. Code, § 978.5, subd. (a).)

10) States that a trial of an infraction shall be by the court, but when a defendant has been charged with an infraction and with a public offense for which there is a right to jury trial and a jury trial is not waived, the court may order that the offenses be tried together by jury or that they be tried separately. (Pen. Code, § 1042.5.)

11) States that a person willfully failing to comply with a condition of a court order for a violation of this code, other than for failure to appear or failure to pay a fine, is guilty of a misdemeanor, regardless of their subsequent compliance with the order. (Veh. Code, § 40508, subd. (c).)

12) Provides that if any person has willfully failed to comply with a court order, except a failure to appear, to pay a fine, or to attend traffic violator school, which was issued for a specified violation, the magistrate or clerk of the court may give notice of the fact to the DMV. (Veh. Code, § 40509.1.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Infraction bench warrants have functioned as a debtor's prison, creating a system where people who have money for fines never have to appear in court, while those who cannot pay face potential for arrest for what are otherwise non-jailable, minor offenses. AB 2122 addresses the disparate punishment of low-income people that has done little to further public safety by prohibiting the issuance of a bench warrant if the underlying charge is an infraction. This bill will save millions of dollars annually from not having to execute bench warrants or detain people in county jails, and will remove an ineffective, overly punitive punishment for what is essentially a crime of poverty."

2) **Effect of the Bill:** AB 2122 would eliminate bench warrants for multiple violations when the underlying offense is an infraction.

   Among other things, this bill makes the law authorizing a misdemeanor for willfully failing to appear in court, as specified, inapplicable to infractions. Likewise, infractions would not apply to the requirement that when a person has failed to appear and has not posted bail, a magistrate issue a warrant for the person's arrest within 20 days of the failure to appear.

   This bill would prohibit the issuance of a bench warrant of arrest when the underlying crime is an infraction. While existing law requires the court to report a conviction of certain Vehicle Code provisions to the DMV, AB 2122 would eliminate that requirement. AB 2122 additionally would repeal issuance of a misdemeanor for failure to pay a bail installment or fine and the authorization to issue an arrest warrant for failure to pay a bail installment.

   An infraction is an offense that is not punishable with incarceration. (Pen. Code, § 19.6.) Because the punishment for an infraction does not implicate the same loss of liberty, the same constitutional rights that apply to other criminal offenses do not apply to infractions. (*Ibid.*; see also *People v. Prince* (1976) 55 Cal.App.3d 19.) All provisions of law applicable to misdemeanors, however, also largely apply to infractions. (Pen. Code, § 19.7.) Generally, a person arrested for an infraction must be released upon signing a written notice to appear. (Pen. Code, § 853.6, subd. (a).) After a person has been released on a promise to appear, a bench warrant for arrest can be issued if the person fails to appear in court or fails to deposit the bail. (Pen. Code §§ 853.6, subd. (f), 853.8; see also Veh. Code, § 40514.) A willful violation of a promise to appear is a misdemeanor, even if the original offense was an infraction. (Pen. Code, § 853.7.)

   The intent of AB 2122 appears laudable, but this bill may have unintended impacts on the enforcement of infractions. Restricting the ability to hold individuals to personally account who are subject to infraction penalties could lead to dismissive treatment of those subject to the penalties, in addition to the expected benefits gained by interrupting the cycle of poverty and contact with the criminal justice system. Other impacts are possible here, too, as individuals at higher risk for indiscriminate immigration enforcement may be less likely to encounter Immigration and Customs Enforcement (ICE) agents if they are able to limit contact with California's criminal justice system.

Additionally, by limiting enforcement of infractions there may be a perverse incentive created for prosecutors to charge woblettes almost or entirely exclusively as misdemeanors. Prosecutorial discretion could be consciously or unconsciously guided by frustration with the state of the law rather than an honest brokering of the charges warranted for the individual's conduct. Prosecutors overcharging woblettes as misdemeanors could create further public safety harm. The Sentencing Project found that declining to charge individuals for non-violent misdemeanors reduces their likelihood for future offending.[1] They further noted that research on "prosecutorial reforms seeking to decriminalize poverty through dismissing, declining to prosecute, or diverting people charged with nonviolent misdemeanors like disorderly conduct and shoplifting," has discovered a decline in subsequent arrests for those impacted by the reform and no increase in crime rates for nonviolent misdemeanor offenses.[2] Declining to pursue certain misdemeanor charges can prevent the stigma and lifelong effects associated with a criminal record.[3] The certainty of these unintended outcomes occurring following implementation of this bill, however, is unclear.

3) **The Impact of Infractions**: AB 2122 would create potentially significant impacts on infractions, which themselves seem to have outsized roles in our lives and the broader criminal justice system.

The Judicial Council's 2021 Court Statistics Report notes that in FY 2019-20, out of all criminal case filings comprised of felonies, misdemeanors, and infractions, the overwhelming majority were infractions.[4] During this same time period, there were 174,553 felony cases filings, 636,112 misdemeanor filings, and a massive 3,243,819 infraction cases.[5] The majority of infractions were traffic infractions.[6] There were over 1,000,000 bail forfeitures for traffic infractions and over 19,000 bail forfeitures for non-traffic infractions.[7] Infractions require a huge investment of time and resources, not just for the system, but for system-impacted individuals and families.

The Sentencing Project released a four-part report that undertook a comprehensive analysis of persisting racial and economic inequities in the American criminal justice system. The report found one driver of carceral disparity relates to the damaging consequences of criminal legal contact, which are disproportionately experienced by communities of color.[8] Fines, fees, and predatory practices are inequitably experienced by justice-involved Americans and families.[9] The Consumer Financial Protection Bureau (CFPB) found

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[1] Ghandnoosh, N. *One in Five: Disparities in Crime and Policing* (Nov. 2, 2023) The Sentencing Project <https://www.sentencingproject.org/reports/one-in-five-disparities-in-crime-and-policing/> [as of Mar. 18, 2026].
[2] *Ibid.*
[3] *Ibid.*
[4] 2021 Court Statistics Report: Statewide Caseload Trends, at pp. 3-4 (2021) Judicial Council of California <https://courts.ca.gov/sites/default/files/courts/default/2024-12/2021-court-statistics-report.pdf> [as of Mar. 18, 2026].
[5] *Ibid.*
[6] *Id.* at p. 55.
[7] *Id.* at p. 84.
[8] Ghandnoosh, N and Trinka, L. *One in Five: How Mass Incarceration Deepens Inequality and Harms Public Safety* (Nov. 2, 2023) The Sentencing Project <https://www.sentencingproject.org/reports/one-in-five-disparities-in-crime-and-policing/> [as of Mar. 18, 2026].
[9] *Ibid.*

predatory monetary practices exist in every phase of the criminal legal process.[10] By reducing criminal justice system contact for minor offenses, AB 2122 could have a positive socioeconomic impact on already overburdened and underresourced individuals.

Traffic stops are an extraordinarily common means of getting an infraction. Police officers undertake millions of minor traffic stops annually, with many used as a pretext to investigate drivers for criminal activity, which disproportionately impacts motorists of color.[11] Police officers initiated contact with nearly 29 million U.S. residents aged 16 and older in 2018.[12] Traffic stops account for a staggering four-fifths of police-initiated contact.[13] There are clear racial disparities in traffic law enforcement with the Stanford Open Policing Project finding Black drivers disproportionately stopped relative to Latino/a/x and White drivers.[14] Criminal convictions too often create lifelong disadvantage, particularly for African Americans.[15] Employers discriminate against job candidates who have criminal histories, especially against those who are Black, and application questions about criminal histories deter some people from applying to certain jobs and colleges altogether.[16] One study found discovered nearly half of unemployed men had a criminal conviction.[17]

Criminal justice involvement often begins with system contact stemming, at least initially, from an infraction. Under current law, infractions can produce unpayable fees for some that can then balloon into crippling, life-altering debt. Moreover, system contact can quickly turn into a misdemeanor if the charged individual is unable to comply with established legal processes. While some individuals may be negligent or unwilling to abide by these processes, far too often justice-involved individuals are simply faced with impossible choices, like complying with a legal order or risk losing their job(s) and being unable to provide for those counting on them. The provisions of AB 2122 could provide a meaningful step towards slowing the ongoing cycle of poverty, inequality, and criminal justice system contact.

4) **Argument in Support**: According to the *Felony Murder Elimination Project*, "This bill would amend the penal and vehicle code to eliminate bench warrants for minor infractions. Felony Murder Elimination Project is a national nonprofit organization working to end felony murder laws and extreme accomplice liability, and to create meaningful pathways for resentencing and release for people serving excessive sentences. We support AB 2122 because eliminating bench warrants for low-level infractions will help prevent avoidable entries and re-entries into the criminal legal system, reduce the risk of escalation into more serious charges and detention, and promote more proportional and effective responses to minor conduct.

"Under California law, an individual's failure to pay for an infraction or appear in traffic court can result in a bench warrant, or a judge-issued order that authorizes law enforcement

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[10] *Ibid.*
[11] *Ibid.*
[12] *Ibid.*
[13] *Ibid.*
[14] *Ibid.*
[15] *Ibid.*
[16] *Ibid.*
[17] *Ibid.*

to arrest an individual and bring them before the court.1 People who miss court dates may be jailed for an otherwise non-jailable offense.

"Infraction bench warrants are disproportionately issued to communities of color and low-income individuals. In San Francisco, Black people only make up 5.8% of the local population, but through systemic racism and targeted, unjust policing, they make up 48.7% of those arrested for "failure to appear or pay" traffic court warrants. Bench warrants have recently been used as a pretext for immigration enforcement, meaning that people may face ICE arrest and subsequent removal proceedings for a non-jailable offense.

"Research shows that punitive measures are ineffective in compelling people to pay or appear in court.4 Common sense, non-punitive practices like text message reminders and follow-ups help get people to appear in court. Furthermore, courts have other, less punitive means to address failure to pay an infraction, like bank levies, wage garnishment, and tax intercepts. Finally, the MyCitations tool allows individuals to pay their infractions online and permits those individuals to request an infraction reduction in cases of financial need from the safety of their home, substantially decreasing the need to resolve unpaid court debt in person.

"Eliminating bench warrants for infractions will help end an unnecessary pipeline to incarceration and allow families to focus on what matters—devoting their already limited time and resources to meeting their critical needs."

5) **Argument in Opposition**: According to the *California District Attorneys Association* (CDAA), "This bill would prohibit the issuance of an arrest warrant, bench warrant, or the filing of a new misdemeanor whenever the underlying offense is an infraction, and the offender violates a written promise to appear. This bill eliminates any consequence for the numerous offenders who simply ignore appearing in court and prevents their underlying infraction from being adjudicated.

"Requested Amendments**:** AB 2122 should either limit its application to the Vehicle Code (or any local ordinance adopted pursuant to the Vehicle Code) or propose an analogous provision to Vehicle Code § 40903 that is applicable to all California codes. If a mechanism were added to allow adjudication of the underlying infractions, AB 2122 could at least hold individuals accountable while, at the same time, doing so without the threat of incarceration or arrest.

"Although AB 2122 would apply to all California codes, only infractions currently identified in the Vehicle Code may be adjudicated by declaration and, in the event the offender fails to appear, in the offender's absence. Pursuant to Vehicle Code § 40903, "[a]ny person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration upon any alleged infraction, as charged by the citing officer, involving a violation of this code or any local ordinance adopted pursuant to this code." Therefore, the underlying vehicle code infraction may be adjudicated in the offender's absence and, if found guilty, any associated penalty could be sent to civil collections without the need for the court to issue a warrant or the prosecutor to file a misdemeanor charge for failing to appear. This is not the case, however, for the hundreds of infractions that are contained in other California codes.

"Because there is no analogous provision to Vehicle Code § 40903 in other California codes, eliminating the court's authority to bring persons to court ensures that numerous infractions will never be adjudicated, and offenders will not be held accountable. Oftentimes, these infractions directly impact public safety or public health.

"In addition, AB 2122 may result in several unintended consequences that run contrary to the purpose of the bill:

"Currently numerous violations provide prosecutors with the discretion to file misdemeanor charges instead of an infraction (commonly known as a "wobblette"). Without a mechanism to adjudicate underlying infractions, AB 2122 would incentivize the filing of misdemeanor charges over unenforceable infractions.

"Several infractions currently contain an escalating penalty structure in which multiple infraction violations will ultimately lead to a misdemeanor offense. AB 2122 would nullify any graduated penalty schemes.

"Certain infractions currently involve the imposition of community service hours or other probation obligations, such as restitution, if convicted. By prohibiting courts from issuing a warrant, AB 2122 would deprive courts of their ability to monitor and ensure that offenders are in compliance with their post-conviction obligations."

6) **Related Legislation**: SB 1218 (Arreguin) would require the DMV to refuse to renew the registration of a vehicle if the registered owner or lessee has been mailed a notice of delinquent illegal dumping violation. This bill is pending hearing in the Senate Transportation Committee.

7) **Prior Legislation**:

   a) SB 76 (Seyarto) would have required the DMV to waive delinquent registration fees and penalties when a transferee or purchaser of a vehicle applies for a transfer of registration if the DMV determines that the fees became due or the penalties accrued before the purchase of the vehicle. SB 76 would have required the DMV to create a system to collect these delinquent fees and penalties from the seller or transferor. SB 76 would have repealed the provision authorizing the DMV to collect the waived fees and penalties in a civil action. SB 76 was vetoed by the Governor and sustained by the Legislature.

   b) AB 632 (Hart) would have, for specified administrative fines or penalties, authorized a local agency to, subject to specified requirements, file a certified copy of a final administrative order or decision that directs payment of the administrative fine or penalty with the clerk of the superior court of any county, as specified, and require the clerk to enter judgment immediately in conformity with the decision or order. AB 632 would also authorize a local agency to, by ordinance, establish a procedure to collect administrative fines or penalties by lien upon the parcel of land on which the violation occurred if the ordinance meets specified requirements. AB 632 was vetoed by the Governor.

   c) AB 1125 (Hart), Chapter 356, Statutes of 2023, eliminates the court's authorization to impound a person's driver's license or limit the person's driving when the person fails to pay the bail in installments.

d) SB 932 (Seyarto), of the 2023-24 Legislative Session, would have required the DMV to waive delinquent registration fees and penalties when a transferee or purchaser of a vehicle applies for a transfer of registration if the DMV determines that the fees became due or the penalties accrued before the purchase of the vehicle. SB 932 would have required the DMV to create a system to collect these delinquent fees and penalties from the seller or transferor. SB 932 was held in the Senate Appropriations Committee.

e) AB 3243 (Ta), of the 2023-24 Legislative Session, would have, notwithstanding any law, prohibited a person who is subject to specified delinquency penalties and has been determined to have a current income level that meets the eligibility requirements for specified public social services programs, including, among others, the California Work Opportunity and Responsibility to Kids (CalWORKs) program, from being required to pay the delinquency penalty in order to renew the registration of their vehicle. AB 3243 would have instead authorized the person to delay payment of their penalty until after the vehicle is registered, but by no later than the expiration date of the vehicle's registration. AB 3243 was held in the Assembly Appropriations Committee.

f) AB 1266 (Kalra), of the 2023-24 Legislative Session, would have done what this bill, AB 2122, purports to do. AB 1266 was held in the Senate Appropriations Committee.

g) AB 491 (Wallis), of the 2023-24 Legislative Session, would have authorized for specified administrative fines or penalties, a local agency, after the exhaustion of the defined administrative and appeal procedures, to file with the clerk of the superior court of any county a certified copy of a final administrative order or decision of the local agency that directs the payment of an administrative fine or penalty and, if applicable, a copy of an order of the superior court rendered on an appeal from the local agency's decision. AB 491 was held in the Senate Judiciary Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

All of US or None (HQ) (Co-Sponsor)
Communities United for Restorative Youth Justice (CURYJ) (Co-Sponsor)
Corporation for Supportive Housing (Co-Sponsor)
Legal Services for Prisoners With Children (Co-Sponsor)
San Francisco Public Defender (Co-Sponsor)
The Maven Collaborative (Co-Sponsor)
A New Path
A New Way of Life Reentry Project
ACLU California Action
Alliance for Boys and Men of Color
Anti Police-terror Project
Bridges of Hope CA
California Attorneys for Criminal Justice
California for Safety and Justice

California Public Defenders Association
Californians United for a Responsible Budget
Care First California
Center on Juvenile and Criminal Justice
Community Legal Services in East Palo Alto
Community Works West
Courage California
Debt Free Justice California
Dignity and Power Now
Disability Rights California
Ella Baker Center for Human Rights
Empowering Women Impacted by Incarceration
Felony Murder Elimination Project
Friends Committee on Legislation of California
Glide
Grace Institute - End Child Poverty in CA
Homeless United for Friendship and Freedom
Housing California
Initiate Justice
Justice2jobs Coalition
LA Defensa
Legal Aid of Marin
Local 148 Los Angeles County Public Defender's Union
Mill Valley Force for Racial Equity and Empowerment
National Alliance to End Homelessness
National Consumer Law Center, INC.
Pillars of the Community
Public Advocates
Reuniting Families Contra Costa
Smart Justice California, a Project of Beyond Impact
Starting Over INC.
Surj Marin - Showing Up for Racial Justice
The People Concern
The W. Haywood Burns Institute
Transitions Clinic Network
University of the Pacific McGeorge School of Law Homeless Advocacy Clinic
Vera Institute of Justice
Viet Voices
Western Center on Law & Poverty, INC.
2 Private Individuals

Opposition

California District Attorneys Association
California State Sheriffs' Association
Child Support Directors Association of California

Analysis Prepared by: Dustin Weber / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2217 (Zbur) – As Introduced February 19, 2026

SUMMARY: Establishes the Alternatives to Arrest pilot program as the successor to the Law Enforcement Assisted Diversion pilot program, expands the ability of law enforcement to make social contact referrals, and expands the list of offenses that are eligible for law enforcement prebooking diversion or social contact referrals. Specifically, **this bill**:

1) Establishes the Alternatives to Arrest (ATA) pilot program as the successor to the Law Enforcement Assisted Diversion (LEAD) pilot program.

2) Specifies that an ATA program principal is employing human and social service resources that prioritize addressing unmanaged mental illness and substance use, and navigating people into stable housing, as needed, in a manner that improves individual outcomes and community safety, and promotes community wellness.

3) Requires the Board of State and Community Corrections (BSCC) to award a grant to the public health agency administering qualifying programs in the City of Los Angeles and the County of Los Angeles, in addition to the existing requirement to award grants, on a competitive basis, to up to three jurisdictions.

4) Specifies that BSCC shall take into consideration leadership by a public health or behavioral agency, as well as a jurisdiction's capacity and commitment to coordinate public health, for purposes of the requirement that BSCC take into consideration certain criteria when establishing standards, schedules, and procedures for awarding grants.

5) Expands the ability of law enforcement officers to make social contact referrals to an ATA program, as follows:

    a) Specifies that an officer may refer an individual to an ATA whom they believe would benefit from case management services and is at high risk of arrest in the future.

    b) Removes the following requirements for social contact referrals to an ATA program:

        i) That the officer believes an individual is at a high risk of arrest in the future for one of the crimes eligible for prebooking diversion or social contact referrals.

        ii) That the individual meets the below criteria and expresses interest in voluntarily participating in the program.

        iii) That the social contact referral to LEAD meets the following criteria:

(1) Law enforcement verifies that the individual has had prior involvement with low-level drug activity or prostitution, which shall consist of any of the following:

(a) Criminal history records, including, but not limited to, prior police reports, arrests, jail bookings, criminal charges, or convictions indicating that they were engaged in low-level drug or prostitution activity.

(b) Law enforcement has directly observed the individual's low-level drug or prostitution activity on prior occasions.

(c) Law enforcement has a reliable basis of information to believe that the individual is engaged in low-level drug or prostitution activity, as specified.

(2) The individual's prior involvement occurred within the LEAD pilot program area.

(3) The individual's prior involvement occurred within 24 months of the referral.

(4) The individual does not have a pending case in drug court or mental health court.

(5) The individual is not prohibited, by means of an existing no-contact order, temporary restraining order, or antiharassment order, from making contact with a current LEAD participant.

6) Modifies the offenses eligible for prebooking diversion or social contact referrals, as follows:

a) Specifies that the offense of possession of a controlled or prohibited substance includes possession of drug paraphernalia.

b) Expands the list of eligible offenses to include:

i) Shoplifting or petty theft.

ii) Misdemeanor trespass.

iii) Burglary in the second degree.

iv) Other violations identified by the local jurisdiction with agreement of the police chief or sheriff, as applicable, and the implementing public health or behavioral health agency administering case management services.

v) Soliciting anyone to engage in or engaging in lewd or dissolute conduct in a public place or place open to the public, as specified.

vi) Accosting another person in a public place or place open to the public for the purpose of begging or soliciting alms.

vii) Loitering in or about a toilet open to the public for the purpose of engaging in or soliciting a lewd, lascivious, or unlawful act.

viii) Lodging in a building, structure, vehicle, or place, whether public or private, without the permission of the owner, as specified.

ix) Being found in a public place under the influence of alcohol or drugs, as specified, in a condition that they are unable to exercise care for their own safety or the safety of others, or by reason of being under the influence, interfering with, obstructing, or preventing the free use of a street, sidewalk, or other public way.

i) Loitering, prowling, or wandering upon the private property of another, at any time, without visible or lawful business with the owner or occupant, as specified.

b) Removes the following crimes from the list of eligible offenses:

i) Soliciting, agreeing to engage in, or engaging in, an act of prostitution with another person who is 18 years of age or older in exchange for the individual providing compensation, money, or anything of value to the other person, as specified.

ii) Soliciting, agreeing to engage in, or engaging in, an act of prostitution with another person who is a minor in exchange for the individual providing compensation, money, or anything of value to the minor, as specified.

7) Specifies that the authorization for grant funding to be used to support training and technical assistance from experts in the implementation of LEAD includes the implementation of similar or complementary programs, including experts from other jurisdictions.

8) Requires BSCC, on or before January 1, 2031, to submit a report to the Legislature on the effectiveness of the ATA program, as specified.

9) Specifies that upon appropriation by the Legislature, funds appropriated for this chapter shall be granted to the entity responsible for LEAD in the Angeles City and County for the continuation and expansion of LEAD in those jurisdictions and to public health or behavioral health agencies in jurisdictions to be identified by the board to implement ATA.

10) Specifies that the BSCC may also spend a portion of the funds appropriated for contracts with experts on the implementation and evaluation of ATA or similar programs in other jurisdictions for the purpose of providing technical assistance to participating jurisdictions.

11) Requires local jurisdictions to commit to using these funds and local resources to support ATA or LEAD services for not less than four years after receiving their grant.

12) Removes the previous reporting provisions that required BSCC to contract with specified research entities to evaluate the effectiveness of the LEAD program, as specified, required savings to be compared to costs of LEAD participation, required a report to be submitted to the Governor and Legislature by January 1, 2020, and specified that this reporting requirement is inoperative on January 1, 2024.

13) Removes the previously enacted funding provision that allocates fifteen million dollars from the General Fund to the LEAD pilot program, and authorizes BSCC to spend up to five hundred fifty thousand dollars of the amount for specified contracts.

14) Makes technical and conforming changes.

EXISTING LAW:

1) Establishes the LEAD pilot program for the purpose of improving public safety and reducing recidivism by increasing the availability and use of social service resources while reducing costs to law enforcement agencies and courts stemming from repeated incarceration. (Pen. Code, § 1001.85, subd. (a).)

2) Requires LEAD pilot programs to be consistent with specified principles. (Pen. Code, § 1001.85, subd. (b).)

3) Requires the LEAD program to be administered by BSCC. (Pen. Code, § 1001.86, subd. (a).)

4) Requires BSCC to award grants, on a competitive basis, to up to three jurisdictions, as specified, and requires BSCC to establish minimum standards, funding schedules, and procedures for awarding grants, which shall take into consideration the following:

    a) Information from the applicant demonstrating a clear understanding of the program's purpose and the applicant's willingness and ability to implement the LEAD program.

    b) Key local partners who would be committed to, and involved in, the development and successful implementation of a LEAD program, as specified.

    c) The jurisdiction's capacity and commitment to coordinate social services, law enforcement efforts, and justice system decision-making processes, and to work to ensure that the discretionary decisions made by each participant in the administration of the program operate in a manner consistent with the purposes of LEAD. (Pen. Code, § 1001.86, subd. (b).)

5) Requires successful grant applicants to collect and maintain data pertaining to the effectiveness of the program as indicated by BSCC in the request for proposals. (Pen. Code, § 1001.86, subd. (c).)

6) Requires a funded LEAD program to consist of a strategy of effective intervention for eligible participants consistent with the following gateways to services:

    a) Prebooking referral.

        i) Authorizes, as an alternative to arrest, an officer to take or refer a person for whom the officer has probable cause for arrest for any of the offenses described below to a case manager to be screened for immediate crisis services and to schedule a complete assessment intake interview.

        ii) Specifies that participation in LEAD shall be voluntary, and the person may decline to participate in the program at any time.

iii) Prohibits criminal charges based on the conduct for which a person is diverted to LEAD from being filed, provided that the person finishes the complete assessment intake interview within a period set by the local jurisdictional partners, but not to exceed 30 days after the referral. (Pen. Code, § 1001.87, subd. (a)(1).)

b) Social contact referral.

i) Authorizes an officer to refer an individual to LEAD whom they believe is at high risk of arrest in the future for any of the crimes specified below, provided that the individual meets the criteria specified above and expresses interest in voluntarily participating in the program. (Pen. Code, § 1001.87, subd. (a)(2).)

ii) Authorizes LEAD to accept these referrals if the program has capacity after responding to prebooking diversion referrals, and requires social contact referrals to LEAD to meet the following criteria:

(1) Law enforcement verifies that the individual has had prior involvement with low-level drug activity or prostitution, which shall consist of any of the following:

(a) Criminal history records, including, but not limited to, prior police reports, arrests, jail bookings, criminal charges, or convictions indicating that he or she was engaged in low-level drug or prostitution activity.

(b) Law enforcement has directly observed the individual's low-level drug or prostitution activity on prior occasions.

(c) Law enforcement has a reliable basis of information to believe that the individual is engaged in low-level drug or prostitution activity, including, but not limited to, information provided by another first responder, a professional, or a credible community member. (Pen. Code, § 1001.87, subd. (a)(2)(A).)

(2) The individual's prior involvement occurred within the LEAD pilot program area. (Pen. Code, § 1001.87, subd. (a)(2)(B).)

(3) The individual's prior involvement occurred within 24 months of the date of referral. (Pen. Code, § 1001.87, subd. (a)(2)(C).)

(4) The individual does not have a pending case in drug court or mental health court. (Pen. Code, § 1001.87, subd. (a)(2)(D).)

(5) The individual is not prohibited, by means of an existing no-contact order, temporary restraining order, or antiharassment order, from making contact with a current LEAD participant. (Pen. Code, § 1001.87, subd. (a)(2)(E).)

7) Specifies that the following offenses are eligible for prebooking diversion or social contact referrals, or both:

a) Possession for sale or transfer of a controlled substance or other prohibited substance where the circumstances indicate that the sale or transfer is intended to provide a

subsistence living or to allow the person to obtain or afford drugs for their own consumption.

b) Sale or transfer of a controlled substance or other prohibited substance where the circumstances indicate that the sale or transfer is intended to provide a subsistence living or to allow the person to obtain or afford drugs for his or her own consumption.

c) Possession of a controlled substance or other prohibited substance.

d) Being under the influence of a controlled substance or other prohibited substance.

e) Being under the influence of alcohol and a controlled substance or other prohibited substance.

f) Prostitution, as specified. (Pen. Code, § 1001.87, subd. (b).)

8) Authorizes services to include, but not be limited to, case management, housing, medical care, mental health care, treatment for alcohol or substance use disorders, nutritional counseling and treatment, psychological counseling, employment, employment training and education, civil legal services, and system navigation. (Pen. Code, § 1001.88, subd. (a).)

9) Authorizes grant funding to be used to support any of the following:

a) Project management and community engagement.

b) Temporary services and treatment necessary to stabilize a participant's condition, including necessary housing.

c) Outreach and direct service costs for services described in this section.

d) Civil legal services for LEAD participants.

e) Dedicated prosecutorial resources, including for coordinating any nondiverted criminal cases of LEAD participants.

f) Dedicated law enforcement resources, including for overtime required for participation in operational meetings and training.

g) Training and technical assistance from experts in the implementation of LEAD in other jurisdictions.

h) Collecting and maintaining the data necessary for program evaluation. (Pen. Code, § 1001.88, subd. (a) (1)-(8).)

10) Requires BSCC to contract with a nonprofit research entity, university, or college to evaluate the effectiveness of the LEAD program, and requires the evaluation design to include measures to assess the cost-benefit outcomes of LEAD programs compared to booking and prosecution, and may include evaluation elements such as comparing outcomes for LEAD participants to similarly situated offenders who are arrested and booked, the number of jail

bookings, total number of jail days, the prison incarceration rate, subsequent felony and misdemeanor arrests or convictions, and costs to the criminal justice and court systems, and specifies that savings will be compared to costs of LEAD participation. (Pen. Code, § 1001.88, subd. (b)(1).)

11) Requires, by January 1, 2020, a report of the findings to be submitted to the Governor and the Legislature, as specified. (Pen. Code, § 1001.88, subd. (b)(1).)

12) Authorizes BSCC to contract with experts in the implementation of LEAD in other jurisdictions for the purpose of providing technical assistance to participating jurisdictions. (Pen. Code, § 1001.88, subd. (c).)

13) Specifies that the sum of fifteen million dollars is hereby appropriated from the General Fund for the LEAD pilot program, as specified, and BSCC may spend up to five hundred fifty thousand dollars of the amount appropriated in this subdivision for the specified contracts described above. (Pen. Code, § 1001.88, subd. (d).)

14) Authorizes a peace officer to release from custody, instead of taking the person before a magistrate, a person arrested without a warrant, where the person was arrested and subsequently delivered or referred to a public health or social service organization that provides services including, but not limited to, housing, medical care, treatment for alcohol or substance use disorders, psychological counseling, or employment training and education, the organization agrees to accept the delivery or referral, and no further proceedings are desirable. (Pen. Code, § 849, subd. (b).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Too often, poverty is criminalized and individuals who are simply seeking to provide for their basic needs are incarcerated. Incarceration does not address the root causes of crime. In fact, it often only exacerbates the underlying issues of poverty, instability, lack of access to resources, and lack of housing, that contribute to crime. AB 2217 will help connect vulnerable individuals to services, instead of incarcerating them, by expanding the Alternatives to Arrest program (formerly Law Enforcement Assisted Diversion program).

   "The program focuses on individuals with low-level, repeat offenses where the underlying issue is often homelessness, mental health needs, or substance use, and allows law enforcement officers to refer someone to a case manager for immediate crisis services instead of making an arrest. These referrals are voluntary; are made at the officer's discretion; and connect people to housing, health care, mental health support, and substance use treatment when appropriate. AB 2217 will expand the program to include additional offenses for which peace officers would have discretion to refer a person to crisis and case management, and will allow local jurisdictions the flexibility to add additional offenses if agreed upon by local law enforcement and public health leadership."

2) **Law Enforcement Assisted Diversion (LEAD) Program:** The 2016 public safety budget trailer bill created the LEAD Pilot Program.[1] The purpose of the program is "to improve public safety and reduce recidivism by increasing the availability and use of social service resources while reducing costs to law enforcement agencies and courts stemming from repeated incarceration." (Pen. Code, § 1001.85, subd. (a).) Authorized LEAD programs include case management, housing, medical care, mental health care, treatment for alcohol or substance use disorders, nutritional counseling and treatment, psychological counseling, employment, employment training and education, civil legal services, and system navigation. (Pen. Code, § 1001.88, subd. (a).) LEAD is administered by the BSCC. (Pen. Code, § 1001.86, subd. (a).) The enacting pilot program required BSCC to award grants, on a competitive basis, to up to three jurisdictions, as specified. (Pen. Code, § 1001.86, subds. (a) & (b).) According to the Committee on the Revision of the Penal Code (CRPC), the initial pilot program allocated 15 million in funding over two and a half years, and allocated funding to San Francisco and Los Angeles.[2] The LEAD program in San Francisco was terminated after the completion of the pilot program.[3]

   LEAD authorizes two types of law enforcement referrals. First, it authorizes, as an alternative to arrest, an officer to refer a person for whom the officer has probable cause for arrest for eligible offenses to a case manager to be screened for immediate crisis services and to schedule a complete assessment intake interview (pre-booking referrals). (Pen. Code, § 1001.87, subd. (a)(1).) Criminal charges may not be filed for the conduct for which a person is diverted to LEAD, provided that the person finishes the complete assessment intake interview within 30 days after the referral. (*Ibid.*) Second, it authorizes social contact referrals, which permit officers to refer an individual to LEAD whom they believe is at high risk of arrest in the future for eligible offenses, provided that the individual meets specified criteria and expresses interest in voluntarily participating in the program. (Pen. Code, § 1001.87, subd. (a)(2).) For law enforcement to make a social content referral, several criteria must be met: 1) law enforcement verifies that the individual has had prior involvement with low-level drug activity or prostitution; 2) the prior involvement occurred within the LEAD pilot program area; 3) the prior involvement occurred within 24 months of the referral; 4) the individual does not have a pending case in drug or mental health court; and 5) the individual is not prohibited from making contact with a current LEAD participant. (Pen. Code, § 1001.87, subd. (a)(2)(E).) Offenses eligible for prebooking diversion or social contact referrals include specified subsistence-related possession for sale or transfer of a controlled substance, subsistence-related sale or transfer of a controlled substance, possession of a controlled substance, being under the influence of alcohol or a controlled substance, and prostitution, as specified. (Pen. Code, § 1001.87, subd. (b).)

   The enacting statute required BSCC to submit a report analyzing program outcomes to the Governor and the Legislature by January 1, 2020. In 2020, researchers at California State University Long Beach, School of Criminology, submitted a report BSCC on the LEAD Pilot

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[1] *Ibid.*
[2] CRPC, *2023 Annual Report and Recommendations* (Dec. 2023), p. 14, available at: https://www.clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2023.pdf
[3] *Id.* at p. 15.

Programs launched in Los Angeles County and San Francisco.[4] Although outcome and cost data from Los Angeles County were not made available in time for the report, the researchers noted that the success of the LEAD Pilot Program in San Francisco:

> At the 12-month follow-up period, LEAD SF clients had significantly lower rates of misdemeanor and felony arrests, and felony cases. Felony arrests were about two and a half times higher (257%) for individuals in the comparison group. Misdemeanor arrests were over six times higher (623%) for the comparison group. And felony cases were three and a half times higher (360%) for the comparison group. Notably, the significant increase in citations for LEAD clients seen at the 6- month follow-up was not present after a year in the program. These positive findings are likely due to the harm reduction nature of LEAD. LEAD participants' case managers also coordinated with San Francisco public defenders and DAs to assist with active cases as to not compromise LEAD intervention plans.[5]

The research pointed to the San Francisco outcome and cost evaluation findings in their conclusion that "this evaluation adds to the evidence supporting LEAD as a promising alternative to the criminal justice system as usual."[6]

In 2023, the Committee on the Revision of the Penal Code's (CRPC) 2023 Annual Report noted that LEAD state funding had expired, and the pandemic played a role in slowing the development of LEAD programs.[7] Accordingly, citing the recidivism benefits from the San Francisco and Los Angeles pilot programs, the CRPC recommended "re-establish[ing] LEAD pilot programs with the following specifications:

- Eligible offenses include those in the original LEAD pilot (drug possession, subsistence sales, and prostitution), and offenses related to theft, burglary, and trespassing.

- Allow counties to further expand the list of eligible offenses."[8]

3) **Effect of this Bill:** This bill seeks to implement some of the above CRPC recommendations, among other changes. Specifically, it re-establishes the LEAD pilot program, focused on Los Angeles, under a new name: Alternatives to Arrest. It requires BSCC to award a grant to the public health agency administering qualifying programs in the City and the County of Los Angeles, and states that upon appropriation, funds shall be granted to the entity responsible for LEAD in the City and the County of Los Angeles for the continuation and expansion of LEAD in those jurisdictions and to public health or behavioral health agencies in jurisdictions to be identified by the board to implement ATA. Similar to the enacting legislation, it requires BSCC to submit a report to the Legislature on the ATA program by January 1, 2031.

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[4] Malm, et. al., *Law Enforcement Assisted Diversion (LEAD) External Evaluation*, CSU Long Beach School of Criminology (January 1, 2020), available at: https://www.bscc.ca.gov/wp-content/uploads/CSULB-LEAD-REPORT-TO-LEGISLATURE-1-15-2020.pdf
[5] *Id.* at p. 8.
[6] *Id.* at p. 122.
[7] CRPC, *supra*, at p. 14.
[8] *Id.* at p. 13.

This bill also makes several changes to the scope and eligibility criteria of the LEAD – now ATA – program. First, it expands the ability of officers to make social contact referrals to an ATA program by authorizing an officer to refer an individual to an ATA whom they believe would benefit from case management services and is at high risk of arrest, more generally, in the future. It removes the requirement that an officer believes an individual is at a high risk of arrest in the future for only LEAD-eligible crimes and that the individual voluntarily participates in the program. It also removes the requirements that the social contact referral meet the following criteria: 1) law enforcement verifies the individual has had prior involvement with low-level drug activity or prostitution,; 2) the prior involvement occurred within the LEAD pilot program area; 3) the prior involvement occurred within 24 months of the referral; 4) the individual does not have a pending case in drug or mental health court; and 5) the individual is not prohibited from making contact with a current LEAD participant. (Pen. Code, § 1001.87, subd. (a)(2)(E).) This expands the type of individuals that may receive social contact referrals, while maintaining law enforcement discretion to make said referrals.

Second, consistent with the CRPC 2023 Annual Report and Recommendation, this bill generally expands the list of offenses that are eligible for prebooking diversion or social contact referrals. Specifically, it expands eligible offenses to include shoplifting or petty theft, misdemeanor trespass, burglary in the second degree, specified disorderly conduct offenses, as well as other violations identified by the local jurisdiction with agreement of the police chief or sheriff, as applicable, and the implementing public health or behavioral health agency administering case management services. It also narrows the type of prostitution-related offenses that are eligible for prebooking diversion or social contact referrals.

4) **Argument in Support**: According to *Drug Policy Alliance*, AB 2217 "offers an additional tool for law enforcement to address the underlying causes of crime and unmet behavioral health needs by providing discretion to refer a person who is suspected of committing a low level offense, or may be at risk of arrest, to a case manager who can assist them in accessing on-going care, housing and treatment for mental illness or substance use disorder.

"AB 2217 builds on chaptered legislation in AB 2215 (Bryan, 2024) and SB 843 (Budget, 2016) and includes the recommendation of the Commission for the Revision of the Penal Code to add additional offenses for which peace officers would have discretion to refer a person to crisis and case management prior to filing of a court case. The bill would also allow local jurisdictions the flexibility to add additional offenses with concurrence of local law enforcement and public health leadership.

"Piloted and funded in the 2016-17 budget, and based on national best practices, Law Enforcement Assisted Diversion (LEAD) focuses on providing a community-based alternative for people who may be at risk of arrest and prosecution as a result of unmet needs related to substance use, mental health challenges, or poverty.

"Under the LEAD model, renamed in this bill as Alternatives to Arrest (ATA), a law enforcement officer in a participating jurisdiction may refer or transport a person, whom the officer has probable cause to arrest for specified offenses, to a case manager to be screened for immediate crisis services and to schedule a complete assessment interview. Referrals can also be made for individuals known to be at high risk of arrest. Case managers may assist the

person on a long-term basis with service needs, including any available supportive housing options, health care, mental health support, and drug treatment services. Participation in case management services is voluntary, and potential charges are held in abeyance if the person completes an intake assessment.

"Successful LEAD models encourage collaboration among diverse community stakeholders, including law enforcement, public health agencies, community-based service providers, and others to align resources toward an effective, non-punitive system of response and care.

"The 2016 budget legislation mandated an independent evaluation of the pilot programs. The California State University-Long Beach (CSULB) School of Criminology evaluation found that 12 months after LEAD implementation, similarly situated persons in Los Angeles who were not referred to LEAD had felony arrest rates 537% higher than LEAD participants, and misdemeanor arrest rates that were 153% higher The 12-month follow up comparison in San Francisco found that arrest rates for felonies were 257% higher for non-LEAD participants, and misdemeanor arrest rates were 623% higher. This finding is supported by recent data from the Los Angeles County Department of Health Services which confirms a low level of recidivism and high retention rate in their LEAD program participants

"The effectiveness of implementation in Los Angeles County has resulted in a program that is reaching capacity and may require additional funding to continue accepting new referrals. Assemblymember Zbur has submitted a request to the Assembly Budget Committee to commit $15 million dollars to allow Los Angeles DHS to continue to accept new referrals and to pilot new ATA projects in additional jurisdictions to be identified by Bureau of State and Community Corrections.

"In order to improve public safety, reduce future criminal behavior, reduce cost burdens on courts and jails, and better address unmet behavioral health needs, California should pass AB 2217 (Zbur) and support the modest budget allocation expand Alternatives to Arrest".

5) **Argument in Opposition**: None submitted.

6) **Prior Legislation**:

   a) AB 2215 (Bryan), Chapter 954, Statutes of 2024, provides that a peace officer may release a person arrested without a warrant from custody, instead of taking the person before a magistrate, by delivering or referring that person to a public health or social service organization that provides services, as specified.

   b) SB 843 (Committee on Budget and Fiscal Review), Chapter 33, Statutes of 2016, establishes the LEAD pilot program for the purpose of improving public safety and reducing recidivism by increasing the availability and use of social service resources while reducing costs to law enforcement agencies and courts stemming from repeated incarceration.

   c) SB 1110 (Hancock), of the 2015-2016 Legislative Session, was substantially similar to SB 843. SB 1110 was never heard in the Assembly Appropriations Committee.

a) AB 1615 (Committee on Budget), of the 2015-2016 Legislative Session, was substantially similar to SB 843. AB 1615 was ordered to the inactive file at the request of the author.

b) SB 238 (Public Safety), Chapter 499, Statutes of 2015, removed the authority of a peace officer to release from custody, instead of taking the person before a magistrate, a person arrested without a warrant by delivering the person to a hospital or other urgent care facility, as specified.

REGISTERED SUPPORT / OPPOSITION:

Support

Drug Policy Alliance (Sponsor)
Californians for Safety and Justice (CSJ) (Co-Sponsor)
A New Path
California Public Defenders Association
California Retailers Association
Center on Juvenile and Criminal Justice
Communities United for Restorative Youth Justice (CURYJ)
Community Works West
Courage California
Disability Rights California
Ella Baker Center for Human Rights
Healthright 360
Initiate Justice
Legal Services for Prisoners With Children / All of US or None
Local 148 Los Angeles County Public Defender's Union
National Harm Reduction Coalition
Prc/black Leadership Council
Prosecutors Alliance Action
Rubicon Programs
San Francisco Aids Foundation
Smart Justice California, a Project of Beyond Impact
Steinberg Institute
Tarzana Treatment Centers, INC.
The W. Haywood Burns Institute
Transitions Clinic Network
Vera Institute of Justice
Viet Voices
4 Private Individuals

Opposition

None submitted.

Analysis Prepared by: Ilan Zur / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2237 (Patterson) – As Introduced February 19, 2026

SUMMARY: Authorizes a court, in the order granting felony or misdemeanor probation for an offender required to register as sex offender, as specified, to impose a period of probation not exceeding three years, and upon those terms and conditions as it shall determine.

EXISTING LAW:

1) Defines "probation" as the suspension of the imposition or execution of a sentence and the order of conditional and revocable release in the community under the supervision of a probation officer. (Pen. Code, § 1203.)

2) Provides that, in all counties and cities and counties, the courts therein, having jurisdiction to impose punishment in misdemeanor cases, may refer cases, demand reports, and to do and require anything necessary to carry out the purposes misdemeanor probation, as specified. (Pen. Code, § 1203a, subd. (a).)

3) Provides that the court may suspend the imposition or execution of the sentence and make and enforce the terms of probation for a period not to exceed one year. (Pen. Code, § 1203a, subd. (a).)

4) The one-year probation limit in subdivision (a) shall not apply to any offense that includes specific probation lengths within its provisions. (Pen. Code, § 1203a, subd. (b).)

5) Provides that the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence felony cases and may direct that the suspension may continue for a period of time not exceeding two years, and upon those terms and conditions as it shall determine. (Pen. Code, § 1203.1, subd. (a).)

6) Provides that the court, or judge thereof, in the order granting probation and as a condition thereof, may imprison the defendant in a county jail for a period not exceeding the maximum time fixed by law in the case. (Pen. Code, § 1203.1, subd. (a).)

7) Authorizes the court to impose and require any or all of the terms of imprisonment, fine, and conditions specified in this section, and other reasonable conditions, as it may determine are fitting and proper to the end that justice may be done, that amends may be made to society for the breach of the law, for any injury done to any person resulting from that breach, and generally and specifically for the reformation and rehabilitation of the probationer, and that should the probationer violate any of the terms or conditions imposed by the court in the matter, it shall have authority to modify and change any and all the terms and conditions and to reimprison the probationer in the county jail within the limitations of the penalty of the

public offense involved. (Pen. Code, § 1203.1, subd. (j).)

8) Upon the defendant being released from the county jail under the terms of probation as originally granted or any modification subsequently made, and in all cases where confinement in a county jail has not been a condition of the grant of probation, the court shall place the defendant or probationer in and under the charge of the probation officer of the court, for the period or term fixed for probation. (Pen. Code, § 1203.1, subd. (j).)

9) Provides that, upon the payment of any fine imposed and the fulfillment of all conditions of probation, probation shall cease at the end of the term of probation, or sooner, in the event of modification. (Pen. Code, § 1203.1, subd. (j).)

10) Provides that the two-year felony probation limit shall not apply to:

   a) A violent felony, as specified, and an offense that includes specific probation lengths within its provisions. For these offenses, the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding the maximum possible term of the sentence and under conditions as it shall determine.

   b) A felony conviction for grand theft, as specified, embezzlement, and fraudulently obtaining money, property, or labor, if the total value of the property taken exceeds twenty-five thousand dollars ($25,000). For these offenses, the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding three years, and upon those terms and conditions as it shall determine. (Pen. Code, § 1203.1, subd. (l)(1)-(2).)

11) Provides that the following shall apply to felony probation, as specified:

   a) The court may fine the defendant in a sum not to exceed the maximum fine provided by law in the case.

   b) The court may, in connection with granting probation, impose either imprisonment in a county jail or a fine, both, or neither.

   c) The court shall provide for restitution in proper cases.

   d) The court may require bonds for the faithful observance and performance of any or all of the conditions of probation. (Pen. Code, § 1203.1, subd. (a)(1)-(4).)

12) Requires the court to consider whether the defendant as a condition of probation shall make restitution to the victim or the Restitution Fund. (Pen. Code, § 1203.1, subd. (b).)

13) Provides that, in counties or cities and counties where road camps, farms, or other public work is available the court may place the probationer in the road camp, farm, or other public work instead of in jail. (Pen. Code, § 1203.1, subd. (c).)

14) Provides that, in all cases of probation the court may require as a condition of probation that the probationer go to work and earn money for the support of the probationer's dependents or to pay any fine imposed or reparation condition, to keep an account of the probationer's earnings, to report them to the probation officer and apply those earnings as directed by the court. (Pen. Code, § 1203.1, subd. (d).)

15) Requires the court to consider whether the defendant as a condition of probation shall make restitution to a public agency for the costs of an emergency response, as specified. (Pen. Code, § 1203.1, subd. (e).)

16) Provides that, in all felony cases in which, as a condition of probation, a judge of the superior court sitting by authority of law elsewhere than at the county seat requires a convicted person to serve their sentence at intermittent periods the sentence may be served on the order of the judge at the city jail nearest to the place at which the court is sitting, and the cost of the convicted person's maintenance shall be a county charge. (Pen. Code, § 1203.1, subd. (f).)

17) Authorizes the court, upon conviction of any sex offense subjecting the defendant to the registration requirements of Section 290, to order as a condition of probation, at the request of the victim or in the court's discretion, that the defendant stay away from the victim and the victim's residence or place of employment, and that the defendant have no contact with the victim in person, by telephone or electronic means, or by mail. (Pen. Code, § 1203.1, subd. (h)(2).)

18) Requires every person who has been assessed with the State Authorized Risk Assessment Tool for Sex Offenders (SARATSO), as specified, and who has a SARATSO risk level of high to be continuously monitored while on probation, unless the court determines that such monitoring is unnecessary for a particular purpose. (Pen. Code, § 1202.8, subd. (b).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Protecting our communities must remain a top priority. AB 2237 strengthens accountability for individuals convicted of serious sex offenses by ensuring stronger oversight and longer supervision after release. Current law recognizes the seriousness of these crimes through registration requirements, but AB 2237 closes gaps by improving monitoring and reinforcing safeguarding that help prevent repeat offenses. AB 2237 is about putting the safety of California communities first and ensuring that those committing these crimes are held accountable."

2) **Effect of this Bill**: Probation is the suspension of a custodial sentence and a conditional release of a defendant into the community. Probation can be "formal" or "informal." "Formal" probation is under the direction and supervision of a probation officer. As a general proposition, the level of probation supervision will be linked to the level of risk the probationer presents to the community.

   Defendants convicted of misdemeanors, and most felonies, are eligible for probation based on the discretion of the court. When considering the imposition of probation, the court

evaluates the safety of the public, the nature of the offense, the interests of justice, the loss to the victim, and the needs of the defendant. (Pen. Code, § 1202.7.) The court also has broad discretion to impose conditions that foster the defendant's rehabilitation and protect public safety. (*People v. Carbajal* (1995) 10 Cal.4th 1114, 1120.) A valid condition must be reasonably related to the offense and aimed at deterring misconduct in the future. (*Id.* at 1121.)

Prior to 2021, when a defendant was convicted of a felony, the court could impose a term of probation for up to five years, or no longer than the prison term that can be imposed if the maximum prison term exceeds five years. (Pen. Code, § 1203.1.) In misdemeanor cases, the court could impose a term of probation for up to three years, or no longer than the maximum term of imprisonment if more than three years. (Pen. Code, § 1203a.) AB 1950 (Kamlager), Chapter 328, Statutes of 2020, limited probation to two years for a felony and one year for a misdemeanor, except where "an offense that includes specific probation lengths within its provisions." (Pen. Code, § 1203.1, subd. (l)(1).) According to AB 1950's author:

> Probation - originally meant to reduce recidivism - has instead become a pipeline for re-entry into the carceral system.
>
> Research by the California Budget & Policy Center shows that probation services, such as mental healthcare and addiction treatment, are most effective during the first 18 months of supervision. Research also indicates that providing increased supervision and services earlier reduces an individual's likelihood to recidivate. A shorter term of probation, allowing for an increased emphasis on services, should lead to improved outcomes for both people on misdemeanor and felony probation while reducing the number of people on probation returning to incarceration.
>
> AB 1950 would restrict the period of adult probation for a misdemeanor to no longer than one year, and no longer than two years for a felony. In doing so, AB 1950 allows for the reinvestment of funding into supportive services for people on misdemeanor and felony probation rather than keeping this population on supervision for extended periods.

This bill would exempt persons granted probation and ordered to register as a sex offender from the two-year felony probation term limit and the one-year misdemeanor probation term limit, instead allowing the court to extend the period of probation for up to three years in both instances.

3) **Argument in Support**: According to the *Placer County District Attorney*, "Under current law, misdemeanor probation is generally capped at one year and felony probation at two years—limitations that now apply to certain sex offenses requiring registration.

"While felony sex offenses undeniably need longer probation, there are very serious concerns for misdemeanor sex offense crimes. Under California law, misdemeanor sex offenses requiring registration can include crimes such as indecent exposure, annoying a child, possession of certain sexual material involving minors, and other sexually motivated conduct that poses a continued risk to the community. While these offenses may be classified as misdemeanors, the requirement to register under Penal Code §290 reflects the Legislature's recognition of their seriousness and potential for re-offense.

"Unfortunately, the current one-year probation cap does not align with the realities of supervision and rehabilitation for these offenders. Standard sex offender treatment programs often require 18 to 36 months to complete. With probation limited to one year, individuals are frequently released from supervision before completing treatment, before meaningful monitoring can occur, and before probation officers can adequately assess compliance or risk.

"Our prosecutors and probation partners have seen firsthand how shortened probation terms reduce accountability, undermine rehabilitation, and limit the ability to intervene when warning signs emerge. Effective supervision requires time—time to monitor behavior, enforce conditions, ensure participation in treatment, and protect the public.

"Assembly Bill 2237 restores judicial discretion to impose probation terms of up to three years for individuals required to register as sex offenders. This ensures that supervision aligns with treatment timelines, enhances accountability, and strengthens community safety.

"As criminal justice professionals, we are committed to ensuring that our laws reflect both the seriousness of these offenses and the practical realities of rehabilitation and monitoring. This bill is a reasonable and necessary step toward closing a gap that is currently undermining both."

4) **Argument in Opposition**: According to the *California Public Defenders Association*, "AB 2237 would authorize courts to impose probation terms of up to three years for individuals granted probation who are required to register under Penal Code section 290. While framed as a public safety measure, this proposal moves California away from evidence-based supervision policies adopted by the Legislature in recent years, increases supervision costs for counties, and risks increasing incarceration for technical violations without improving public safety.

"California has already taken deliberate steps to align probation policy with research on what actually reduces recidivism. In 2020, the Legislature enacted Assembly Bill 1950, which limited probation terms to one year for most misdemeanors and two years for most felonies. The reform was based on research demonstrating that supervision is most effective early in the probation period and that extending supervision beyond that period often produces diminishing public safety benefits while increasing the likelihood of technical violations.

"Recent national research reinforces these conclusions. The Council of State Governments Justice Center's 2025 national analysis found that nearly 200,000 people were admitted to prison in 2023 for violating probation or parole, including more than 110,000 individuals incarcerated for technical violations such as missed meetings, failed drug tests, or other rule infractions rather than new criminal conduct. The report further found that people on community supervision account for less than two percent of arrests nationwide, underscoring that revocations frequently stem from supervision rules rather than new crimes. Extending probation terms therefore expands the period during which individuals can be incarcerated for technical violations without demonstrating a corresponding improvement in public safety.

"The fiscal consequences of this dynamic are substantial. In 2023, California led the nation in costs associated with incarcerating people for probation and parole violations, spending approximately $216 million incarcerating individuals for technical violations alone. (See

Council of State Governments Justice Center, *Supervision Violations and Their Impact on Incarceration: Key Findings* (2025), available at: https://projects.csgjusticecenter.org/supervision-violations-impact-on-incarceration/key-findings/.) AB 2237 will increase the length of probation supervision and expand the period during which individuals can be incarcerated for technical violations, likely increasing these already substantial costs without demonstrating a corresponding improvement in public safety.

"AB 2237 would also increase the administrative and fiscal burden on county probation departments. Probation resources are finite, and effective supervision policies prioritize focusing those resources on individuals who present the greatest public safety risk. The Legislative Analyst's Office has recognized that public safety resources are most effective when targeted at people who are assessed as presenting a greater risk of reoffending, because lower-risk individuals are less likely to reoffend regardless of intervention. (See California Legislative Analyst's Office, *The 2016-17 Budget: Governor's Criminal Justice Proposals* (2016), available at: https://www.lao.ca.gov/Publications/Report/3359.) Expanding probation terms for a broad category of individuals risks diluting resources by increasing caseloads and supervision obligations for probation departments already operating under significant workload pressures. Evidence-based supervision models consistently emphasize that focusing supervision intensity on higher-risk individuals produces better public safety outcomes than expanding supervision broadly.

"California's probation funding structure also reflects the Legislature's long-standing commitment to reducing incarceration resulting from supervision failures. The California Community Corrections Performance Incentives Act (SB 678) created a performance-based funding system that rewards counties for reducing the number of people sent to prison for probation violations and for implementing evidence-based supervision practices. A statewide evaluation found that the program reduced prison revocations by more than 30 percent, lowered the state prison population by more than 6,000 individuals in its first year, and produced more than $1 billion in state correctional cost savings, while crime rates continued to decline. (See California Probation Officers of California / California Probation Resource Institute, *SB 678 Incentive-Based Funding and Evidence-Based Practices Enacted by the California Community Corrections Performance Incentives Act of 2009* (Mar. 2020), available at: https://www.cpoc.org/sites/main/files/file-attachments/capri-sb-678-report-march-2020.pdf?1588169880.) Policies that expand probation terms and increase the likelihood of revocation risk undermine the progress that this successful incentive-based model was designed to achieve.

"AB 2237 also creates redundant monitoring requirements. Individuals subject to this proposal are already monitored through California's sex offender registration system, which requires registration for 10 years, 20 years, or life depending on the offense tier. (See California Department of Justice, *Sex Offender Registration Requirements – FAQ – California Tiered Sex Offender Registration*, available at: https://oag.ca.gov/system/files/media/sb384-registrant-faqs.pdf.) Because these registration requirements already impose long-term reporting and monitoring obligations, extending probation supervision duplicates existing oversight mechanisms rather than addressing a demonstrated gap in accountability.

"Public safety policy should be guided by evidence regarding what actually reduces crime

and promotes successful reintegration. Research consistently shows that excessively long supervision terms can destabilize employment and housing, increase technical violations, and divert supervision resources away from individuals who pose the greatest risk to public safety. AB 2237 moves California away from the evidence-based probation framework the Legislature adopted only a few years ago, without any new evidence that such a change is necessary or would produce meaningful public safety benefits."

5) **Related Legislation**: AB 1816 (Davies) would increase the maximum term of probation from two years to the period of time not exceeding the maximum possible term of the sentence for registerable sex offenses and serious felonies, as defined; and authorizes the court to extend the term of probation upon a filing by the probation department and a finding that the defendant has not successfully completed probation and additional time is needed for programing. AB 1816 (Davies) is scheduled to be heard today in this committee.

6) **Prior Legislation**:

   a) AB 1087 (Patterson), Chapter 180, Statutes, of 2025, would provide for a period of probation of between three and five years for vehicular manslaughter while intoxicated and gross vehicular manslaughter while intoxicated.

   b) AB 2823 (Joe Patterson), of the 2023-2024 Legislative Session, was identical to AB 1087. AB 2823 did not receive a hearing in this committee.

   c) AB 2943 (Zbur), Chapter 168, Statutes of 2024, among other things, increased the maximum term of probation for shoplifting from up to one year to a period not exceed two years. AB 2943 is pending in Assembly Appropriations Committee.

   d) AB 1950 (Kamlager), Chapter 328, Statutes of 2020, specifies that a court may not impose a term of probation longer than two years for a felony conviction and one year for a misdemeanor conviction.

REGISTERED SUPPORT / OPPOSITION:

Support

(EM)power + Resilience Project
Arcadia Police Officers' Association
Be the Solution (BTS) Commission
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association

Fullerton Police Officers' Association
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Assocation
Placer County District Attorney's Office
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association

Opposition

ACLU California Action
California Public Defenders Association
Californians United for a Responsible Budget
Community Works West
Ella Baker Center for Human Rights
Initiate Justice
Justice2jobs Coalition
LA Defensa
Local 148 Los Angeles County Public Defender's Union
San Francisco Public Defender
Smart Justice California, a Project of Beyond Impact

Analysis Prepared by: Andrew Ironside / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2259 (Ransom) – As Introduced February 19, 2026

SUMMARY: Requires the Department of Corrections and Rehabilitation (CDCR) to establish a three-year pilot program to provide voluntary mental health therapy to incarcerated individuals within 90 days of their release or earliest possible release date. Specifically, **this bill**:

1) Requires CDCR to offer a three-year pilot program at two CDCR institutions, with one program each dedicated to separate institutions housing people of each gender.

2) Provides the pilot program at each institution shall provide access to virtual therapy opportunities, including telehealth and telepsychiatry, or in-person therapy opportunities with a licensed or registered mental health provider.

3) Provides that the therapy opportunities would shall be offered at least twice a month, for a minimum of 50 minutes, and follow evidence based therapeutic models appropriate for pre-release transition planning, as specified.

4) Provides that access to these mental health services during an incarcerated person's enrollment in the pilot program is limited to persons who are not determined to have the following classification status:

   a) Correctional Clinical Case Management System;

   b) Enhanced Outpatient Program; and

   c) Acute levels of care, including the Psychiatric Inpatient Programs or Mental Health Crisis Bed.

5) Provides that participating incarcerated persons shall be within 90 days of their release from custody, or within 90 days of the person's minimum eligible parole date or earliest possible release date.

6) Requires CDCR to coordinate with the Department of Health Care Services to facilitate enrollment support for participating persons to ensure that eligible individuals are informed of Medi-Cal benefits no later than 90 days before their release date.

7) Provides that services provided through the pilot program may be covered through Medi-Cal or other allowable funding sources to support continuity of care prior to release and upon reentry.

8) Provides that enrollment shall not result in an incarcerated person being classified as having a serious mental health disorder unless the provider has made a formal recommendation and the incarcerated person offers express, written permission.

9) Clarifies that communications between an incarcerated individual and a mental health provider under this pilot program are confidential pursuant to Health Insurance Portability and Accountability Act of 1996 (HIPAA). The California Correctional Health Care Services shall act as the custodian of records for all treatment documents generated under this pilot program.

10) Requires CDCR to provide an incarcerated individual participating in the pilot program with information about community-based treatment programs upon their release.

11) Requires CDCR to submit annual reports to the Legislature evaluating program capacity, participation, outcomes, and other specified metrics.

12) Requires the report to include all of the following:

    a) The planned capacity of the program at each participating facility.

    b) The number of incarcerated persons enrolled in the program at each participating facility.

    c) The percentage of participants with positive posttreatment outcomes.

    d) The number of persons who are successfully linked to postrelease community-based treatment programs.

13) Defines "virtual therapy opportunities" to mean services provided by tablet, video conference, or other technologies.

14) Defines "positive outcomes" to mean an inmate exhibiting any of the following:

    a) Reduced disciplinary action or writeups from staff.

    b) Self-acceptance.

    c) Self-understanding.

    d) Improved interpersonal safety and functioning.

15) Provides that the pilot program would sunset on July 1, 2031.

EXISTING LAW:

1) Establishes the Secretary of CDCR and vests responsibility for the care, custody, treatment, training, discipline, and employment of persons confined in state prisons. (Pen. Code, § 5054.)

2) Authorizes CDCR to provide medically and psychologically necessary services, including prescreening for mental disorders, competency evaluations related to classification hearings, and evaluations relating to parole determinations. (Pen. Code, § 5058.5.)

3) Provides that a person in custody may voluntarily apply for inpatient or outpatient mental health services, subject to approval by jail officials, the court, and the local mental health director when the treatment occurs outside the jail. (Pen. Code, § 4011.8.)

4) Provides that the Director of Corrections maintain psychiatric and diagnostic clinics within state correctional institutions staffed by licensed mental health professionals. These clinics are responsible for conducting evaluations and studies of incarcerated individuals, including their life history, causes of criminal behavior, and recommendations for treatment, training, and rehabilitation, subject to approval by the director. (Pen. Code, § 5079.)

5) Defines "medically necessary" as health care services that are determined by the attending or primary medical, mental health, or dental care provider to be needed to protect life, prevent significant illness or disability, or alleviate severe pain, and are supported by health outcome data or clinical evidence as being an effective health care service for the purpose intended or in the absence of available health outcome data is judged to be necessary and is supported by diagnostic information or specialty consultation. (Cal. Code Regs., tit. 15, § 3999.98.)

6) Defines "mental health evaluation" as a psychological evaluation performed by a mental health clinician that includes a brief narrative of the presenting problem, historical information of relevance, a mental status examination and assessment of level of functioning, determination of need for mental health treatment and recommended level of care, and a referral to a psychiatrist if there is a possible need for psychotropic medication or other psychiatric intervention. (Cal. Code Regs., tit. 15, § 3999.98.)

7) Allows CDCR to only provide patients with the health care services that are medically necessary and provides that such services may be subject to approval or disapproval by the licensed medical, mental health, or dental care supervisors. (Cal. Code Regs., tit. 15, § 3999.200.)

8) Provides that CDCR will provide a broad range of mental health services to patients by assessing the needs of its population and developing specialized programs of mental health care, to the extent resources are available for this purpose. Provides that necessary and appropriate mental health services will be provided to patients, and adequate staff and facilities will be maintained for the delivery of such services. (Cal. Code Regs., tit. 15, § 3999.330, subd. (a).)

9) Provides that when a patient is found to require mental health care not available within these resources, but which is available in the Department of State Hospitals, the case will be referred to the Secretary for consideration of temporary transfer to that department pursuant to Penal Code section 2684. (Cal. Code Regs., tit. 15, § 3999.330, subd. (b).)

10) Provides all required mental health treatment or diagnostic services to be provided under the supervision of a psychiatrist licensed to practice in this state, or a psychologist licensed to practice in this state and who holds a doctoral degree and has at least two years of experience

in the diagnosis and treatment of emotional and mental disorders. (Cal. Code Regs., tit. 15, § 3999.330, subd. (d).)

11) Provides that records of mental health diagnosis, evaluation, and treatment prepared or maintained by CDCR remain the property of the department and are subject to all applicable laws governing their confidentiality and disclosure. Provides that treatment will be in accord with sound principles of practice and will not serve a punitive purpose. (Cal. Code Regs., tit. 15, § 3999.330, subd. (e).)

12) Requires all persons committed to CDCR to be informed that mental health services are available to them. Requires they are informed that, upon their request, an evaluative interview will be provided within a reasonable period of time by a licensed practitioner, or a specially trained counselor supervised by a licensed practitioner. Provides that, upon request, they will be provided with information as to what specialized treatment programs may be available in the department and how such treatment may be obtained. (Cal. Code Regs., tit. 15, § 3999.330, subd. (f).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Over the last decade, California has furthered its commitment to putting rehabilitation at the forefront of our justice system. Mental health and therapy are proven to support personal growth and self-reflection, both of which are essential to a justice-involved individual's successful reentry. AB 2259 would establish a pilot program to give pre-release individuals access to the therapy they may need to safely reintegrate into an ever-changing world. Currently, mental health services like cognitive behavioral therapy are only available to people with a pre-existing diagnosis, or people who are placed into high-acuity treatment levels. AB 2259 will ensure that all people in our state's justice system–whether diagnosed or not–have access to the care they need for the health and safety of themselves and others."

2) **Mental Health Services at CDCR:** CDCR's Mental Health Services Delivery System provides incarcerated individuals access to mental health services. According to CDCR, the primary function of their Statewide Mental Health Program (SMHP) is to ensure patients have ready access to mental health services based on their need.[1] The SMHP operates under a court order reached in the Coleman v. Newsom lawsuit filed originally in 1990 as Coleman v. Wilson. (Coleman v. Newsom (E.D. Cal. 1990) No. 2:90-cv-0520.) In 1997, the parties reached agreement on a plan to address constitutional inadequacies by establishing mental health services, including programs and staffing, at multiple levels of care. CDCR's Mental Health Services Delivery System Program Guide provides the policies and procedures that govern delivery of these mental health services.[2]

   According to the Mental Health Services Delivery System Program Guide:

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[1] https://www.cdcr.ca.gov/dhcs/mental-health-program/
[2] *Ibid.*

> Any inmate can be referred for mental health services at any time. Inmates who are not identified at Reception or upon arrival at an institution as needing mental health services, may develop such needs later. Any staff members that have concerns about an inmate's mental stability are encouraged to refer that inmate for evaluation by a qualified mental health clinician (psychiatrist, psychologist, or clinical social worker).[3]

Based on the program guide, an inmate must meet the specific treatment criteria to receive treatment at a specific level of care. Correctional Clinical Case Management System (CCCMS) is the basic, primary level of outpatient mental health care at CDCR. Enhanced Outpatient Program (EOP) is the highest level of outpatient care. EOP provides more intensive level of outpatient clinical care than CCCMS. Mental Health Crisis Bed (MHCB) is acute care that provides short-term inpatient treatment for episodes of psychiatric distress or mental disorder. Lastly, Psychiatric Inpatient Programs (PIPs) provide treatment that is more intensive for patients who cannot function adequately or stabilize in an outpatient program or shorter-term inpatient program and provide long-term inpatient mental health care.[4]

This bill would establish a three-year pilot program at two or more CDCR institutions that would provide access to voluntary virtual and in-person mental health counseling sessions to incarcerated individuals within 90 days of their release. Individuals already designated by CDCR to receive mental health care, pursuant to the above-described levels of care, would not be eligible for this mental health resource, as the bill intends to offer mental health services to incarcerated individuals who do not already receive treatment. Additionally, the pilot program is designed to connect incarcerated individuals with enrollment in Medi-Cal benefits upon release which could help facilitate a more stable transition back into society.

3) **Argument in Support**: According to *Mental Health America of California*, a co-sponsor of this bill, "While programs such as the Correctional Clinical Case Management System (CCCMS), Enhanced Outpatient Program (EOP), Mental Health Crisis Bed (MHCB), and the Psychiatric Inpatient Program (PIP) are available, only those with a mental health designation are eligible for them. Many incarcerated individuals experiencing mental health challenges may not have a designation and thus are ineligible for services. With the number of incarcerated individuals with an active mental health case rising by 63% over the past decade, the demand for mental health services will continue to grow.[5]

"This bill establishes a pilot program at two designated correctional facilities and provides mental health therapy for individuals up to 90 days before their release. Program eligibility is focused on individuals unable to access CCCMS, EOP, MHCB, and PIP, expanding mental health services to all regardless of a mental health designation by the CDCR. Providing therapy to all individuals prior to release will improve community integration and reduce recidivism."

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[3] https://cchcs.ca.gov/wp-content/uploads/sites/60/2021-Program-Guide-2.1.22.pdf
[4] *Ibid.*
[5] https://www.dhcs.ca.gov/CalAIM/Documents/CalAIM-JI-a11y.pdf

4) **Related Legislation**:

a) AB 1922 (Lowenthal) would prohibit the use of mechanical restraints on an incarcerated person or juvenile who is admitted to a hospital and receiving care. AB 1922 is pending a hearing in this committee.

b) AB 2593 (Elhawary) would prohibit CDCR staff from interfering with or denying access to medically necessary health care for incarcerated persons. AB 2593 is pending a hearing in this committee.

5) **Prior Legislation**:

a) AB 857 (Ortega), Chapter 857, Statues of 2023, required CDCR to provide each incarcerated person, upon release, informational materials about vocational rehabilitation services and independent living programs offered by the Department of Rehabilitation.

b) AB 1104 (Bonta), Chapter 560, Statutes of 2023, provides that effective rehabilitation increases public safety and builds stronger communities, and that the purpose of incarceration is rehabilitation and successful community reintegration through education, treatment, and restorative justice programs.

c) SB 513 (Wiener), of the 2023- 2024 Legislative Session, would have required CDCR to conduct mental health treatment to accomplish specified goals. SB 513 was held in the Senate Appropriations Committee.

d) AB 428 (Waldron), of the 2023-2024 Legislative Session, would have established the California Department of Reentry to provide leadership, coordination, and technical assistance to ensure successful reentry services are provided to incarcerated individuals. AB 428 was held in the Assembly Appropriations Committee.

e) AB 2142 (Haney), of the 2023-2024 Legislative Session, would have required CDCR to establish a three-year pilot program at two or more institutions to provide access to mental health therapy for incarcerated persons who are not otherwise classified to receive institutional mental health treatment. AB 2142 was held in the Assembly Appropriations Committee.

f) AB 2250 (Bonta), of the 2021-2022 Legislative Session, would have required CDCR to establish a reentry services pilot program to provide comprehensive, structured reentry services for women released from state prison. AB 2250 was held in the Assembly Appropriations Committee.

g) AB 2730 (Villapudua), of the 2021-2022 Legislative Session, would have created the California Anti-recidivism and Public Safety Act pilot program which would have required CDCR to sponsor a program to help incarcerated persons reintegrate into their communities, reduce recidivism, and increase public safety. AB 2730 was vetoed.

h) AB 620 (Holden), of the 2017-2018 Legislative Session, would have required CDCR to provide meaningful opportunity for successful release of incarcerated persons by offering

information about and access to effective trauma focused programming, as specified. AB 620 was held in the Assembly Appropriations Committee.

i) AB 2129 (Jones-Sawyer), of the 2013-2014 Legislative Session, would have required CDCR to develop a voluntary reentry program that included access to cognitive behavior therapy. AB 2129 was held in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

ACLU California Action
California Police Chiefs Association
Ella Baker Center for Human Rights
Mental Health America of California
Technet

Opposition

None Submitted

Analysis Prepared by: Andrew Ironside / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2378 (Gabriel) – As Introduced February 19, 2026

SUMMARY: Creates the Office of Community Violence Intervention (OCVI) within the Board of State and Community Corrections (BSCC). Specifically, **this bill**:

1) Establishes the OCVI within the BSCC, which shall be led by a director.

2) States that the OCVI shall do all of the following:

   a) Administer the California Violence Intervention and Prevention Grant Program (CalVIP), as defined.

   b) Advise the board on the implementation of community violence intervention and prevention policies.

   c) Coordinate with the Department of Justice's Office of Gun Violence Prevention to create a statewide strategic plan for community violence intervention and prevention programs.

   d) Develop methods of measuring the capacity of the community violence intervention and prevention field in California and gather data from CalVIP grantees.

   e) Educate the public about community violence causes and effective solutions.

   f) Identify and apply for available federal grants and other funding to further its work to prevent community violence. When the office determines it is appropriate, the office may work in collaboration with other state departments and partners to identify and apply for federal grants and other funding.

   g) Convene and facilitate the executive steering committee.

   h) Serve as a liaison to community violence intervention and prevention stakeholders, including other governmental agencies.

   i) Provide technical assistance for community violence intervention and prevention organizations and CalVIP grantees.

   j) On July 1, 2028, and every two years thereafter, produce a report that does all of the following:

      i) Highlights best practices in the community violence intervention and prevention field.

ii) Identifies barriers to success, policy gaps, and promising practices that could be scaled or replicated in the state.

iii) Includes the evaluations of the impact of the prepared violence prevention initiatives.

iv) Recommends strategies, policies, and priorities for reducing community violence to the board, Legislature, and other stakeholders.

k) Within 60 days after completing the specified report, the office shall make the report publicly available and transmit copies to the Governor's office, the Senate Committee on Public Safety, and the Assembly Committee on Public Safety.

3) Requires BSCC to reserve at least $1,000,000, and may reserve up to 5 percent of the funds appropriated for CalVIP each year, for the costs of OCVI for the purposes of administering and promoting the effectiveness of the program, instead of authorizing up to $2,000,000 for that purpose.

4) Makes conforming changes.

EXISTING LAW:

1) States that the CalVIP is hereby created to be administered by the BSCC. (Pen. Code, § 14131, subd. (a).)

2) Establishes that the purpose of CalVIP is to improve public health and safety by supporting effective community gun violence reduction initiatives in communities that are disproportionately impacted by community gun violence. (Pen. Code, § 14131, subd. (b).)

3) Provides that CalVIP grants shall be used to develop, support, expand, and replicate evidence-based community gun violence reduction initiatives. (Pen. Code, § 14131, subd. (c).)

4) States that CalVIP grants shall be made on a competitive basis to cities that are disproportionately impacted by community gun violence, to community-based organizations that serve the residents of those cities, and to counties that have one or more cities disproportionately impacted by community gun violence within their jurisdiction. (Pen. Code, § 14131, subd. (d).)

5) States that a city is disproportionately impacted by community gun violence if any of the following are true:

a) The city experienced 20 or more homicides per calendar year during two or more of the three calendar years immediately preceding the grant application for which the Department of Justice has available data.

b) The city experienced 10 or more homicides per calendar year and had a homicide rate that was at least 50 percent higher than the statewide homicide rate during two or more of the three calendar years immediately preceding the grant application for which the Department of Justice has available data.

c) An applicant otherwise demonstrates a unique and compelling need for additional resources to address the impact of community gun violence in the applicant's community. Recognizing the historical challenges that California tribes have faced in gathering formal data on violent crime, the Board of State and Community Corrections shall take input from tribal governments on how to determine "compelling need," in the context of tribal governments. (Pen. Code, § 14131, subd. (e).)

6) Establishes that an applicant for a CalVIP grant shall submit a proposal, in a form prescribed by the board, which shall include, but not be limited to, all of the following:

a) Clearly defined and measurable objectives for the grant.

b) A statement describing how the applicant proposes to use the grant to implement an evidence-based community gun violence reduction initiative in accordance with this section, including how the applicant will identify, engage, and provide violence intervention services.

c) A statement describing how the applicant proposes to use the grant to enhance coordination of existing community gun violence prevention and intervention programs and minimize duplication of services in the proposed service area.

d) Evidence indicating that the proposed violence reduction initiative would likely reduce the incidence of community gun violence in the proposed service area within the grant period.

e) For city or county applicants, a statement demonstrating support for the proposed violence reduction initiative from one or more community-based organizations, or from a public agency or department other than a law enforcement agency that is primarily dedicated to community safety or violence prevention. (Pen. Code, § 14131, subd. (f).)

7) States that in awarding CalVIP grants, the board shall give preference to applicants whose grant proposals demonstrate the greatest likelihood of reducing the incidence of community gun violence in the applicant's community within the grant period without contributing to mass incarceration. (Pen. Code, § 14131, subd. (g).)

8) Establishes the amount of funds awarded to an applicant shall be commensurate with the scope of the applicant's proposal and the applicant's demonstrated need for additional resources to address community gun violence in the applicant's community.

a) The BSCC may award competitive grants in amounts not to exceed $2,500,000 per applicant per year. The length of the grant cycle shall be at least three years.

b) The board shall award at least two grants to cities or counties with populations of 200,000 or less. (Pen. Code, § 14131, subd. (h).)

9) Provides that upon making CalVIP grant awards, the board shall make at least 20 percent of an approved grantee's total grant award available to the grantee at the start of the grant period

or as soon as possible thereafter, in order to enable grantees to immediately utilize such funds to support violence reduction initiatives. (Pen. Code, § 14131, subd. (i).)

10) States that each city or county that receives a CalVIP grant shall distribute no less than 50 percent of the grant funds to one or more of any of the following types of entities:

    a) Community-based organizations.

    b) Public agencies or departments, other than law enforcement agencies or departments, that are primarily dedicated to community safety or violence prevention.

    c) Tribal governments. (Pen. Code, § 14131, subd. (j).)

11) States that the board shall form an executive steering committee including, without limitation, persons who have been impacted by community gun violence, formerly incarcerated persons, subject matter experts in community gun violence prevention and intervention, the director of the Office of Gun Violence Prevention or the director's designee, and at least three persons with direct experience in implementing evidence-based community gun violence reduction initiatives. (Pen. Code, § 14131, subd. (k).)

12) States that the board may reserve up to $2,000,000 of the funds appropriated for CalVIP each year for the costs of administering and promoting the effectiveness of the program. (Pen. Code, § 14131, subd. (l)(1).)

13) States that the board may, with the advice and assistance of the CalVIP executive steering committee, reserve up to 5 percent of the funds appropriated for CalVIP each year for the purpose of supporting programs and activities designed to build and sustain capacity in the field of community gun violence intervention and prevention, and to support detailed community gun violence problem analyses that help service providers and other stakeholders inform and develop community gun violence reduction initiatives. (Pen. Code, § 14131, subd. (l)(2).)

14) Establishes that each grantee shall report to the board, in a form and at intervals prescribed by the board, their progress in achieving the grant objectives. (Pen. Code, § 14131, subd. (m).)

15) Defines "community gun violence" as intentional acts of interpersonal violence involving a firearm, generally committed in public areas by individuals who are not intimately related to the victim, and which result in physical injury, emotional harm, or death. (Pen. Code, § 14131, subd. (b).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "California's gun violence prevention programs have proven to be some of the most effective ways of stopping gun violence in our state. Through its flagship initiative, the California Violence Intervention and Prevention (CalVIP) program, California has achieved measurable reductions in the firearm fatality rate

in many communities most impacted by gun violence. To better position the program moving forward based on lessons that we've learned so far, AB 2378 would establish an Office of Community Violence Intervention, overseen by a director, to administer the CalVIP program and provide additional support to applicants and grantees. These changes will better equip the program to continue its growth, and in turn, help California remain the national leader of gun safety and community violence intervention."

2) **The CalVIP Grant Program**: The CalVIP grant program was established in 2017. According to BSCC the purpose of the program is to "enhance public health and safety through support for community-based gun violence reduction efforts in communities that are disproportionately impacted by gun violence."[1] Grants are awarded to applicants that have developed an evidence-based program to reduce community gun violence.[2] The purpose of the grants, according to BSCC, is "to disrupt cycles of violence and retaliatory actions in order to lower the rates of homicides, shootings, and aggravated assaults in affected communities."[3]

   AB 2378 would make some modifications to the administration of CalVIP. This bill would create the Office of Community Violence Intervention (OCVI) that would, among other things, establish that the newly created OCVI administers the CalVIP grant program, advise the BSCC on implementation of community violence intervention policies, and provide technical assistance to CalVIP grantees.

   The OCVI would be led by a director appointed by the BSCC and be required to produce and submit a report every two years, beginning on July 1, 2028. The intent of the CalVIP program appears to remain intact under AB 2378. But it is unclear whether the OCVI, as a new office with new leadership, would have new or additional focuses that may impact the grants historically awarded under CalVIP. The OCVI additionally would be tasked with developing methods of measuring the capacity of the community violence intervention and prevention field in California and gather data from CalVIP grantees. It is similarly unclear exactly what data is expected to be gathered by CalVIP grantees that is not already collected.

   AB 2378 would also require OCVI to measure capacity building methods in the community violence intervention space. Certain capacity building efforts are underway under existing law, including the training and certification of Frontline Community Violence Intervention (CVI) specialists, support for data collection, and technical assistance for nonprofit organizations aiming to implement CVI projects, among others.[4] Presumably, this bill will require OCVI to engage in measuring these and other capacity building attempts. This could provide useful new data on the relative efficacy of CVI programs. The requirement that OCVI identify barriers to success and scalable practices could likewise promote more effective and efficient CVI programs over the long-term.

3) **Requirements for Grant Applicants:** The CalVIP grant program is meant to be used by communities that disproportionately suffer from gun violence. Projects funded by CalVIP

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[1] *California Violence Intervention and Prevention Program* (2026) <https://www.bscc.ca.gov/s_cpgpcalvipgrant/> [as of Mar. 16, 2026].
[2] *Ibid.*
[3] *Ibid.*
[4] *Ibid.*

must be "primarily focused on providing violence intervention services to the small segment of the population that is identified as high risk of perpetrating or being victimized by community gun violence in the near future." (Pen. Code, § 14131, subd. (c).)

Eligible Cohort 5 (the most recently evaluated applicant cohort) CalVIP applicants fall into four categories: 1) Cities that are "disproportionately impacted by violence," 2) counties that have one or more cities disproportionately impacted by violence within their jurisdiction, 3) tribal governments located within the identified counties, and 4) identified community-based organizations that serve the residents of the cities and/or tribal governments.[5]

BSCC is required to fund 20 percent of a grantee's total award available at the start of the grant period.[6] Following the initial 20 percent disbursement, the remaining funds are released on a reimbursement basis.[7] For grantees that choose to receive an advance payment, BSCC will withhold a minimum of 50 percent of funds claimed on each invoice toward reconciliation of the advance until the full advance is expended.[8]

4) **Argument in Support**: According to *Youth Alive!* "We write in support of Assembly Bill (AB) 2378, which would establish an Office of Community Violence Intervention to administer the California Violence Intervention and Prevention (CalVIP) Grant Program.

"Youth Alive is a nationally recognized community-based organization known for initiating an alliance to treat violence as a public health crisis and developing young leaders in the process. Through our community-based violence intervention and healing programs, we serve hundreds of gunshot victims and their families every year, while also interrupting violence and resolving conflicts to guide individuals away from committing future violence. As a leader in the community violence intervention (CVI) field, our desire to elevate the state's ability to fortify and advance the work of life-saving programs around the state informs our support of AB 2378.

"The CalVIP Grant Program supports initiatives across the state that have proven to be among the most effective strategies for preventing gun violence, and is one of the most cost-effective investments in public safety for the state of California. Last year, California had its lowest gun homicide rate ever recorded, driven by significant reductions in the age 15 – 24 demographics that are a key target population of the program. Further demonstrating this success, some communities that have historically received funding through CalVIP have made large enough public safety improvements that they may no longer be eligible for future rounds of funding.

"During the most recent application cycle, requests for over $1 billion in funding for community-based violence intervention programs were submitted, a dramatic increase from just a few years ago that greatly exceeded available funding. While CalVIP is overseen by the Board of State and Community Corrections, there is no dedicated, senior-level position to oversee the program's growth and support the grantees it serves. To better equip this flagship

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[5] *California Violence Intervention & Prevention Cohort 5* (Mar. 3, 2025) <https://www.grants.ca.gov/grants/california-violence-intervention-prevention-cohort-5/> [as of Mar. 16, 2026].
[6] *Ibid.*
[7] *Ibid.*
[8] *Ibid.*

program to continue its growth and success, AB 2378 would establish the Office of Community Violence Intervention, to be overseen by a director, to administer CalVIP, coordinate with the Department of Justice's Office of Gun Violence Prevention, engage in strategic planning, and provide technical assistance and support to grantees and applicants.

"Through these changes, AB 2378 will provide greater support and guidance to critical community-based work, enabling California to remain a national leader for violence prevention and gun safety."

5) **Argument in Opposition**: According to *Gun Owners of California*, "On behalf of Gun Owners of California, I am writing to oppose your AB 2378, which would create the Office of Community Violence Intervention within the Board of State and Community Corrections, and would require the office to improve public health and safety by supporting effective community gun violence reduction initiatives in communities that are disproportionately impacted by community gun violence. "Community gun violence" is defined as "intentional acts of interpersonal violence involving a firearm, generally committed in public areas by individuals who are not intimately related to the victim, and which result in physical injury, emotional harm, or death.

"Notwithstanding the policy arguments in opposition to this bill, it's important to note that California's budget problem is significantly larger than previously anticipated. According to the Legislative Analyst, under current revenue and spending estimates, the Legislature faces an almost $18 billion budget problem this fiscal year. This is roughly $5 billion larger than the budget problem projected by the administration in June, despite improvements in revenue. Moreover, the LAO estimates costs in other programs to be about $6 billion higher than previously thought. Starting in 2027 28, they estimate structural deficits to grow to about $35 billion annually due to spending growth continuing to outstrip revenue growth.

"This is not the time to create a new 'office.'"

6) **Related Legislation**: AB 1743 (Wicks) would clarify that identification and tracing information for illegal firearms recovered during criminal investigations be made available to any town, city, or county, any state government agency, a California community college or California State University, or the University of California for academic and policy research purposes. AB 1743 is pending a hearing in the Assembly Appropriations Committee.

7) **Prior Legislation**:

   a) AB 785 (Sharp-Collins), of the 2025-26 Legislative Session, would have created the Community Violence Interdiction Grant Program to be administered by the California Health and Human Services Agency to provide funding to local community programs for community-driven solutions to decrease violence in neighborhoods and schools. AB 785 was held in the Senate Appropriations Committee.

   b) AB 1452 (Wicks), Chapter 529, Statutes of 2024, established, within the Department of Justice, the Office of Gun Violence Prevention to advise the Attorney General on, among other things, gun violence prevention-related matters and the effectiveness of certain gun violence prevention laws and programs.

c) AB 762 (Wicks), Chapter 241, Statutes of 2023, specified that the purpose of the CalVIP program is to support effective community gun violence reduction initiatives in communities that are disproportionately impacted by community gun violence, as defined.

d) AB 912 (Jones-Sawyer), of the 2023-24 Legislative Session, would have established the Department of Justice Violence Reduction Grant Program to be administered by the DOJ for the purpose of supporting evidence-based, focus-deterrence collaborative programs that conduct outreach to targeted gangs and offer supportive services to preemptively reduce and eliminate violence and gang involvement. AB 912 was vetoed by the Governor.

e) AB 2064 (Jones-Sawyer), of the 2023-24 Legislative Session, would have created the Community Violence Interdiction Grant Program to be administered by the California Health and Human Services Agency to provide funding to local community programs for community-driven solutions to decrease violence in neighborhoods and schools. AB 2064 was held in the Senate Appropriations Committee.

f) AB 1603 (Jones-Sawyer) Chapter 735, Statutes of 2019, codified the establishment of the California Violence Intervention and Prevention Grant Program and the authority and duties of BSCC in administering the program, including the selection criteria for grants and reporting requirements to the Legislature.

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Community Empowerment
Brady California
Brady United Against Gun Violence
Californians for Safety and Justice
City of Oakland Department of Violence Prevention
Diversity Research and Consulting Group, INC.
Ella Baker Center for Human Rights
Everytown for Gun Safety Action Fund
Giffords
Moms Demand Action for Gun Sense in America
Peace and Justice Law Center
Students Demand Action for Gun Sense in America
The Health Alliance for Violence Intervention
Youth Alive!
1 Private Individual

Opposition

Gun Owners of California, INC.

Analysis Prepared by: Dustin Weber / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2499 (Gipson) – As Introduced February 20, 2026

SUMMARY: Requires the California Department of Corrections and Rehabilitation (CDCR) to submit to the Legislature and the Department of Finance a phased plan to implement climate resilience measures in correctional facilities; to develop and implement annual training for all staff on preventing, identifying, and managing heat-related illnesses; and, with the use of existing resources, to establish a Temperature Monitoring and Data Transparency Pilot Program in no fewer than three prisons that represent distinct climate zones. Specifically, **this bill**:

1) Requires the Department of Corrections and Rehabilitation (CDCR) to do all of the following:

   a) Consider issuing appropriate clothing during summer months, including issuing shorts as part of a standard uniform.

   b) Identify the need for additional shade structures in yards and exercise areas as part of the plan, as specified, and, subject to appropriation by the Legislature, prioritize the installation of additional shade structures at facilities with the greatest exposure to excessive heat.

   c) During excessive heat or wildfire smoke events, to the greatest extent practicable within existing resources, allow incarcerated individuals increased access to showers and personal fans. Fans shall not count towards an incarcerated person's appliance limit and multiple fans are allowed for each individual during excessive heat or wildfire smoke events.

   d) Use data to activate interim relief measures that are, when available, derived from temperature and air quality sensors, as specified, with manual observations used as only a supplemental source.

   e) Require medical staff to conduct regular health assessments to identify individuals at greater risk for heat-related illnesses, including, but not limited to, the elderly or those with preexisting health conditions, and those on medications that increase the risk of heat-related illness.

   f) Require medical staff to monitor symptoms of heat-related illnesses among incarcerated individuals and provide prompt medical attention as necessary.

   g) Require medical staff to establish a protocol for documenting any heat-related illness, including the affected individual's symptoms and the treatment received.

h) By April 1, 2027, establish and implement minimum interim relief measures during excessive weather events, including, but not limited to, all of the following:

i) Standards for access to potable water and ice that ensure incarcerated individuals can frequently drink cool water, as specified.

ii) To the greatest extent practicable within existing resources, use of designated cooled indoor areas as respite spaces during excessive heat events.

iii) Work and program modifications, including rest, recovery cycles to reduce heat strain that prioritize modifications for incarcerated workers and individuals with specified medical risk factors, and a stop work order.

iv) Coordination of interim measures with medical screening and monitoring.

2) Requires CDCR to establish a working group, by May 1, 2027, consisting of at least two representatives of community-based organizations who work with currently or formerly incarcerated individuals, a representative from the Division of Occupational Safety and Health, a representative from the Office of the Inspector General (OIG), a representative of an incarcerated person advisory council, and the Secretary of CDCR to ensure regular maintenance, upkeep, accessibility of use, and implementation of this chapter.

3) Requires CDCR, by July 1, 2027, to develop and implement annual training for all staff on preventing, identifying, and managing heat-related illnesses, that meets all of the following requirements:

a) Recognizes the signs and symptoms of heat-related illness.

b) Includes protocols for responding to heat-related emergencies.

c) Includes best practices for maintaining safe conditions during extreme heat.

d) Includes reporting procedures.

4) Requires CDCR, by July 1, 2027, to implement protocols to monitor air quality during wildfire events and other air quality emergencies.

5) Requires CDCR to identify and prioritize air filtration improvements needed to provide clean air to incarcerated individuals during poor air quality events.

6) Requires interim protocols for monitoring air quality during wildfire events and other air quality emergencies to include thresholds based on the Air Quality Index when measures are taken, including opening additional indoor smoke respite spaces, modifying or suspending outdoor activities, and deploying or upgrading available filtration equipment, to the greatest extent practicable within existing resources.

7) Requires CDCR, with the use of existing resources, by July 1, 2027, to establish a Temperature Monitoring and Data Transparency Pilot Program in no fewer than three prisons

that represent distinct climate zones, that does all of the following:

a) Deploy continuous temperature, and where feasible, humidity and find particulate matter monitoring equipment in representative and priority living, working, and recreational areas, including units that house individuals at elevated medical risk.

b) Collect and retain data sufficient to identify days and hours if indoor temperatures exceed 85 degrees Fahrenheit, or another threshold established by regulation, as specified.

c) Provide weekly and quarterly summary data from digital sensors to the OIG, the Division of Occupational Safety and Health, and the appropriate policy and budget committees of the Legislature, as specified.

d) Publish, on at least a weekly basis, and quarterly, facility level data of temperature, and, if measured, fine particulate matter conditions derived from the monitoring equipment in a format accessible to incarcerated individuals, their families, and the public.

e) Establish quality assurance protocols for calibration, maintenance, and data validation of monitoring equipment and records, including periodic review by the OIG. The periodic review shall occur at intervals determined by that office, but not less frequently than once every two years for the duration of the pilot program.

8) Provides that the pilot program shall not include the design or installation of new mechanical air-cooling systems that are addressed through separate programs funded in the annual Budget Act.

9) Provides that CDCR may enter into memoranda of agreement with public universities, research institutions, or community-based organizations with relevant expertise to assist in the design, implementation, and evaluation of the pilot program.

10) Provides that the pilot program shall end after one year of data collection at three prisons.

11) Requires CDCR, beginning on January 1 of the calendar year following the calendar year that the department submits the phased plan, as specified, , and each year thereafter, to submit a report to the Governor, the Legislature, and the Office of Emergency Services (OES), detailing the progress in implementing climate resilience measures, the effectiveness of those measures and evacuation plans in response to extreme weather events, the number of climate hazards experienced at each facility under the jurisdiction of the department, and any additional resources required to protect incarcerated individuals from excessive weather.

a) Requires the annual report to include, for each facility, all of the following data:

i) The number of days in the preceding calendar year where indoor temperatures in housing units exceeded temperature thresholds, as specified.

ii) The number of days that the indoor temperatures fell below a specified cold threshold, as specified.

b) Requires CDCR to make this data available to the public on its internet website.

12) Requires CDCR, by January 1, 2028, to develop temperature monitoring protocols that include the use of temperature monitoring systems, that may include sensors that continuously measure and transmit data in representative living quarters, work areas, and recreational spaces; and requires deployment of these systems to be prioritized in the pilot program, as specified above.

13) Requires CDCR, by January 1, 2028, to submit to the Legislature and the Department of Finance, a phased plan to implement climate resilience measures in correctional facilities, including, but not limited to, improvements to heating, ventilation, air-conditioning systems, shade structures, and air filtration systems, that contains all of the following:

a) A facility-by-facility assessment of existing systems, including the age and condition of major heating, ventilation, and air-conditioning equipment.

b) The estimated one-time and ongoing costs for implementing each of the following climate resilience measures:

i) At least one scenario that assumes no additional prison closures and at least one scenario that assumes the closure or partial closure of facilities with the highest per capita capital needs, consistent with this chapter.

ii) Scenarios reflecting different implementation timelines, including an accelerated implementation period and a longer phased implementation period.

iii) Scenarios that distinguish between minimum compliance focused on interim relief and targeted upgrades, and more extensive construction of heating, ventilation, air conditioning, filtration, and backup power.

c) A prioritization schedule and proposed timelines for implementation that give priority to facilities and housing units at greatest risk of excessive weather events.

d) An explanation of how the plan aligns with any 2025 or later statewide fiscal analysis of climate resilience or air-cooling needs in correctional facilities prepared by the Legislative Analyst's Office, a public university, or both.

e) An assessment of the status and needs related to shade structures in yards and exercise areas, air filtration systems necessary to protect incarcerated individuals during poor air quality events, and infrastructure that supports flood and storm preparedness, together with cost estimates and prioritization for any proposed improvements.

f) An assessment of the extent that existing and proposed heating, ventilation, and air-conditioning systems can feasibly comply with the California Building Standards Code, as specified, related to energy efficiency and indoor environmental quality.

g) An assessment of current and proposed air filtration systems, including the feasibility of achieving a minimum efficiency reporting value of 13 or higher, where compatible with

existing equipment and infrastructure, to reduce exposure to wildfire smoke and other airborne pollutants.

h) An assessment of backup power systems necessary to maintain safe indoor temperatures and support critical medical care during grid outages or power disruptions associated with excessive weather events.

14) Provides that implementation of capital improvements identified in the above plan shall be subject to an appropriation by the Legislature.

15) Requires CDCR, by July 1, 2028, to implement protocols for colder climates, including, but not limited to, climate-appropriate clothing and bedding.

16) Requires CDCR, as part of the plan to ensure specified areas are equipped with cooling systems, as specified, to identify and prioritize necessary updates to heating, ventilation, and air-conditioning systems at correctional facilities.

17) Provides that implementation of heating, ventilation, and air-conditioning upgrades shall be subject to an appropriation by the Legislature.

18) Requires CDCR, by July 1, 2028, to develop and implement a comprehensive flood and storm preparedness plan for all facilities, including those facilities in flood-prone areas, that includes provisions for evacuation, emergency shelter, and access to clean water; and identification of mutual aid triggers and coordination procedures with local governments and the OES to secure additional shelter, transportation, and filtration resources during excessive weather events.

19) Requires CDCR, by July 1, 2028, to develop and implement, as specified and subject to an appropriation by the Legislature, a plan to ensure that living quarters, work areas, and recreational spaces at correctional facilities are equipped over time with cooling systems, including, but not limited to, air conditioning and proper ventilation. Priority shall be given to facilities and housing units at greatest risk of excessive temperatures.

20) Requires CDCR, by July 1, 2028, to establish and implement an emergency response and evacuation plan for each correctional facility to protect the safety of incarcerated individuals during extreme weather events.

21) Requires CDCR to review and update the above plan for each facility at least once every five years, and requires the plan to include all of the following:

a) Procedures for the safe and timely evacuation of incarcerated individuals in the event of natural disaster.

i) Provides that a natural disaster includes, but is not limited to, a wildfire, flood, or severe storm.

ii) Provides that, if guidance specific to correctional facilities is not available, CDCR shall base its plan on generally accepted emergency management standards, including

any relevant federal guidance.

iii) Requires CDCR to update its plans when the OES updates its guidance.

b) Procedures that are informed by, and to the extent practicable, consistent with guidance issued by OES, without limiting CDCR's authority to adopt procedures that provide greater if necessary, to protect incarcerated individuals.

c) Identification of, where feasible, prearranged transportation resources, including mutual-aid agreements or contracts for buses or other conveyances.

d) Designation of smoke-resilient shelter locations that meet the access and functional needs of incarcerated individuals who are older adults or who have disabilities, chronic conditions, or other vulnerabilities.

e) An assessment of at least one annual tabletop or functional exercise at each facility, conducted in coordination with OES and local emergency management partners.

22) Provides that, if the OIG issues an audit, review, or set of recommendations related to temperature conditions, climate resilience, or emergency response to excessive weather in correctional facilities, CDCR shall, within 60 days of receipt, submit to the OIG and the appropriate policy and budget committees of the Legislature a corrective action plan describing how it will address the findings, and within six months from the date of the audit, a progress update on the implementation of that plan. CDCR shall send a copy of the plan and progress update to OES to inform statewide emergency planning.

23) Provides that a communication from an incarcerated person or their legal representative, constituting a bona fide complaint or grievance relating to extreme temperature, extreme weather events, or noncompliance with evacuation plan requirements, shall not be dismissed, rejected, or ignored by reason of being deemed a singular occurrence or routine grievance.

24) Requires CDCR, to the extent consistent with the annual Budget Act, to contract with an independent third-party evaluator, including a public university or other research institution, to conduct a transparent monitoring and evaluation of any air-cooling pilot projects funded in the Budget Act for correctional facilities.

25) Requires the evaluation to include, but not be limited to, all of the following:

a) A comparison of temperature and humidity differentials between cells, common areas, and outdoor spaces in pilot and nonpilot housing units.

b) An assessment of the variability in compliance with any temperature thresholds or operational protocols adopted for the pilot program.

c) An identification of lessons learned and recommendations for prioritizing future investments in cooling, filtration, and other climate resilience measures.

26) Requires the evaluator's final report to be submitted to the Governor, the Legislature, and the OES and be made available CDCR's internet website.

27) Requires CDCR to establish a monitoring system that includes data collection and reporting mechanisms.

28) Provides that the above shall not be construed to require or encourage the construction or opening of new state prisons or reactivate a state prison facility that has been closed or placed in inactive status.

29) Requires CDCR to meet the requirements of the above through improvements to existing facilities.

30) Provides that CDCR shall treat the closure or partial closure of existing prisons and housing units as a primary strategy for achieving compliance the above in a fiscally responsible manner, before recommending major new capital investments in additional prison capacity.

31) Provides that the above shall be construed to prohibit CDCR from deactivating housing units or entire facilities as a means of complying with the above requirements.

32) Requires CDCR, in developing the disaster response and emergency plans, as specified, to consider planning and implementing the release of incarcerated persons, including through temporary furlough, as a harm mitigation strategy if necessary to avert extreme risk of death or grave bodily harm.

33) Provides that, in determining the necessity of a release or furloughs, the security classification of the incarcerated person affected shall be a factor taken into consideration, but that factor is not dispositive.

34) Provides that, by July 1, 2027, the Division of Occupational Safety and Health ("division") shall submit a rulemaking proposal to the standards board, for the board's review and adoption, specifically applicable to workers in any prison or institution under the jurisdiction of CDCR.

35) Requires the division, in preparing the proposed regulations, to do all of the following:

    a) Ensure the standards proposed and adopted pursuant to the above are consistent with the specified requirements and, as appropriate, may draw from, or build upon, the heat illness prevention standards, as specified.

    b) Provide regulatory protections for both of the following:

        i) Workers when the temperature or heat index in a work area equals or exceeds 85 degrees Fahrenheit.

        ii) Workers when the indoor temperature or heat index equals or exceeds 80 degrees Fahrenheit if workers wear restrictive clothing or are exposed to high radiant heat, consistent with, and no less protective than, the framework for indoor heat illness prevention set for in Section 3396 of Title 8 of the California Code of Regulations,

while tailored to the unique conditions of correctional facilities.

c) Ensure CDCR establishes and implements effective policies for all of the following:

i) Protocols for the division to monitor indoor temperatures, inspect facilities, investigate heat-related incidents, and assess compliance with required standards.

ii) Emergency response protocols for immediate action during extreme weather events, including hazard assessments, stop work orders, evacuation, and strategies to protect workers from exposure to harsh conditions.

iii) Protocols to investigate and document heat-related illness incidents among workers.

iv) Staff training and resources.

v) Appropriate and necessary worker hydration requirements.

vi) Protocols for medical intervention.

vii) Protocols for the Department of Corrections and Rehabilitation to monitor indoor temperatures, inspect facilities, investigate heat-related incidents, and assess compliance with required standards.

viii) Annual reporting of heat-related illness incidents to the division in compliance with any reporting order, rule, or regulation adopted by the standards board.

ix) Maintaining heat incident log records for all work-related serious heat-related incidents or fatalities, consistent with Section 342 of Title 8 of the California Code of Regulations.

x) Submitting an annual report to the division summarizing incidents of heat-related illnesses, cold exposure incidents, hydration efforts, and health monitoring practices for evaluation and compliance verification.

36) Requires the division to consider requiring CDCR to do all of the following:

a) Maintain comprehensive records of indoor climate condition monitoring, hydration provisions, and health assessments for incarcerated workers, making these records available for review during inspections by the division.

b) Maintain temperature and related climate condition records in a durable digital format, including weekly supervisory review and sign off, and retain those records for a minimum period sufficient to support inspections, enforcement, and public reporting.

c) Monitor maximum and minimum indoor temperatures.

d) Identify feasible improvements, including installing or upgrading infrastructure related to heating, ventilation, and air conditioning to protect workers.

37) Requires CDCR to comply with this section and any order, rule, or regulation adopted by the standards board pursuant to this section.

38) Requires the division to carry out the duties described in this section within existing resources of CDCR and the Department of Industrial Relations unless additional resources are appropriated to comply with the requirements of this section.

39) Defines the following terms have the following meanings:

a) "Access and functional needs" means the needs of individuals who are part of the access and functional needs population, as defined.

b) "Climate resilience measures" means policies, procedures, and infrastructure upgrades that aim to reduce the adverse effects of climate change-related extreme weather on incarcerated individuals.

c) "Excessive weather" means weather conditions, including, but not limited to, extreme heat, extreme cold, wildfire smoke, flooding, or other weather-related events exacerbated by climate change.

d) "Heat illness" means a serious medical condition resulting from the body's inability to cope with a particular heat load. It includes heat cramps, heat exhaustion, heat syncope, and heat stroke.

e) "Incarcerated individual" means any person confined in a state prison or other facility under the jurisdiction of the CDCR.

f) "Indoor" means a space under a ceiling or overhead covering that restricts airflow and is enclosed along its entire perimeter by walls, doors, windows, dividers, or other barriers that restrict airflow, whether open or closed. All work areas that are not indoor are considered outdoor.

40) Includes findings and declarations.

EXISTING LAW:

1) Prohibits cruel and unusual punishment. (Cal. Const., art. I, § 17.)

2) States that a person sentenced to imprisonment in a state prison may be deprived of such rights, and only such rights, as is reasonably related to legitimate penological interests. (Pen. Code, § 2600, subd. (a).)

3) Provides that it shall be unlawful to use in the prisons, any cruel, corporal or unusual punishment or to inflict any treatment or allow any lack of care whatever which would injure or impair the health of the prisoner, inmate or person confined. (Pen. Code, § 2652.)

4) Requires CDCR to provide each prisoner with a bed, sufficient covering of blankets, and with garments of substantial material and of distinctive manufacture, and with sufficient plain and wholesome food of such variety as may be most conducive to good health and that

shall include the availability of plant-based meals. (Pen. Code, § 2084, subd. (a).)

5) Allows CDCR wardens to make temporary rules and regulations, in case of emergency, to remain in force until CDCR otherwise provides. (Pen. Code, § 2086.)

6) Requires CDCR to develop a voluntary work program and prescribe the rules and regulations regarding work and programming assignments for individuals incarcerated in facilities operated by CDCR. (Pen. Code, § 2700.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "California has a responsibility to ensure that every individual in its care is housed in safe and humane conditions. As climate impacts intensify, dangerously high temperatures and poor air quality in our state prisons are putting lives at risk and exposing individuals to preventable harm. This measure establishes clear, enforceable standards to protect health, uphold basic dignity, and ensure accountability within our correctional system."

2) **Need for this Bill**: CDCR's current infrastructure is inadequate to protect the persons in its custody from extreme weather. "Incarcerated people are distinctly vulnerable to climate hazards because they are entirely reliant upon CDCR for preparedness, response, and recovery."[1] Last year, an incarcerated person at Central California Women's Facility in Chowchilla died during a heat wave.[2] According to CDCR:

> Most of CDCR's institutions were built at a time in which the comfort level of the incarcerated population was not a consideration or priority. As such, many housing units and support buildings throughout the state were originally equipped with only air handling units or evaporative cooling systems; neither of which are sufficient to provide adequate relief from excessive heat during summer months. Although there have been efforts to retrofit several housing units and various buildings used for rehabilitative program at multiple institutions over the years, a significant number remain that require air-cooling upgrades or other alternatives to address rising indoor temperatures.[3]

Many CDCR facilities are located in locations where extreme weather and natural disasters are not uncommon.[4] Indeed, a number of factors make California prisons "uniquely unprepared for climate change."[5] According to CDCR's most recent annual report:

> The 2025 Governor's Budget includes a request for $23.6 million General Fund in 2025-26 and $45.4 million General Fund in 2026-27 for a pilot program to install and evaluate air cooling alternatives to improve indoor environments at CCWF, CMF, KVSP, and LAC. A subsequent analysis of the alternative used at the identified institutions will assist

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[1] https://ellabakercenter.org/wp-content/uploads/2023/06/Hidden-Hazards-Report-FINAL.pdf
[2] https://www.sacbee.com/news/california/article289867299.html
[3] CDCR, Master Plan: Annual Report For Calendar Year 2024 (Jan. 2025) at pp. 9-10.
[4] https://www.cdcr.ca.gov/green/cdcr-green/climate-change-adaptation/
[5] California prisons remain unprepared for extreme heat - Los Angeles Times

CDCR in developing a statewide effort to address the indoor temperatures at buildings that severely impact incarcerated individuals and staff.[6]

But CDCR's actions may be insufficient. A recent report by the UCLA Luskin School of Public Affairs identified eight facilities that were prone to excessive heat.[7] In a survey of 600 people, "Eighty-seven percent of respondents said the yard they use most frequently has no shade covering, while 60% said they have never had access to air-conditioned rooms during extremely hot days. About half, 47%, said they never had increased access to showers during heat events."[8]

Among other things, this bill would require CDCR to submit to the Legislature and the Department of Finance a phased plan to implement climate resilience measures in correctional facilities, which must include a facility-by-facility assessment of existing systems, including the age and condition of major heating, ventilation, and air-conditioning equipment; the estimated one-time and ongoing costs for implementing specified climate resilience measures; a prioritization schedule and proposed timelines for implementation that give priority to facilities and housing units at greatest risk of excessive weather events; an explanation of how the plan aligns with any 2025 or later statewide fiscal analysis of climate resilience or air-cooling needs in correctional facilities prepared by the Legislative Analyst's Office, a public university, or both; an assessment of the status and needs related to shade structures in yards and exercise areas, air filtration systems necessary to protect incarcerated individuals during poor air quality events, and infrastructure that supports flood and storm preparedness, together with cost estimates and prioritization for any proposed improvements; an assessment of the extent that existing and proposed heating, ventilation, and air-conditioning systems can feasibly comply with the California Building Standards Code, as specified, related to energy efficiency and indoor environmental quality; an assessment of current and proposed air filtration systems, including the feasibility of achieving a minimum efficiency reporting value of 13 or higher, where compatible with existing equipment and infrastructure, to reduce exposure to wildfire smoke and other airborne pollutants; and an assessment of backup power systems necessary to maintain safe indoor temperatures and support critical medical care during grid outages or power disruptions associated with excessive weather events.

3) **Constitutional Prohibition Against Cruel and Unusual Punishment**: The Eighth Amendment's prohibition against cruel and unusual punishment protects prisoners from inhumane conditions of confinement. (*Farmer v. Brennan* (1994) 511 U.S. 825, 832.) Prison officials therefore have a "duty to ensure that prisoners are provided with adequate shelter, food, clothing, sanitation, medical care, and personal safety." (*Johnson v. Lewis* (9th Cir. 2000) 217 F.3d 726, 731.)

Although routine discomforts in prison are inadequate to show a violation of the Eighth Amendment, "those deprivations denying the minimal civilized measure of life's necessities are sufficiently grave to form the basis of an Eighth Amendment violation." (*Hudson v. McMillian* (1992) 503 U.S. 1, 9.) "The circumstances, nature, and duration of a deprivation

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[6] CDCR, Master Plan: Annual Report For Calendar Year 2024 (Jan. 2025) at pp. 9-10.
[7] California prisons remain unprepared for extreme heat - Los Angeles Times
[8] California prisons remain unprepared for extreme heat - Los Angeles Times

of these necessities must be considered in determining whether a constitutional violation has occurred." (*Johnson v. Lewis*, *supra*, 217 F.3d at p. 731.)

As temperatures become more extreme, it is possible that the failure to upgrade CDCR facilities in the near future with, among other things, adequate heating and cooling systems will result in a court ruling that conditions in CDCR facilities violate the Eighth Amendment.[9]

4) **Argument in Support**: According to *LA Defensa*, "Workers in California prisons do not receive adequate protection and are routinely subject to extreme weather. Recorded temperatures in CDCR facilities routinely reach 95 degrees Fahrenheit, sometimes for up to fifty days in a year. Many California prisons, some of which predate the Civil War, lack air conditioning, fans, and other basic climate mitigation technology. Subjecting incarcerated Californians to these climate conditions is cruel and unusual punishment, in clear violation of their Eighth Amendment rights under the United States Constitution. Worse, these worsening climate conditions are already leading to tragedy, such as the unnecessary death of Adrienne Boulware, who in 2024 passed away due to heat-related causes while incarcerated at the Central California Women's Facility.

"As temperatures continue to rise across the state, and extreme climate events become more frequent, incarceration in California prison will become a death sentence for any incarcerated people at risk of heat-related illness, especially the elderly, the disabled, and incarcerated workers. AB 2499 is urgently needed to strengthen protections for incarcerated people, and ensure that no more people incarcerated in California state prison pass away from preventable heat-related illnesses. Additionally, many CDCR facilities lack sufficient evacuation and disaster plans despite climate disasters such as wildfires, earthquakes, and heatwaves becoming more frequent and severe in recent years. This bill will require CDCR to develop life-saving disaster and evacuation protocols- instead of leaving incarcerated workers stranded inside facilities facing serious injury or death.

"Critically, this bill does not mandate costly infrastructure upgrades to prisons. Instead, it prioritizes low-cost remedies, compliance standards, and enhanced safety measures that can provide incarcerated Californians with the increased protections they need now, as extreme weather events continue to become more and more frequent with each passing day. These measures will provide crucial work site protections for *everyone* working in state prisons- including the tens of thousands of correctional officers, nurses, janitors, physicians, and incarcerated workers under CDCR's jurisdiction."

5) **Related Legislation**:

a) AB 2259 (Ransom) would establish a pilot program at two CDCR facilities for the provision of mental health therapy either through virtual therapy or contracted license mental health providers. AB 2259 is pending hearing in this committee.

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[9] Note, *Violations of the Eighth Amendment: How Climate Change Is Creating Cruel and Unusual Punishment*, 22 Hastings Environment L.J. 213 (Summer 2022).

b) AB 2593 (Elhawary) would prohibit a supervisor, administrator, or employee of CDCR from knowingly interfering with or refusing to implement health care prescribed or determined to be medically necessary by a licensed health care provider acting within the scope of their licensure that results in substantial emotional distress or serious bodily injury.

6) **Prior Legislation**:

a) AB 1424 (C. Rodriguez), of the 2025-2026 Legislative Session, would have required CDCR to make infrastructure upgrades to CDCR facilities to mitigate the effects of excessive weather and natural disasters. AB 1424 was held in suspense in the Assembly Appropriations Committee.

b) AB 701 (Ortega), of the 2025-2026 Legislative Session, would have required the Department of Justice (DOJ) to study the use of solitary confinement in all jails, prisons, and private detention facilities operating within the State of California. AB 701 was held in suspense in the Assembly Appropriations Committee.

c) AB 280 (Holden), of the 2023-2024 Legislative Session, would have required all detention facilities to impose no limitation on services, treatment, or basic needs such as bedding, clothing and food for individuals in segregated confinement. AB 280 died on the inactive file in the Assembly.

d) AB 353 (Jones-Sawyer), Chapter 429, Statutes of 2023, would require incarcerated persons to be permitted to shower at least every other day, unless access to a shower is prohibited as specified.

e) AB 2321 (Jones-Sawyer), Chapter 781, Statutes of 2022, limits the use of juvenile room confinement and ensures that minors and wards confined at juvenile facilities are provided reasonable access to toilets at all hours.

f) AB 2632 (Holden), of the 2021-2022 Legislative Session, would have required all detention facilities to impose no limitation on services, treatment, or basic needs such as bedding, clothing and food for individuals in segregated confinement. AB 2632 was vetoed.

REGISTERED SUPPORT / OPPOSITION:

Support

A New Way of Life Reentry Project
Aaaj- Asian Law Caucus
ACLU California Action
All of US or None (HQ)
American Federation of State, County and Municipal Employees, Afl-cio
Bridges of Hope CA
California Attorneys for Criminal Justice

California Civil Liberties Advocacy
California Public Defenders Association
Californians for Safety and Justice (CSJ)
Communities United for Restorative Youth Justice (CURYJ)
Community Legal Services in East Palo Alto
Community Works West
Courage California
Ella Baker Center for Human Rights
Empowering Women Impacted by Incarceration
Felony Murder Elimination Project
Glide
Initiate Justice
Justice2jobs Coalition
LA Defensa
Legal Aid At Work
Legal Services for Prisoners With Children
Oakland Privacy
Riverside All of US or None
Santa Clara County Wage Theft Coalition
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Beyond Impact
The W. Haywood Burns Institute
Worksafe
1 Private Individual

Opposition
None submitted.

Analysis Prepared by: Andrew Ironside / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2502 (Pellerin) – As Introduced February 20, 2026

SUMMARY: Specifies, for purposes of the crimes of intoxicated vehicular manslaughter, driving under the influence (DUI), DUI causing bodily injury to another, and reckless driving in satisfaction of, or as a substitute for, an original DUI charge ("wet reckless"), as specified, "drive" includes the volitional movement of a vehicle with a Level 0, Level 1, Level 2, or Level 3 of driving automation, as those levels are defined by the Society of Automotive Engineers (SAE).

EXISTING LAW:

1) Defines "driver" for purposes of the Vehicle Code to mean a person who drives or is in actual physical control of a vehicle. (Veh. Code, § 305.)

2) Defines "vehicle" for purposes of the Vehicle Code to mean a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks. (Veh. Code, § 670.)

3) Defines "motor vehicle" to mean a vehicle that is self-propelled. (Veh. Code, § 415.)

4) Defines "autonomous vehicle" to mean any vehicle equipped with autonomous technology that has been integrated into that vehicle that meets the definition of Level 3, Level 4, or Level 5 of SAE International's "Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles, standard J3016 (APR2021), as may be revised. (Veh. Code, § 38750, subd. (a)(2)(A).)

5) Defines an "operator" of an autonomous vehicle to mean the person who is seated in the driver's seat, or, if there is no person in the driver's seat, causes the autonomous technology to engage. (Veh. Code, § 38750, subd. (a)(4).)

6) Makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has 0.08 percent or more, by weight, of alcohol (BAC) in their blood, "to drive a vehicle" (hereafter DUI). (Veh. Code, § 23152 subds. (a), (b) (f), & (g).)

7) Makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or the combined influence of the two, or who has a BAC of .08 or more, "to drive a vehicle," and concurrently do any act forbidden by law or neglect any duty imposed by law in driving the vehicle, which proximately causes bodily injury to any person other than the driver (hereafter DUI causing bodily injury). (Veh. Code, § 23153 subds. (a), (b), (f), & (g).)

8) Defines gross vehicular manslaughter while intoxicated to mean the unlawful killing of a human being without malice aforethought, "in the driving of a vehicle" where the driving was in violation of specified DUI laws, and the killing was either the proximate result of an unlawful act, not amounting to a felony, and with gross negligence, or the proximate result of a lawful act that might produce death, in an unlawful manner, and with gross negligence, and makes this crime a felony punishable by imprisonment in state prison for four, six, or 10 years. (Pen. Code, § 191.5, subds. (a) & (c)(1).)

9) Defines intoxicated vehicular manslaughter without gross negligence to mean the unlawful killing of a human being without malice aforethought, "in the driving of a vehicle" where the driving was in violation of specified DUI laws, and the killing was either the proximate result of an unlawful act, not amounting to a felony, but without gross negligence, or the proximate result of a lawful act that might produce death, in an unlawful manner, but without gross negligence, and makes crime punishable by up to one year in county jail or by imprisonment for 16 months, or two or four years. (Pen. Code, § 191.5, subds. (b) & (c)(2).)

10) Provides that a person who "drives a vehicle" upon a highway in willful or wanton disregard for the safety of persons or property is guilty of reckless driving, and punishes this offense by five to 90 days in county jail and a fine of $145 to $1,000, or by both that fine and imprisonment. (Veh. Code, § 23103, subds. (a) & (c).)

11) Provides that if the prosecution agrees to a plea of guilty or nolo contendere to a charge of reckless driving, in satisfaction of, or as a substitute for, an original DUI charge, the prosecution shall state for the record a factual basis for the satisfaction or substitution, including whether or not there had been consumption of an alcoholic beverage or ingestion or administration of a drug, or both, by the defendant in connection with the offense. (Veh. Code, § 23103.5, subd. (a).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Semi-autonomous vehicles have been on California roads since 2014 and currently, two out of every five cars sold in the U.S. possess some sort of semi-autonomous capability. In 2018, a Tesla driver in San Francisco passed out on the Bay Bridge with a blood alcohol level of more than twice the legal limit. When he awoke, he challenged the California Highway Patrol officer, arguing that he wasn't driving drunk because the Tesla was "on autopilot." There have been other stories in and around my district of people passed out in their car while the autopilot is engaged. These incidents are occurring more often and stem from consumers being misled into believing that it is acceptable to drive a semi-autonomous vehicle while impaired as long as the "autopilot" system is engaged. This confusion is worsened by companies using misleading language in advertising and exaggerating their vehicles' capabilities, leading consumers to believe the vehicles are fully self-driving. This bill clarifies that operating a semi-autonomous vehicle while intoxicated can still lead to a DUI charge."

2) **Driving a Vehicle While Impaired:** California statutes do not define what it means "to drive" a vehicle, for purposes of California's impaired driving laws. Existing law makes it

unlawful for a person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has a BAC of 0.08 percent or more, to "drive a vehicle." (Veh. Code, § 23152 subds. (a), (b), (f), & (g).) This is California's primary DUI statute. Other statutes, such as the crime of DUI causing bodily injury, similarly make it unlawful for any person who is under the influence, as specified, "to drive a vehicle," and concurrently do any act forbidden by law or neglect any duty imposed by law in driving the vehicle, which proximately causes bodily injury to any person other than the driver (Veh. Code, § 23153 subds. (a), (f), & (g).) The closest statutory guidance on what constitutes driving a vehicle is Vehicle Code 305, which defines "driver" to mean a person "who drives or is in actual physical control of a vehicle." While this is informative, California's DUI statutes do not refer to a "driver," but rather make it lawful to "drive a vehicle" while impaired. (Veh. Code, §§ 23152; 23153.) Other crimes, such as reckless driving or intoxicated vehicular manslaughter, also do not reference a "driver" and similarly refer to the "driving of a vehicle" (intoxicated vehicular manslaughter) and a person who "drives a vehicle" (reckless driving). (Veh. Code, § 23103, subds. (a) & (b); Pen. Code, § 191.5, subds. (a) & (b.) Accordingly, Vehicle Code section 305 does not directly inform what it means to "drive a vehicle" for purposes of California's impaired driving laws.

The bulk of the guidance on what constitutes driving, for purposes of when a person is driving a vehicle in violation of specified impaired driving laws, comes from case law. Driving a vehicle requires "evidence of volitional movement of a vehicle." (*Mercer v. Department of Motor Vehicles* (1991) 53 Cal.3d 753, 763.) As stated by the California Criminal Jury Instructions, "a person *drives* a vehicle when he or she intentionally causes it to move by exercising actual physical control over it." (2 CALCRIM 2241 (2026).) "The person must cause the vehicle to move, but the movement may be slight." (*Ibid.*) The term "drive" is distinct from a person who "operates" or "is in actual physical control of" a vehicle. (*Mercer*, *supra*, 53 Cal.3d at pp. 763-764.) Driving may be established through circumstantial evidence of the movement of a vehicle. (*Id.* at p. 770.) For example, one court found that there was sufficient evidence of driving when a vehicle was parked with the engine running on the freeway more than a mile from the on-ramp, and the defendant was sitting in the driver's seat and was the sole occupant of the vehicle. (*People v. Wilson* (1985) 176 Cal.App.3d Supp. 1, 9); 2 CALCRIM 2241 (2026).) A front passenger may be found to "drive" for purposes of a DUI prosecution if, while impaired, they grab the steering wheel, causing the car to move. (*In re F.H.* (2011) 192 Cal.App.4th 1465, 1472.) A vehicle may be driven even if the engine is not in use. (*In re Queen T.* (1993) 14 Cal.App.4th 1143, 1145; *People v. Hernandez* (1990) 219 Cal.App.3d 1177, 1184.)

As applied to autonomous electric vehicles, a person operating a vehicle with certain autonomous functions, who sits in the driver's seat, and willfully steers or accelerates, or undertakes any other intentional action to move the vehicle, will likely be considered to be driving that vehicle for purposes of California's impaired driving laws. However, evidence of volitional movement of a vehicle may be very difficult to establish if a person is riding in the backseat of a fully autonomous vehicle and the person never interacts with a steering wheel, gas, or brakes, or any other control that moves the vehicle.

3) **Effect of this Bill:** The impetus of this bill is reports that some people may be under the impression that they cannot be prosecuted for driving impaired when they are driving semi-autonomous vehicles because of the self-driving function of the vehicle. Accordingly, this bill seeks to clarify the application of California's impaired driving laws to individuals

driving semi-autonomous vehicles. Specifically, it provides that for the purpose of specified impaired driving crimes, including DUI, "drive" includes the volitional movement of a vehicle with a Level 0, Level 1, Level 2, or Level 3 of driving automation, as those levels are defined by SAE.

SAE is a non-profit organization that develops mobility standards that focus on emerging technologies, such as those related to autonomous driving.[1] According to the SAE website, there are five levels of driving automation:[2]

a) Level 0: No Driving Automation: "The performance by the driver of the entire [dynamic driving task (DDT)], even when enhanced by active safety systems."[3]

b) Level 1: Driver Assistance: "The sustained and [operational design domain (ODD)]-specific execution by a driving automation system of either the lateral or the longitudinal vehicle motion control subtask of the DDT (but not both simultaneously) with the expectation that the driver performs the remainder of the DDT."[4]

c) Level 2: Partial Driving Automation: "The sustained and ODD-specific execution by a driving automation system of both the lateral and longitudinal vehicle motion control subtasks of the DDT with the expectation that the driver completes the OEDR subtask and supervises the driving automation system."[5]

d) Level 3: Conditional Driving Automation: "The sustained and ODD-specific performance by an [automated driving system (ADS)] of the entire DDT under routine/normal operation…with the expectation that the DDT fallback-ready user is receptive to ADS-issued requests to intervene, as well as to DDT performance-relevant system failures in other vehicle systems, and will respond appropriately."[6]

e) Level 4: High Driving Automation: "The sustained and ODD-specific performance by an ADS of the entire DDT and DDT fallback without any expectation that a user will need to intervene."[7]

f) Level 5: Full Driving Automation: "The sustained and unconditional (i.e., not ODD-specific) performance by an ADS of the entire DDT and DDT fallback without any expectation that a user will need to intervene."[8]

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[1] Standards Portal, *SDO: SAE International* (accessed March 19, 2026), available at: https://www.standardsportal.org/usa_en/sdo/sae.aspx#Overview

[2] SAE International, *J3216_202504 - Taxonomy and Definitions for Terms Related to Cooperative Driving Automation for On-Road Motor Vehicles* (April 13, 2025), available at: https://www.sae.org/standards/j3216_202504-taxonomy-definitions-terms-related-cooperative-driving-automation-road-motor-vehicles

[3] SAE International, *(R) Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles: J3016* (April 2021), at p. 30, available at: https://wiki.unece.org/download/attachments/128418539/SAE%20J3016_202104.pdf?api=v2

[4] *Ibid.*

[5] *Id.* at p. 31.

[6] *Id.* at p. 26.

[7] *Ibid.*

[8] *Ibid.*

Reference to SAE standards is not without precedent. Under Vehicle Code section 28750, "autonomous vehicle" means any vehicle equipped with autonomous technology that has been integrated into that vehicle that meets the definition of Level 3, Level 4, or Level 5 of SAE's "Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles, standard J3016 (APR2021)," as may be revised. (Veh. Code, § 38750, subd. (a)(2)(A).) This does not include a vehicle that is equipped with one or more collision avoidance systems or other similar systems that enhance safety or provide driver assistance, but are not capable, collectively or singularly, of driving the vehicle without the active control or monitoring of a human operator. (Veh. Code, § 38750, subd. (a)(2)(B).)

This bill may help clarify that individuals who drive semi-autonomous vehicles are still subject to California's impaired driving framework. Although, given that driving a vehicle already simply requires evidence of volitional movement more generally, the impact of this bill may be limited. Further, specifying that driving includes the volitional movement of a vehicle with a Level 0, Level 1, Level 2, or Level 3 may imply that driving a vehicle does not encompass volitional movement of a vehicle with a Level 4 or Level 5. Currently, as noted above, any volitional movement of a vehicle, while impaired, can subject a person to a DUI, regardless of the level of autonomy of a vehicle. For example, if an impaired person was riding in the back of a vehicle with a Level 4 or Level 5, i.e., vehicles "without any expectation that a user will need to intervene,"[9] but that person nonetheless moved to the driver's seat and began steering or accelerating, this may be considered driving a vehicle for purposes of impaired driving laws. The author may wish to clarify this matter to avoid unintentionally narrowing the current volitional movement standard.

4) **Argument in Support**: According to the *Automobile Club of Southern California and AAA Northern California, Nevada & Utah (AAA Clubs)*, AB 2502 "clarifies that, for purposes of California's driving under the influence (DUI) laws, "drive" includes the volitional movement of a vehicle equipped with Level 0 to 3 driving automation systems. This ensures impaired driving laws keep pace with evolving vehicle technologies and apply to drivers using advanced driver assistance systems.

"Impaired driving remains a leading threat to roadway safety. As vehicle technology advances, California law must continue to reflect that human drivers remain responsible for safe operation when automation does not fully replace the driving task.

"AAA has long maintained that drivers must remain attentive and ready to take control when using these systems. Vehicles equipped with Level 0–2 systems—and many Level 3 systems—still rely on human drivers to monitor conditions and intervene when necessary. Allowing impaired individuals to engage in these systems would create significant safety risks.

"Level 3 systems, or "conditional automation" as defined by SAE International, allow drivers to disengage under limited conditions but still require them to respond to takeover requests—often within seconds. An impaired driver cannot safely fulfill this responsibility.

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[9] SAE International, *(R) Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles: J3016* (April 2021), at p. 26, available at: https://wiki.unece.org/download/attachments/128418539/SAE%20J3016_202104.pdf?api=v2

"AB 2502 reinforces that vehicle automation does not eliminate driver responsibility. By clarifying the definition of "drive," the bill closes a gap in DUI enforcement and helps prevent misuse of partially automated systems."

5) **Argument in Opposition**: None submitted.

6) **Related Legislation**:

a) AB 1546 (Schultz) would increase the punishment for a DUI with two priors from a misdemeanor to a wobbler and increase the punishment for a DUI with four or more priors from a wobbler to a straight felony. AB 1546 is pending a hearing in the Assembly Appropriations Committee.

b) AB 1686 (Lackey) would increase the punishment for a DUI with one or two priors from a misdemeanor to an alternate felony-misdemeanor and increase the minimum jail time for these offenses. AB 1686 is being heard in this Committee today.

7) **Prior Legislation**:

a) AB 1777 (Ting), Chapter 682, Statutes of 2024, places various requirements on manufacturers of autonomous vehicles by July 1, 2026, and authorizes a peace officer to issue a "notice of autonomous vehicle noncompliance" for a violation of the vehicle code or a local traffic ordinance to an AV manufacturer.

b) SB 421 (Bradford), of the 2021-2022 Legislative Session, would have established a pretrial diversion scheme with specific conditions for misdemeanor DUI violations. SB 421 was held in Senate Appropriations.

c) SB 783 (Bradford), of the 2021-2022 Legislative Session, was substantially similar to SB 421. SB 783 was never heard.

d) SB 500 (Min), Chapter 277, Statutes of 2021, defines autonomous vehicle to mean any vehicle equipped with autonomous technology that has been integrated into that vehicle that meets the definition of Level 3, Level 4, or Level 5 of SAE's "Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles, standard J3016 (APR2021)," as may be revised.

e) AB 401 (Flora), of the 2019-2020 Legislative Session, would have made a DUI conviction that occurs within 10 years after four or more previous specified convictions punishable only as a felony, among other changes. AB 401 failed passage in this Committee.

f) AB 1592 (Bonilla), Chapter 814, Statutes of 2016, authorized the Contra Costa Transportation Authority to conduct a pilot project for the testing of autonomous vehicles under specific conditions.

g) SB 1298 (Padilla), Chapter 570, Statutes of 2012, established conditions for the operation of autonomous vehicles upon public roadways.

h) AB 2605 (Bogh), of the 2005-2006 Legislative Session, would have increased the penalty for a person convicted of a third DUI offense within 10 years from a misdemeanor to an alternative misdemeanor/felony, among other changes. AB 2605 failed passage in this Committee.

REGISTERED SUPPORT / OPPOSITION:

Support
AAA Northern California, Nevada & Utah
Alcohol Justice
Arcadia Police Officers' Association
Automobile Club of Southern California
Brea Police Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Mothers Against Drunk Driving
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Safety and Advocacy for Empowerment (SAFE)
Streets for All

Opposition
None submitted.

Analysis Prepared by: Ilan Zur / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2582 (Schultz) – As Introduced February 20, 2026

SUMMARY: Requires a person who commits prostitution with intent to receive compensation, money, or anything of value from another person to, for a first or second violation of those provisions, be offered a diversion program, if a program for which the defendant is eligible is available.

EXISTING LAW:

1) Makes it a misdemeanor to solicit, agree to engage in, or engage in any act of prostitution with the intent to receive compensation, money, or anything of value from another person. (Pen. Code, § 647, subd. (b)(1).)

2) Makes it a misdemeanor to solicit, agree to engage in, or engage in, any act of prostitution with another person who is 18 years of age or older in exchange for the individual providing compensation, money, or anything of value to the other person. (Pen. Code, § 647, subd. (b)(2).)

3) Makes it a misdemeanor to solicit, or agree to engage in, or engage in, any act of prostitution with another person who is a minor in exchange for the individual providing compensation, money, or anything of value to the minor. (Pen. Code, § 647, subd. (b)(3).)

4) Provides that if the crime of solicitation of a minor is committed and the defendant knew or should have known that the person solicited was a minor at the time of the offense, the violation is punishable by imprisonment in a county jail for a minimum of two days and not more than one year, or by a fine not $10,000, or by both that fine and imprisonment. (Pen. Code, § 647, subd. (l)(1)(A).)

5) States, notwithstanding the above punishment for solicitation of a minor, a defendant 18 years of age or older may be punished with an alternate felony-misdemeanor, if the solicited minor was under 16 years of age at the time of the offense or if the solicited minor was more than 3 years younger than the defendant at the time of the offense. (Pen. Code, §647, subd. (l)(2)(A)-(B).)

6) Specifies that a second or subsequent violation of the above is punishable as a felony. (Pen. Code, § 647, subd. (l)(3).)

7) Provides that a person who is convicted of soliciting a minor shall be ordered by the court, if granted probation, to successfully complete an education program on human trafficking and the exploitation of children. A fee shall not be imposed for participation or enrollment in an education program. (Pen. Code, § 647, subd. (l)(4).)

8) Requires an individual who provides compensation, money, or anything of value in violation of paragraph (2) or (3) of subdivision (b), above, in addition to any other punishment, be punished by a fine of $1,000. Fines collected pursuant to this paragraph shall be deposited in the Survivors Support Fund. (Pen. Code, § 647, subd. (l)(5).)

9) Authorizes a judge of the superior court in which a misdemeanor case is being prosecuted, at the judge's discretion and over the objection of a prosecuting attorney, to offer diversion to a defendant except if the defendant is charged with any of the following offenses:

   a) Any offense for which the defendant, if convicted, would be required to register as a sex offender;

   b) Any offense involving domestic violence; or,

   c) An offense of stalking. (Pen. Code, § 1001.95., subd. (a) & (e).)

10) States that a judge may continue a diverted case for a period not to exceed 24 months and order the defendant to comply with terms, conditions, or programs that the judge deems appropriate based on the defendant's situation. (Pen. Code, § 1001.95., subd. (b).)

11) States that if the defendant has complied with the imposed terms and conditions, at the end of the period of diversion, the judge shall dismiss the action against the defendant. (Pen. Code, § 1001.95., subd. (c).)

12) States that if it appears that the defendant is not complying with the terms and conditions of diversion, after notice to the defendant, the court shall hold a hearing to determine whether the criminal proceedings should be reinstituted. If the court finds that the defendant has not complied with the terms and conditions of diversion, the court may end the diversion and order resumption of the criminal proceedings. (Pen. Code, § 1001.95, subd. (d).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Many individuals who are charged with prostitution in California have been victimized by sex traffickers and buyers. These survivors often face extreme barriers to exiting sex work or escaping trafficking, such as repeated instances of physical and sexual violence, isolation from support networks, high rates of mental health issues such as PTSD, substance use, and employment difficulties. AB 2582 builds on California's efforts to combat trafficking and commercial sex exploitation by requiring diversion to be offered for an individual's first or second charge of committing prostitution with the intent to receive compensation. Through emphasizing the redirection of survivors out of criminal proceedings, California can more effectively and compassionately address the unique needs and circumstances of these survivors.

   "Diversion programs have been documented as an effective tool for interrupting cycles of violence and recidivism for this population. One study found that participants who completed a prostitution diversion program had a 68% lower risk of being rearrested and that 77.3%

were employed, volunteering, or enrolled in an educational program. This bill will only apply to defendants who are charged with the intent to receive compensation, and not the solicitors of prostitution. It additionally will only require diversion to be offered when it is already available in a jurisdiction. By ensuring access to diversion where it already exists, AB 2582 supports a survivor-centered response that prioritizes long term recovery and more effectively addresses recidivism.

2) **Background on Diversion**: Diversion is the suspension of criminal proceedings for a prescribed time period with certain conditions. A defendant may not be required to admit guilt as a prerequisite for placement in a pretrial diversion program. If diversion is successfully completed, the criminal charges are dismissed and the defendant may, with certain exceptions, legally answer that he or she has never been arrested or charged for the diverted offense. If diversion is not successfully completed, the criminal proceedings resume, however, a hearing to terminate diversion is required.

   Diversion programs may be pre-plea or post-plea (often called deferred entry of judgement). Pre-plea programs allow a defendant to participate in the program without admitting guilt. In post-plea programs, the defendant must first admit guilt before participating in the program. The main difference between the two types of diversion is that in a pre-plea program, if the defendant does not successfully complete the program, criminal proceedings resume and the defendant has the option to plead guilty or pursue a defense against their case. In a post-plea diversion program, if a defendant does not successfully complete the program, the defendant having already plead guilty, would be sentenced.

   In recent years, the Legislature has enacted several pre-plea diversion programs such as military diversion (SB 1227 (Hancock), Ch. 658, Stats. 2013), mental health diversion (SB 215 (Beall), Ch. 1005, Stats. 2017), diversion for primary caretakers (SB 394 (Skinner), Ch. 593, Stats. 2019), and court-initiated misdemeanor diversion (AB 3234 (Ting), Ch. 334, Stats. 2020). Drug diversion was enacted as a preplea program and changed to a postplea program in 1997 (SB 1369 (Kopp), Ch. 1132, Stats. 1996), then in 2017 changed back to a preplea program (AB 208 (Eggman), Ch. 778, Stats. 2017).

   Existing law authorizes a city or county prosecuting attorney or county probation department, until January 1, 2031, to create a diversion or deferred entry of judgment program for persons who commit a theft offense or repeat theft offenses and specifies that the prosecuting attorney is to determine who to refer to the program and who is appropriate for placement in the program. For purposes, of the program, "repeat theft offenses" means being cited or convicted for misdemeanor or felony theft from a store or vehicle two or more times in the previous 12 months and failing to appear in court when cited for these crimes or continuing to engage in these crimes after release or after conviction. (Pen. Code, § 1001.81.)

   This bill does not create a new diversion program. Rather, it requires a defendant who violates existing law that prohibits soliciting another person to engage in an act of prostitution with the *intent to receive compensation, money, or anything of value* from the other person, on a first or second violation, to be offered diversion, if a program for which the defendant is eligible is available. As discussed in more detail in note 3, misdemeanor diversion would likely be available, however, it is unclear whether each county would have appropriate programs in place to address this population. The bill does specify whether the

diversion program must be preplea or postplea, thus a deferred entry of judgement program may be available in addition to preplea misdemeanor diversion.

3) **Misdemeanor Diversion**: As referenced above, existing law authorizes a judge to suspend criminal proceedings and divert a misdemeanor defendant, over the objection of the prosecution, except in cases of stalking, domestic violence and any offense requiring sex offender registration. The judge has broad authority to order the defendant to comply with terms, conditions, or programs that the judge deems appropriate based on the specific situation, however the case may not be diverted for a period exceeding 24 months. Similar to other existing diversion programs, if a defendant successfully completes diversion, the charges would be dismissed; if not, the judge is to hold a hearing to determine whether the defendant has not complied with the terms and conditions of diversion and whether the criminal proceedings should be reinstituted. Unlike some of the other existing pre-plea diversion programs such as mental health diversion or military diversion, court-initiated diversion contains no statutory requirements for the defendant to satisfy in order to be eligible other than the crimes that are specifically excluded.

   Whether or not to divert a misdemeanor defendant is in the trial court's discretion. However, judicial discretion is not without limits. "[A]ll exercises of legal discretion must be grounded in reasoned judgment and guided by legal principles and policies appropriate to the particular matter at issue." (*People v. Russel* (1968) 69 Cal.2d 187, 195.) A trial court abuses its discretion when it exceeds the bounds of reason, all of the circumstances before it being considered. (*Id.* at p. 194.)

   This bill states that a defendant who violates existing law that prohibits soliciting another person to engage in an act of prostitution with the intent to receive compensation, money, or anything of value from the other person, on a first or second violation, *shall* be offered diversion, if a program for which the defendant is eligible is available. Currently, court-initiated diversion for misdemeanor offenses is at the court's discretion. This would require the court to offer diversion on a first or second violation, if the program is available and the defendant would be eligible.

4) **Argument in Support**: According to *California Catholic Conference*, "California has one of the highest rates of human trafficking in the country, and disproportionately impacts women of color – Black, Indigenous, and Latina women – and the most vulnerable with a history of family breakdown, sexual abuse, homelessness, poverty, substance use disorders, undocumented status, and involvement with the foster care or juvenile justice systems.

   "Similarly, nearly 9 in 10 individuals in adult prostitution want to leave the life, with its universal experiences of violence, brain injury, mortality and suffering. No one should have to trade the most personal and intimate of acts that is sex for basic human rights like food, water, shelter, or clothing. The Vatican has called the buying of sexual services "a serious offence against human dignity and human integrity and an affront to human sexuality," especially because of its impact on women and girls.

   "Providing diversion to help women leave prostitution will help break this cycle for the most vulnerable in our society. Exploited children often remain trapped in prostitution as adults and the state has a responsibility to safeguard them."

5) **Argument in Opposition**: According to *Erotic Service Providers Legal, Education and Research Project* (ESPLER Project), "Diversion programs do not reduce prostitution. And this bill effectively creates a state "slush fund" for already highly problematic programs.

- Diversion programs are frequently run by faith-based organizations with close ties to law enforcement. This creates an obvious conflict of interest where police are incentivized to arrest people for consensual adult sex work – which then generates revenue for these organizations.
- Diversion programs are already in receipt of significant public funds without any requirement for transparency and accountability as to how those funds are used, or any independent ethics oversight.
- Diversion programs do not have any independent ethics oversight.
- Diversion programs frequently violate the extorted participants' consent to HIV testing.
- Diversion programs require participants' unpaid labor to attend.
- Diversion programs are arbitrary in length and allow the controlling parties to decide if they sign off on the participants' participation – effectively holding them hostage.
- Diversion programs for prostitution do not address the harms caused by criminalization – in that prostitution arrest is a basis for discrimination in housing, employment, parental rights, education, and access to financial institutions.
- Diversion programs undermine trust between law enforcement and the public. AB 233 provides immunity for anyone reporting serious crimes without the threat of being arrested for prostitution – but does not exclude the reporter being forced into a diversion program."

6) **Related Legislation**:

a) AB 1231 (Elhawary) would authorize a court to exercise its discretion to grant pretrial diversion for felony offenses, except as specified. AB 1231 is pending vote on the Assembly Floor.

b) AB 2217 (Zbur) would reauthorize, upon appropriation by the Legislature, law enforcement assisted prebooking diversion for specified offenses. AB 2217 is scheduled to be heard by the Committee today.

7) **Prior Legislation**:

a) AB 379 (Schultz), Chapter 82, Statutes of 2025, relevant to this bill, increased the punishment applicable for solicitation of a minor who was more than 3 years younger than the defendant at the time of the offense and required a person who commits prostitution in exchange for *providing compensation, money, or anything of value* to the other person to pay an additional fine of $1,000, which would be deposited in the Survivor Support Fund, established by the bill.

b) SB 1282 (Smallwood-Cuevas), of the 2023-2024 Legislative Session, would have authorized felony pretrial diversion, with specified exceptions. SB 1282 failed passage on the Senate Floor.

c) SB 1025 (Eggman), Chapter 924, Statutes of 2024, expanded military diversion to apply to specified felonies.

d) SB 1223 (Becker), Chapter 735, Statutes of 2022, made various changes to the mental health diversion program recommended by the Committee on the Revision of the Penal Code including requiring the court, if a defendant has been diagnosed with a mental disorder, to find that the defendant's mental disorder was a significant factor in the commission of a charged offense unless there is clear and convincing evidence that it was not a motivating factor, causal factor, or contributing factor to the alleged offense.

e) AB 3234 (Ting), Chapter 334, Statutes of 2020, authorized a judge in the superior court in which a misdemeanor is being prosecuted to offer misdemeanor diversion to a defendant over the objection of a prosecuting attorney, except as specified.

f) SB 394 (Skinner), Chapter 593, Statutes of 2019, authorized the presiding judge of the superior court, in consultation with the presiding juvenile court judge and criminal court judges and together with the prosecuting entity and the public defender, to create a pretrial diversion program for defendants who are primary caregivers of a child under 18 years of age, as specified.

g) SB 215 (Beall), Chapter 1005, Statutes of 2018, made specified changes to mental health diversion established by AB 1810 of the same year.

h) AB 1810 (Committee on Budget), Chapter 34, Statutes of 2018, established mental health diversion for defendants with mental disorders through which the court would be authorized to grant pretrial diversion, for a period no longer than 2 years, to a defendant suffering from a mental disorder, on an accusatory pleading alleging the commission of a misdemeanor or felony offense, in order to allow the defendant to undergo mental health treatment.

i) AB 208 (Eggman), Chapter 778, Statutes of 2017, make the deferred entry of judgment program for drugs a pretrial diversion program.

j) AB 725 (Jackson), Chapter 179, Statutes of 2017, authorized driving under the influence offenses to be diverted under the military diversion program.

k) SB 1227 (Hancock), Chapter 658, Statutes of 2013, established the military diversion program for a defendant who was, or currently is, a member of the United States military and if they may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of his or her military service.

REGISTERED SUPPORT / OPPOSITION:

Support

California Attorneys for Criminal Justice
California Catholic Conference
California Public Defenders Association
1 Private Individual

Opposition

Access Reproductive Justice
California State Sheriffs' Association
Community Health Project LA
Erotic Service Providers Legal, Education, and Research Project
Healthright 360
Stripper Worker Center
The Sidewalk Project
8 Private Individuals

Analysis Prepared by: Stella Choe / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2584 (Flora) – As Introduced February 20, 2026

SUMMARY: Expands when lawful self-defense is permitted to include a party who reasonably perceives an imminent threat of bodily harm, and specifies that a person does not have to wait until a physical attack has begun before taking reasonable defensive action, among other changes. Specifically, **this bill**:

1) Defines "imminent threat of bodily harm," for the purpose of when a person may lawfully resist a public offense, to mean an action that reasonably indicates a physical attack is about to occur, including, but not limited to, a deliberate feint, fake strike, or other aggressive movement intended to provoke a reaction or create fear of an immediate attack.

2) Provides that a party resisting an imminent threat of bodily harm, as defined, shall not be required to wait until a physical attack has begun before taking reasonable defensive action.

3) Provides that, in determining whether a party has taken reasonable defensive action, the party's background, training, and professional fighting skills shall not be taken into account.

4) Specifies that lawful resistance may be made by the party about to be injured to prevent an offense against a member of their family.

5) Specifies that any resistance used by a party about to be injured, to prevent an offense, must be proportional to the reasonably perceived threat and shall cease when the threat is no longer present.

6) Provides that there shall not be any civil liability on the part of, and no cause of action shall accrue against, a person who lawfully resists a public offense, as specified, except this does not apply to a person who was the primary aggressor and subsequently suffers injury or to a person who used force that was not proportional to the reasonably perceived threat.

7) Expands when lawful resistance to the commission of a public offense may be made, to include a party who reasonably perceives an imminent threat of bodily harm.

EXISTING LAW:

1) Provides that any necessary force may be used to protect from wrongful injury the person or property of oneself, or of a spouse, child, parent, or other relative, or member of one's family, or of a ward, servant, master, or guest. (Civ. Code, § 50.)

2) Permits lawful resistance to the commission of a public offense to be made: 1) by the party about to be injured; and 2) by other parties. (Pen. Code, § 692.)

3) Provides that resistance sufficient to prevent the offense may be made by the party about to be injured:

   a) To prevent an offense against their person, or their family, or some member thereof.

   b) To prevent an illegal attempt by force to take or injure property in their lawful possession. (Pen. Code, § 693.)

4) Authorizes any other person, in aid or defense of the person about to be injured, to make resistance sufficient to prevent the offense. (Pen. Code, § 694.)

5) States that homicide is justifiable when committed by any person in any of the following cases:

   a) When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person;

   b) When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous, or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein;

   c) When committed in the lawful defense of such person, or of a spouse, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he or she was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or,

   d) When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace. (Pen. Code, § 197)

6) Provides that any person using force intended or likely to cause death or great bodily injury within their residence shall be presumed to have held a reasonable fear of imminent peril of death or great bodily injury to self, family, or a member of the household when that force is used against another person, not a member of the family or household, who unlawfully and forcibly enters or has unlawfully and forcibly entered the residence and the person using the force knew or had reason to believe that an unlawful and forcible entry occurred. (Pen. Code, § 198.5.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "[m]y colleague, Assemblymember Phil Chen, is a former professional fighter and current martial arts practitioner, and his experience in this field has helped highlight the practical uncertainties surrounding California's self-

defense laws. While there is a substantial body of case law addressing self-defense, the reliance on judicial interpretation rather than clear statutory guidance can leave the contours of lawful self-defense unclear to the general public. This bill intends to lower the amount of violence overall by putting potential instigators on notice that they no longer have the legal flexibility to bully innocent bystanders without fear of consequence. This proposal is specifically aimed at unarmed, or hand-to-hand combat. No weapons."

2) **Utilizing Non-Lethal Force in Self Defense:** This bill modifies the provisions of the Penal Code that authorize non-lethal lawful resistance (i.e., self-defense) against "the commission of a public offense." (Pen. Code, § 692.) The lawful resistance statute states that resistance sufficient to prevent the offense may be made by the person about to be injured, as well as other persons, in defense of the person about to be injured. (Pen. Code, §§ 693, 694.) Resistance is authorized to prevent an offense against the person, their family member, or that person's lawfully possessed property. (Pen. Code, § 693.) Use of deadly force in self-defense is authorized elsewhere in the Penal Code and is not addressed by this bill.

This self-defense statute was adopted by the Legislature in 1872 and has not been substantively amended since. As such, the elements of self-defense have been extensively interpreted in case law. The standard to lawfully resist a public defense requires three elements: 1) the defendant reasonably believed that they or someone else was in imminent danger of suffering bodily injury or was in imminent danger of being touched unlawfully; 2) the defendant reasonably believed that the immediate use of force was necessary to defend against that danger; and 3) the defendant used no more force than was reasonably necessary to defend against that danger. (2 CALCRIM 3470 (2025); *People v. Moody* (1943) 62 Cal.App.2d; *People v. Myers* (1998) 61 Cal.App.4th 328, 335, 336; *People v. Sonier* (1952) 113 Cal.App.2d 277, 278.)

In terms of the reasonable fear requirement, this is an objective and subjective standard – meaning that a person must: 1) actually believe that danger is present; and 2) a reasonable person would similarly believe that force is necessary to prevent harm. (*People v. Fisher* (1948) 86 Cal.App.2d 24, 34; *People v. Cruz-Partida* (2022) 79 Cal.App.5th 197, 212.) Determining whether there are enough facts to show that a reasonable person would fear danger depends on the circumstances of each case and should be left for the jury to determine. (*People v. Leslie* (1935) 9 Cal.App.2d 177, 181.)

Regarding the amount of force that can be used, a person may use all force and that means that the person believes is necessary and which a reasonable person in similar circumstances would believe to be necessary to prevent an injury that appears to be imminent. (*People v. Walker* (1950) 99 Cal.App.2d 238, 243–244.) For example, if an assailant assaults a person with their fist, without the purpose to kill or cause great bodily harm, and the assault is not likely to produce harm, responsive deadly force is not justified. (*Ibid.*) Whether the force used is excessive is generally a question of fact for the jury to decide. (*People v. Harris* (1971) 20 Cal.App.3d 534, 537.)

In terms of deadly force, a person may only use deadly force for the purposes of self-defense when resisting an attempt to commit a violent felony. (Pen. Code, § 197; *People v. Ceballos* (1974) 12 Cal.3d 470, 477–478.) A person is presumed to have a reasonable fear of imminent death or great bodily harm when using deadly force against an intruder who has unlawfully

and forcibly entered a residence. (Pen. Code, § 198.5; see also *People v. Brown* (1992) 6 Cal.App.4th 1489, 1494–1499.)

Notably, under California law, a person who reasonably believes someone is about to inflict bodily injury upon them has no duty to retreat. (*People v. Hughes* (1951) 107 Cal.App.2d 487, 493; *People v. Dawson* (1948) 88 Cal.App.2d 85, 95). Further, they may defend themselves, even if they could have gained access to safety by fleeing. (*Ibid.*)

3) **Effect of this Bill:** AB 2584 makes several changes to the California criminal non-lethal self-defense statute. These changes include: 1) authorizing a party who reasonably perceives an imminent threat of bodily harm to use defensive force; 2) defining "imminent threat of bodily harm," for the purpose of when a person may lawfully resist a public offense, to mean an action that reasonably indicates a physical attack is about to occur, including, but not limited to, a deliberate feint, fake strike, or other aggressive movement intended to provoke a reaction or create fear of an immediate attack; 3) stating that defensive force must be proportional to the reasonably perceived threat and shall cease when the threat is no longer present; 4) prohibiting a party's background, training, and professional fighting skills from being considered in determining if use of force was reasonable; and 5) stating that a person may take reasonable defensive action before a physical attack has begun.

   Additionally, AB 2584 proposes to eliminate any potential civil liability against a person who lawfully uses defensive force, unless that person was the primary aggressor and subsequently suffers injury, or if that person used disproportionate force.

4) **This Bill Lowers the Standard to Use Self-Defense:** AB 2584 undermines longstanding principles of self-defense and casts uncertainty over when lawful self-defense is permitted.

   First, stating that a person is not "required to wait until a physical attack has begun before taking reasonable defensive action" undermines a core premise of lawful self-defense; a person must reasonably believe they are in *imminent* danger of harm before using force. Existing law limits aggressors from claiming self-defense. *See* (*People v. Garnier* (1950) 95 Cal.App.2d 489, 496; *People v. Steskal* (2021) 11 Cal.5th 332, 277.) Specifically, a person cannot use force against someone else purely because they believe that the person will cause them harm. "Belief in future harm is not sufficient, no matter how great or how likely the harm is believed to be." (2 CALCRIM 3470 (2025). Rather, "a defendant must have believed there was []*imminent* danger of bodily injury…" (*Ibid.*) (emphasis added). In other words, it is not enough for a person to fear that danger will become imminent; rather, the danger that justifies the defensive force must actually be imminent. *(People v. Steskal* (2021) 11 Cal.5th 332, 345; *People v. Lucas* (1958) 160 Cal.App.2d 305, 310; *People v. Keys* (1944) 62 Cal.App.2d 903, 916; *People v. Trujeque* (2015) 61 Cal.4th 227, 256.) Expanding lawful self-defense to include persons who strike or punch first, may incentivize violent physical confrontations.

   Second, stating that lawful resistance can be used by a party "who reasonably perceives an imminent threat of bodily harm" is redundant and confusing. The first element of lawful self-defense requires that the defendant subjectively and objectively *believed* that they or someone else was in imminent danger of suffering bodily injury. *People v. Fisher* (1948) 86 Cal.App.2d 24, 34; *People v. Cruz-Partida* (2022) 79 Cal.App.5th 197, 212.) This bill would state that self-defense may be used if a person has a reasonable *perception* of harm, which

creates uncertainty surrounding whether a person must still subjectively believe that imminent harm will occur, as currently required in case law. Further, this bill replaces the standard of reasonable fear of imminent *bodily harm* with reasonable perception of a *threat* of harm. This arguably lowers the standard of when self-defense may be used by authorizing defensive force based on a person's perceived threat of harm, rather than their actual subjective fear of harm.

Third, stating that any resistance must be "proportional to the reasonably perceived threat" is unnecessary. Courts already require that self-defense must be proportional to the feared danger. Specifically, a person may use all force and means which the person believes is necessary and which a reasonable person in similar circumstances would believe to be necessary to prevent an injury which appears to be imminent. (*People v. Walker* (1950) 99 Cal.App.2d 238, 243–244; see also *People v. Hatchett* (1944) 63 Cal.App.2d 144, 157–158 (finding the degree of resistance must not be "clearly disproportionate to the nature of the injury offered or given" or "clearly greater than was apparently necessary").) Phrased differently, the amount of appropriate force is based on the amount a person reasonably believes is necessary to prevent an imminent injury. (*People v. Walker, supra*, 99 Cal.App.2d at pp. 243–244.) Here, stating that any defensive force must be proportional to "the reasonably perceived threat" is redundant and risks muddying an otherwise clear standard.

5) **Removes Jury Discretion:** This bill also unnecessarily removes from the jury's purview potential facts that may inform whether a certain person's use of force was reasonable. For example, it is not necessary to define "imminent threat of bodily harm" as "an action that reasonably indicates a physical attack is about to occur, including, but not limited to, a deliberate feint, fake strike, or other aggressive movement intended to provoke a reaction or create fear of an immediate attack." The question of whether the type of harm a person imminently feared was such that they lawfully utilized self-defense is a highly fact-specific matter left for the jury to determine. (*People v. Leslie* (1935) 9 Cal.App.2d 177, 181.) Identifying specific conduct, such as a fake strike or feint, as sufficient to establish imminent harm may authorize use of force irrespective of whether the fake strike or feint would have caused a reasonable person actually to fear imminent bodily harm.

   Similarly, AB 2584 prohibits a jury from considering a "party's background, training, and professional fighting skills" when determining if a person used reasonable force. Information regarding a person's physical condition or background can inform whether their fear of harm and subsequent use of force was reasonable. The need to remove this type of information from a jury's purview is unclear.

6) **Non-Criminal Conduct May Result In Civil Liability**: AB 2584 provides that if a person lawfully uses force to resist a public defense, there shall not be any civil liability on the part of, and no cause of action against, that person, unless that person was the primary aggressor and subsequently suffers injury or to a person who used disproportionate force. For example, take a person who was charged with battery of another person, but who ultimately was not convicted because they were found to have acted in self-defense. Under this bill, the injured party could not sue the defendant for civil damages. Notably, the standard to convict a person under criminal law is higher than the standard to find a person liable in civil court. In a criminal case against a person who claims self-defense, the prosecutor bears the burden of proving beyond a reasonable doubt that the defendant did not act in lawful self-defense, or lawful defense of another. (2 CALCRIM 3470 (2025). In contrast, most civil causes of action

utilize a preponderance of the evidence standard. Phrased differently, just because the prosecution cannot prove beyond a reasonable doubt that the defendant's use of force was unlawful does not mean that other civil remedies, which may be available under the preponderance of evidence standard, should be precluded.

7) **Argument in Support**: According to the *California Rifle & Pistol Association*, "[u]nder current law, self-defense claims are evaluated based on the reasonableness of the force used under the circumstances. AB 2584 prevents courts and juries from improperly penalizing trained or skilled individuals by treating their preparedness as evidence of aggression or excessiveness. This protects the fundamental right to self-preservation without encouraging vigilantism or undermining accountability. It aligns with longstanding principles that self-defense is a natural right, reinforced by the Second Amendment, and ensures that California law does not discourage responsible citizens from acquiring lawful skills and tools for personal protection.

   "This common-sense clarification promotes public safety by encouraging preparedness among law-abiding people while maintaining existing standards that prohibit unjustified or disproportionate force. It imposes no new burdens on law enforcement, adds no criminal penalties, and simply safeguards the rights of those who act in genuine self-defense."

8) **Argument in Opposition**: According to *Initiate Justice*, "AB 2584 lowers standards further by expanding civil immunity protections for self-defense in almost all circumstances. It allows preemptive acts of self-defense when the other party indicates an "imminent threat of bodily harm" through actions including a deliberate feint, fake strike, or other aggressive movement intended to provoke a reaction or create fear of an immediate attack.

   "The bill does not allow for the background, training, and professional fighting skills of those who exercise lethal force to be taken into consideration when determining whether a party has taken reasonable defensive action. This could include law enforcement personnel who are supposed to be trained to deescalate situations rather than using lethal force.

   "Expanding laws to use deadly force threatens public health and safety by encouraging the use of violence and vigilante justice and leads to racially disparate criminal justice outcomes. "Stand Your Ground" laws dramatically escalate violence, leading to increased homicides and violent crime overall. In states with Stand Your Ground laws, the odds that a white-on-Black homicide is ruled to have been justified is more than 11 times the odds a Black-on-white shooting is ruled justified."

9) **Prior Legislation**:

   a) AB 1488 (Flora) of the 2025-2026 Legislative Session was substantially similar to this bill. The hearing on AB 1488 was canceled at the request of the author.

   b) AB 1333 (Zbur), of the 2025-2026 Legislative Session, would have specified that homicide is not justifiable when a person was outside their habitation or property and did not retreat when they could have safely done so, when a person used more force than a reasonable person would to defend against a danger, and when the person was the initial aggressor. AB 1333 did not receive a hearing in this Committee.

c) SB 1005 (Jackson), Chapter 50, Statutes of 2016, made technical, non-substantive changes to this section.

REGISTERED SUPPORT / OPPOSITION:

Support

California Rifle and Pistol Association, INC.

Opposition

Initiate Justice
Justice2jobs Coalition
LA Defensa

Analysis Prepared by: Ilan Zur / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2593 (Elhawary) – As Introduced February 20, 2026

SUMMARY: Prohibits the California Department of Corrections and Rehabilitation (CDCR) from denying medically necessary health care prescribed by a licensed health care provider. Specifically, **this bill**:

1) Prohibits a supervisor, administrator, or employee of CDCR from knowingly interfering with or refusing to implement health care prescribed or determined to be medically necessary by a licensed health care provider acting within the scope of their licensure that results in substantial emotional distress or serious bodily injury.

2) Defines "serious bodily injury" as a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

EXISTING LAW:

1) Establishes the Secretary of CDCR and vests responsibility for the care, custody, treatment, training, discipline, and employment of persons confined in state prisons. (Pen. Code, § 5054.)

2) Authorizes CDCR to provide medically and psychologically necessary services, including prescreening for mental disorders, competency evaluations related to classification hearings, and evaluations relating to parole determinations. (Pen. Code, § 5058.5.)

3) Requires the Director of Corrections maintain psychiatric and diagnostic clinics within state correctional institutions staffed by licensed mental health professionals. These clinics are responsible for conducting evaluations and studies of incarcerated individuals, including their life history, causes of criminal behavior, and recommendations for treatment, training, and rehabilitation, subject to approval by the director. (Pen. Code, § 5079.)

4) Provides that patients shall be provided an opportunity to report an illness or any other health problem and receive an evaluation of the condition and medically necessary treatment and follow-up by health care staff. (Cal. Code Regs., tit. 15, § 3999.206.)

5) Defines "medically necessary" as health care services that are determined by the attending or primary medical, mental health, or dental care provider to be needed to protect life, prevent significant illness or disability, or alleviate severe pain, and are supported by health outcome data or clinical evidence as being an effective health care service for the purpose intended or in the absence of available health outcome data is judged to be necessary and is supported by

diagnostic information or specialty consultation. (Cal. Code Regs., tit. 15, § 3999.98.)

6) Defines "health care services" as medical, mental health, dental, pharmaceutical, diagnostic and ancillary services to identify, diagnose, evaluate, and treat a medical, mental health, or dental condition. (Cal. Code Regs., tit. 15, § 3999.98.)

7) Defines "health care provider" as a Medical Doctor, Doctor of Osteopathy, Doctor of Podiatric Medicine, Clinical Psychologist, Dentist, Clinical Social Worker, NP, or PA. (Cal. Code Regs., tit. 15, § 3999.98.)

8) Defines "health care staff" as those persons licensed by the state to provide health care services, who are employed by CDCR or are working under direct or indirect contract with CDCR to provide health care services. (Cal. Code Regs., tit. 15, § 3999.98.)

9) Defines "licensed medical provider" means CME, Deputy Medical Executive, Chief Physician and Surgeon, Physician and Surgeon, NP, PA, Nurse Anesthetist, Podiatrist, and Specialty Consultant Practitioners. (Cal. Code Regs., tit. 15, § 3999.98.)

10) Requires CDCR to provide patients with the health care services that are medically necessary. (Cal. Code Regs., tit. 15, § 3999.200(a).)

11) Provides that medically necessary health care services may be subject to approval or disapproval by the licensed medical, mental health or dental care supervisors, as specified. (Cal. Code Regs., tit. 15, § 3999.200(a).)

12) Provides that patients shall be provided an opportunity to report an illness or any other health problem and receive an evaluation of the condition and medically necessary treatment and follow-up by health care staff. (Cal. Code Regs., tit. 15, § 3999.206.)

13) Provides that treatment refers to attempted curative health care services and does not preclude palliative therapies to alleviate serious debilitating conditions such as pain management and nutritional support. (Cal. Code Regs., tit. 15, § 3999.200(b).)

14) Prohibits CDCR from providing the following:

    a) Treatment for conditions that improve on their own without treatment.

    b) Treatment for conditions that are judged to inadequately respond to treatment including, but not limited to, the following: Temporomandibular joint dysfunction; shrinkage and atrophy of the bony ridges of the jaws; benign root fragments whose removal would cause greater damage or trauma than if retained for observation; benign oral lesions; traumatic oral ulcers; or recurrent aphthous ulcers.

    c) Treatment for conditions that are cosmetic.

    d) Surgery that is not medically necessary including, but not limited to, the following: Vasectomy; tubal ligation; extractions of asymptomatic teeth or root fragments unless required for a dental prosthesis, or for the general health of the patient's mouth; removal of a benign bony enlargement (torus) unless required for a dental prosthesis; or surgical

extraction of asymptomatic un-erupted teeth.

e) Treatment that has no established outcome on morbidity or improved mortality for acute health care conditions including, but not limited to, the following: Root canals on posterior teeth (bicuspids and molars); dental implants; fixed prosthodontics (dental bridges); laboratory processed crowns; or orthodontics. (Cal. Code Regs., tit. 15, § 3999.200(b)(1)-(5).)

15) Provides that excluded treatment may be provided in cases where the following criteria are met:

a) The patient's attending or primary medical, mental health, or dental care provider(s) prescribes the treatment as medically necessary; and,

b) The treatment is approved by the Dental Authorization Review Committee and the Dental Program Health Care Review Committee for dental treatment, or the institutional Utilization Management (UM) Committee and the headquarters UM Committee for medical or mental health treatment. The decision to approve an otherwise excluded treatment shall be based on available health care outcome data or clinical evidence supporting the effectiveness of the treatment. (Cal. Code Regs., tit. 15, § 3999.200(c)(1)-(2).)

16) Provides that all terminally ill patients remaining in CDCR custody will receive health care appropriate and necessary to their situation, including counseling, hospice and palliative care. (Cal. Code Regs., tit. 15, § 3999.200(d).)

17) Provides that patients in the custody of CDCR shall not be provided aid-in-dying drugs, as specified. (Cal. Code Regs., tit. 15, § 3999.200(d).)

18) Prohibits CDCR employees, independent contractors, or other persons or entities, including other health care providers, from participating in activities under the End of Life Option Act on CDCR premises managed by or under the direct control or management of CDCR or while acting within the course and scope of any employment by, or contract with, CDCR. (Cal. Code Regs., tit. 15, § 3999.200(d).)

19) Provides that each CDCR facility shall maintain contractual arrangements with local off-site agencies for those health services deemed to be medically necessary, as defined, and that are not provided within the facility. Such services may include medical, surgical, laboratory, radiological, dental, and other specialized services likely to be required for a patient's health care. (Cal. Code Regs., tit. 15, § 3999.200(e).)

20) Provides that, when medically necessary services are not available for a patient within a facility, the facility's Chief Medical Executive or Supervising Dentist may request the institution head's approval to temporarily place that patient in a community medical facility for such services. (Cal. Code Regs., tit. 15, § 3999.200(f).)

21) Provides that, in an extreme emergency when a physician is not on duty or immediately available, the senior custodial officer on duty may, with assistance of on-duty health care staff, place a patient in a community medical facility. Such emergency action shall be

reported to the facility's administrative and medical officers-of-the-day as soon as possible. (Cal. Code Regs., tit. 15, § 3999.200(g).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "For far too long, the voices of our incarcerated patients and the medical professionals who care for them have been pushed aside. Doctors and providers inside our prisons are often prevented from exercising their professional judgment, We have seen where that leads. It's one of the reasons California's prison health care system ended up in federal receivership in the first place—because medical decisions were being ignored and providers were forced to practice in ways that didn't serve their patients.

   "AB 2593 is about fixing that. It's about making sure the people trained to provide care can actually do their jobs and make decisions based on current medical standards. When we incarcerate someone, we take the responsibility of their care. The least we can do is make sure the professionals responsible for that care are able to practice medicine the way it's meant to be practiced."

2) **Need for the Bill**: According to information provided by the author, "Physicians who have been providing high quality community standard of care to our most disenfranchised populations have historically been undermined and stymied by management and/or leadership to the detriment of the patients. Physicians working within CDCR have had their professional judgment interfered with and overridden by management. This has resulted in the PERB ruling in favor of CDCR physicians who had their professional judgment suppressed and overridden regarding the treatment of Substance Use Disorder Treatment. Physicians expressed that they did not have the necessary education and training at the time to be able to prescribe medications like Suboxone across the board. In the past, mental health professionals had primarily overseen treatment for SUD and patients' other mental health needs; CCHCS significantly changed duties and increased workload by requiring PCPs to take on primary responsibility for SUD, a complex, immediately life-threatening mental health condition.

   "CDCR intentionally refused to bargain in good faith regarding the potential impacts the implementation of the Integrated Substance Use Disorder Treatment (ISUDT) would have on not only the continuum of care for this medically fragile patient population, but moreover the increased liability it would create for prescribing physicians."

   This bill would prohibit a supervisor, administrator, or employee of CDCR from knowingly interfering with or refusing to implement health care prescribed or determined to be medically necessary by a licensed health care provider acting within the scope of their licensure that results in substantial emotional distress or serious bodily injury. Under existing CDCR regulations, "medically necessary" means health care services that are determined by the attending or primary medical, mental health, or dental care provider to be needed to protect life, prevent significant illness or disability, or alleviate severe pain, and are supported by health outcome data or clinical evidence as being an effective health care service for the purpose intended or in the absence of available health outcome data is judged

to be necessary and is supported by diagnostic information or specialty consultation. (Cal. Code Regs., tit. 15, § 3999.98.)

This bill defines "serious bodily injury" as a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement. Notably, this bill does not define "substantial emotional distress."

3) **Argument in Support**: According to *AFSCME*, a co-sponsor of this bill: "AB 2593 establishes an important safeguard by making clear that supervisors, administrators, or employees of CDCR may not knowingly interfere with or refuse to implement treatment that has been prescribed or determined to be medically necessary by a licensed health care provider acting within the scope of their licensure when doing so results in serious harm. This protection reinforces a fundamental principle of health care: medical decisions should be made by qualified medical professionals based on clinical judgment and patient needs.

"In correctional settings, physicians and psychiatrists must often navigate institutional pressures, operational constraints, and administrative oversight while still upholding their professional and ethical obligations to provide appropriate care. When non-medical personnel interfere with treatment decisions, it can jeopardize patient safety, undermine the professional integrity of medical providers, and expose the state to significant legal and financial risk.

"By ensuring that licensed medical professionals retain authority over medically necessary care, AB 2593 helps strengthen the integrity of the correctional health care system and supports providers in fulfilling their duty to deliver appropriate treatment. This clarity in law will help protect both patients and the physicians and psychiatrists who care for them."

4) **Argument in Opposition**: According to *California Civil Liberties Advocacy*, "California law does not recognize "substantial emotional distress" as a defined legal term of art. Instead, courts and the Judicial Council have developed well-established definitions for related—but distinct—standards, including "severe emotional distress" and "serious emotional distress." For example, the Judicial Council's Civil Jury Instructions define "severe emotional distress" as distress that "is not mild or brief; it must be so substantial or long-lasting that no reasonable person in a civilized society should be expected to bear it."

"Similarly, California law defines "serious emotional distress" in negligence contexts as distress that an "ordinary, reasonable person would be unable to cope with."

"And longstanding California case law equates "severe emotional distress" with distress of such "substantial quality or enduring quality that no reasonable [person]… should be expected to endure it." (Fletcher v. Western National Life Ins. Co. (1970) 10 Cal. App.3d 376, 397; quoted in CACI No. 1600.).

"Against this backdrop, the bill's use of the phrase "substantial emotional distress" is both novel and undefined. This creates a fundamental ambiguity:

i) It could be interpreted as less than "severe" or "serious" emotional distress, thereby expanding liability beyond existing tort standards; or

ii) It could be interpreted as coextensive with or even greater than those standards, depending on judicial construction.

"Absent a statutory definition or clear legislative intent, courts will be forced to resolve this ambiguity on a case-by-case basis. California appellate courts have repeatedly cautioned against precisely this type of indeterminate standard, particularly in the emotional distress context, where unclear thresholds can lead to inconsistent results and "burdensome case-by-case analysis." (See Thing v. La Chusa (1989) 48 Cal. 3d 644, 663–664.).

"The result here would likely be a proliferation of litigation over the meaning of a single phrase—an outcome that undermines both judicial efficiency and legislative clarity.

"For these reasons, we respectfully request the following amendment:

1. Define "substantial emotional distress" explicitly in the statute, including objective criteria; or

2. Replace the phrase with an existing, well-defined legal standard, such as "severe emotional distress," and incorporate the Judicial Council definition by reference.

"Either approach would provide courts, correctional staff, and litigants with clear guidance and align the bill with established California law.

"Without such clarification, AB 2593 risks creating uncertainty in application, inconsistent judicial outcomes, and expanded litigation over definitional questions that the Legislature is better positioned to resolve."

5) **Related Legislation**:

a) AB 1922 (Lowenthal) would prohibit the use of mechanical restraints on an incarcerated person or juvenile who is admitted to a hospital and receiving care. AB 1922 is pending a hearing in this committee.

b) AB 2259 (Ransom) would establish a pilot program at two CDCR facilities for the provision of mental health therapy either through virtual therapy or contracted license mental health providers. AB 2259 is pending hearing in this committee.

6) **Prior Legislation**:

a) AB 1424 (C. Rodriguez), of the 2025-2026 Legislative Session, would have required CDCR to make infrastructure upgrades to CDCR facilities to mitigate the effects of excessive weather and natural disasters. AB 1424 was held in suspense in the Assembly Appropriations Committee.

b) AB 701 (Ortega), of the 2025-2026 Legislative Session, would have required the Department of Justice (DOJ) to study the use of solitary confinement in all jails, prisons,

and private detention facilities operating within the State of California. AB 701 was held in suspense in the Assembly Appropriations Committee.

c) AB 280 (Holden), of the 2023-2024 Legislative Session, would have required all detention facilities to impose no limitation on services, treatment, or basic needs such as bedding, clothing and food for individuals in segregated confinement. AB 280 died on the inactive file in the Assembly.

d) AB 353 (Jones-Sawyer), Chapter 429, Statutes of 2023, would require incarcerated persons to be permitted to shower at least every other day, unless access to a shower is prohibited as specified.

e) AB 2321 (Jones-Sawyer), Chapter 781, Statutes of 2022, limits the use of juvenile room confinement and ensures that minors and wards confined at juvenile facilities are provided reasonable access to toilets at all hours.

f) AB 2632 (Holden), of the 2021-2022 Legislative Session, would have required all detention facilities to impose no limitation on services, treatment, or basic needs such as bedding, clothing and food for individuals in segregated confinement. AB 2632 was vetoed.

REGISTERED SUPPORT / OPPOSITION:

Support

Union of American Physicians and Dentists. Afscme, Local 206 (Sponsor)
ACLU California Action
American Federation of State, County and Municipal Employees, Afl-cio
California Public Defenders Association
Disability Rights California

Opposition

California Civil Liberties Advocacy

Analysis Prepared by: Andrew Ironside / PUB. S. / (916) 319-3744

Date of Hearing: March 24, 2026
Consultant: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1968 (Gallagher) – As Introduced February 13, 2026

RECONSIDERATION VOTE ONLY

SUMMARY: Adds the crime of conspiracy to commit murder to the list of specified offenses for which a person may be committed to a secure youth treatment facility (SYTF) for an offense committed at the age of 14 or older, or transferred to adult criminal court for a crime committed at the age of 14 or 15 if they were not apprehended prior to the end of juvenile court jurisdiction.

EXISTING LAW:

1) Provides, generally, that a minor who is between 12 years of age and 17 years of age, inclusive, when the minor violates any law defining a crime, is subject to the jurisdiction of the juvenile court and to adjudication as a ward. (Welf. & Inst. Code, § 602, subd. (a).)

2) Establishes criteria to determine whether to transfer a minor from juvenile court to adult criminal court. (Welf. & Inst. Code, § 707.)

3) States that in a case in which a minor is alleged to have committed *any felony* or any of the enumerated felonies, when the minor was 16 years of age or older, the prosecutor may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. (Welf. & Inst. Code, § 707, subd. (a)(1), emphasis added.)

4) States that in a case in which a minor is alleged to have committed any of the enumerated felonies, when the minor was 14 or 15 years of age, but was not apprehended prior to the end of juvenile court jurisdiction, the prosecutor may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. (Welf. & Inst. Code, § 707, subd. (a)(2).)

5) States that in order to find that the minor should be transferred to a court of criminal jurisdiction, the court shall find by clear and convincing evidence that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court. In making its decision, the court shall consider the following criteria, inclusive:

    a) The degree of criminal sophistication exhibited by the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the minor's age, maturity, intellectual capacity, and physical, mental, and emotional health at the time of the alleged offense; the minor's impetuosity or failure to appreciate risks and consequences of criminal behavior; the effect of familial, adult, or peer pressure on the minor's actions; the effect of the minor's family and community environment; the existence of childhood trauma; the minor's involvement in the child welfare or foster care system; and the status of the minor as a victim of human trafficking, sexual abuse, or

sexual battery on the minor's criminal sophistication;

b) Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction. The juvenile court shall give weight to any relevant factor, including, but not limited to, the minor's potential to grow and mature;

c) The minor's previous delinquent history. The juvenile court shall give weight to any relevant factor, including, but not limited to, the seriousness of the minor's previous delinquent history and the effect of the minor's family and community environment and childhood trauma on the minor's previous delinquent behavior;

d) Success of previous attempts by the juvenile court to rehabilitate the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the adequacy of the services previously provided to address the minor's needs; and,

e) The circumstances and gravity of the offense alleged in the petition to have been committed by the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the actual behavior of the person, the mental state of the person, the person's degree of involvement in the crime, the level of harm actually caused by the person, and the person's mental and emotional development. The court shall consider evidence offered that indicates that the person against whom the minor is accused of committing an offense trafficked, sexually abused, or sexually battered the minor. (Welf. & Inst. Code, § 707, subd. (a)(3).)

6) Enumerates the following offenses for which a minor may be transferred to adult criminal court for committing an offense at age 14 or 15 for which they were not apprehended until the end of juvenile court jurisdiction, and for which a minor adjudicated in juvenile court may be committed to an SYTF:

a) Murder;
b) Arson;
c) Robbery;
d) Rape with force, violence, or threat of great bodily harm;
e) Sodomy by force, violence, or threat of great bodily harm;
f) A lewd or lascivious act on a minor under 14 years of age by force, violence, or threat of great bodily harm;
g) Oral copulation by force, violence, duress, menace, or threat of great bodily harm;
h) Sexual penetration by force, violence, duress, menace, or threat of great bodily harm;
i) Kidnapping for ransom;
j) Kidnapping for purposes of robbery;
k) Kidnapping with bodily harm;
l) Attempted murder;
m) Assault with a firearm or destructive device;
n) Assault by means of force likely to produce great bodily injury;
o) Discharge of a firearm into an inhabited or occupied building;
p) Causing great bodily injury in the commission of specified offenses against a person who is 60 years of age or older; or against a person who is blind, a paraplegic, a quadriplegic, or a person confined to a wheelchair;
q) Personal use of a firearm during the commission of a felony;

r) Personal use of a weapon;
s) Dissuading a witness or influencing testimony;
t) Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a specified controlled substance;
u) A "violent" felony committed for the benefit of a criminal street gang;
v) Escape, by use of force or violence, from a county juvenile hall, home, ranch, camp or forestry camp if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the escape;
w) Torture;
x) Aggravated mayhem;
y) Carjacking while armed with a dangerous and deadly weapon;
z) Kidnapping for purposes of sexual assault;
aa) Kidnapping in the course of a carjacking;
bb) Drive by shooting;
cc) Exploding a destructive device with intent to commit murder; and,
dd) Voluntary manslaughter. (Welf. & Inst. Code, § 707, subd. (b).)

7) Allows counties, commencing July 1, 2021, to establish SYTFs for wards who are 14 years of age or older who have been adjudicated and found to be a ward of the court based on an offense listed in subdivision (b) of Welfare and Institutions Code section 707. (Welf. & Inst. Code, § 875.)

8) Provides that in determining whether to order a ward to be committed to an SYTF, the court must make a finding on the record that a less restrictive, alternative disposition for the ward is unsuitable. The court shall consider all relevant and material evidence, including the recommendations of counsel, the probation department, and any other agency or individual designated by the court to advise on the appropriate disposition of the case. (Welf. & Inst. Code, § 875, subd. (a)(3).)

9) States that the court shall additionally make its determination whether a ward should be committed to a SYTF based on the following:

   a) The severity of the offense or offenses for which the ward has been most recently adjudicated, including the ward's role in the offense, the ward's behavior, and harm done to the victim;

   b) The ward's previous delinquent history, including the adequacy and success of previous attempts by the juvenile court to rehabilitate the ward;

   c) Whether the programming, treatment, and education offered and provided in a SYTF is appropriate to meet the treatment and security needs of the ward;

   d) Whether the goals of rehabilitation and community safety can be met by assigning the ward to an alternative, less restrictive disposition that is available to the court; and,

   e) The ward's age, developmental maturity, mental and emotional health, sexual orientation, gender identity and expression, and any disabilities or special needs affecting the safety or suitability of committing the ward to a term of confinement in a secure youth treatment

facility. (Welf. & Inst. Code, § 875, subd. (a)(3)(A)-(E).)

10) Requires the court, in making its order of commitment for a ward, to set a baseline term of confinement for the ward that is based on the most serious recent offense for which the ward has been adjudicated. Requires the baseline term of confinement to represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community. Requires the baseline term of confinement for the ward to be determined according to offense-based classifications. Provides that the baseline term is subject to modification in progress review hearings. (Welf. & Inst. Code, § 875, subd. (b)(1).)

11) Requires the court, in making its order of commitment, to additionally set a maximum term of confinement for the ward based upon the facts and circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the court and as deemed appropriate to achieve rehabilitation. (Welf. & Inst. Code, § 875, subd. (c)(1).)

12) Provides that the maximum term of confinement is the longest term of confinement in a facility that the ward may serve subject to the following:

    a) Prohibits a ward committed to an SYTF from being held in secure confinement beyond 23 years of age, or two years from the date of the commitment, whichever occurs later. Allows a ward who has been committed to an SYTF based on adjudication for an offense or offenses for which the ward, if convicted in adult criminal court, would face an aggregate sentence of seven or more years, to be held in secure confinement until 25 years of age, or two years from the date of commitment, whichever occurs later.

    b) Prohibits the maximum term of confinement from exceeding the middle term of imprisonment that can be imposed upon an adult convicted of the same offense or offenses. Requires, if the court elects to aggregate the period of physical confinement on multiple counts or multiple petitions, the maximum term of confinement to be the aggregate term of imprisonment specified in Section 1170.1 of the Penal Code.

    c) Requires precommitment credits for time served to be applied against the maximum term of confinement. (Welf. & Inst. Code, § 875, subd. (c)(1)(A)-(C).)

13) States that a prior juvenile adjudication constitutes a "strike" for Three Strikes sentencing if it meets all of the following:

    a) The juvenile was 16 years of age or older at the time the juvenile committed the prior offense;

    b) The prior offense is listed in subdivision (b) of Section 707 of the Welfare and Institutions Code or described as a "serious" or "violent" felony;

    c) The juvenile was found to be a fit and proper subject to be dealt with under the juvenile court law; and,

    d) The juvenile was adjudged a ward of the court under Section 602 of the Welfare and Institutions Code because the person committed an offense listed in subdivision (b) of

Section 707 of the Welfare and Institutions Code. (Pen. Code, § 667, subd. (d)(3) and 1170.12, subd. (b)(3).)

14) States that conspiracy to commit a crime requires two or more persons to conspire to commit any crime. (Pen. Code, § 182, subd. (a)(1).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 1968 bill closes a clear gap in our juvenile justice system to better protect children and communities from premeditated acts of extreme violence. The Evergreen Middle School case in Tehama County, where two juveniles planned a mass-casualty attack, exposed the problem. The 15-year-old was convicted of attempted murder and related charges and received a four-year Secure Youth Treatment Facility commitment; the 14-year-old, convicted primarily of conspiracy to commit murder despite equivalent culpability and planning, received only 364 days in juvenile hall.

   "AB 1968 makes a narrow fix: it adds 'conspiracy to commit murder' to the WIC § 707(b) list of qualifying offenses. This enables heightened juvenile court handling and potential Secure Youth Treatment Facility commitment for youth aged 14 or older in cases involving documented premeditation and grave risk—especially school or mass-threat plots. This will help ensure proportionate dispositions within juvenile jurisdiction, unlocking access to intensive rehabilitation programs such as individualized rehabilitation plans, trauma-informed therapy, and structured reentry support, designed for serious cases and proven to drive long-term change and community safety.

   "Rehabilitation is the foundation of California's juvenile justice approach, and Secure Youth Treatment Facilities deliver it effectively for high-risk youth. By treating conspiracy to commit murder with the same seriousness as attempted murder or assault with a destructive device, AB 1968 balances meaningful accountability with the intensive support young people need to change course and reintegrate safely."

2) **Juvenile Court Jurisdiction**: As a general rule, any person between the age of 12 and 17 who commits a crime falls within the jurisdiction of the juvenile court. (Welf. & Inst. Code, § 602.) This extends to a youth alleged to have committed a crime before their 18th birthday, even if they were an adult at the time of arrest or commencement of proceedings. (Welf. & Inst. Code, § 603.) For example, if someone commits a crime at age 17, but it is not discovered or tried until the person is 20, the person can still be tried in juvenile court. The jurisdiction of the juvenile court generally continues until the youth is 21 years old, unless the youth committed a 707(b) offense, then the court may retain jurisdiction until the person attains 23 years of age. Additionally, if the youth would have, in criminal court, faced an aggregate sentence of 7 years or more, the juvenile court's jurisdiction continues until the youth turns 25. (Welf. & Inst. Code, § 607.)

   The creation of the juvenile court, now over 100 years old, was rooted in the idea that adolescents, who are not fully developed or mature, are less culpable than adults. Accordingly, the focus of the juvenile court was rehabilitation, not punishment. (See, e.g., *In*

re Gault (1967) 387 U.S. 1, 15-16.) The purpose of the juvenile law is to provide for the protection and safety of the public and each minor under the jurisdiction of the court and to preserve and strengthen family ties when possible. (Welf. & Inst. Code, § 202, subd. (a).) Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. This may include punishment that is consistent with rehabilitative objectives. (Welf. & Inst. Code, § 202, subd. (b).) The juvenile court has a wide range of options available for placing its wards, including probation, placement in a relative's home, foster home, licensed community care facility, or group home, and commitment to "a juvenile home, ranch, camp, or forestry camp" or "the county juvenile hall." (Welf. & Inst. Code, §§ 727, subd. (a); 730, subd. (a)(1).)

Existing law provides that any person whose case originated in juvenile court shall remain, if the person is held in secure detention, in a county juvenile facility until the person attains 25 years of age, unless the probation department petitions the court to house a person who is 19 years of age or older in an adult facility, including a jail or other facility established for the purpose of confinement of adults. (Welf. & Inst. Code, § 208.5.)

3) **History of Juvenile Transfer Policies**: In 1961, the Legislature set 16 years old as the minimum age that a minor could be transferred to adult criminal court. (*O.G. v. Superior Court* (2021) 11 Cal.5th 82, 88.) In 1995, the state began to move away from this rule by permitting some 14- and 15-year-olds to be transferred to criminal court. (*Ibid.*) In 2000, the voters passed Proposition 21 which required minors 14 years or older to be charged as adults for specified murder and sex crimes. Additionally, the Proposition gave prosecutors discretion to charge minors 14 or older directly in adult criminal court for other serious specified offenses. (*Ibid.*) The proposition also designated additional crimes as "violent" and "serious" and added to 707(b) the crime of voluntary manslaughter. 707(b) has not been expanded since. (Prop. 21, as approved by voters, Gen. Elec. (Mar. 7, 2000).)

In the years following the passage of Proposition 21, the United State Supreme Court issued several opinions regarding the need to treat juveniles differently from adults in the criminal justice system. Developments in scientific research on adolescent brain development confirmed that children are different from adults in their relative culpability and rehabilitation possibilities and that such differences are critical to identifying age-appropriate sentences. (See, e.g., *Roper v. Simmons* (2005) 543 U.S. 551, 569–571 [prohibited capital punishment for juveniles]; *Graham v. Florida* (2010) 560 U.S. 48, 68–75 [prohibited life without the possibility of parole (LWOP) for juveniles in non-homicide cases]; *Miller v. Alabama* (2012) 567 U.S. 460, 469–470 [prohibited mandatory LWOP sentences for juveniles].)

Following this body of case law and research, several measures were adopted to reflect the scientific evidence and constitutional mandate to treat juveniles differently than adults. In 2016, Proposition 57 eliminated direct filing in adult court by amending Welfare and Institutions Code section 707 to require a transfer hearing to be held before a minor can be prosecuted in adult court. In 2018, the Legislature raised the youngest age a minor could be tried as an adult from 14 back to 16. (SB 1391 (Lara), Ch. 1012, Stats. 2018.) The age change was challenged as an invalid amendment to Proposition 57 but the California Supreme Court ultimately ruled that SB 1391 furthered the ameliorative purposes of Proposition 57 and the

proposition authorized such amendments by a majority vote of the Legislature. (*People v. Superior Court (O.G.)* (2021) 11 Cal.5th 82.)

As discussed above, a juvenile may be transferred to adult criminal court for *any felony*, or for a specified offense listed in Welfare and Institutions Code section 707, subdivision (b). (Welf. & Inst. Code, § 707, subd. (a)(1).) This bill would add conspiracy to commit murder to the specified list of offenses. Under existing law, it appears prosecutors may already file a transfer motion for this offense. Whether this will increase filing of motions to transfer filed by prosecutors for this particular crime is unclear.

4) **Juvenile Justice Realignment**: In 2020, the Legislature passed Senate Bill 823 (Committee on Budget and Fiscal Review) which established a process for realigning California's juvenile system by phasing out the state's youth prison system, the Division of Juvenile Justice (DJJ), and transferring the responsibility for managing all youthful offenders to local jurisdictions.[1] SB 823 established the Office of Youth and Community Restoration (OYCR) within the California Health and Human Services Agency to guide the transition from state-run youth incarceration to the counties by providing support and technical assistance.

SB 823 also stated the intent of the Legislature to establish a separate dispositional track for higher-need youth by March 1, 2021. In order to implement Senate Bill 823, in 2021, the Legislature passed Senate Bill 92 (Committee on Budget and Fiscal Review) which authorized counties to establish SYTFs for the placement of wards who were adjudicated for specified serious offenses, listed in Welfare and Institutions Code section 707, subdivision (b), when the juvenile was age 14 or older, and after the court has determined a less restrictive alternative disposition is unsuitable. (Welf. & Inst. Code, § 875, subd. (a).) If a juvenile is committed to an SYTF, the court must set a baseline term of commitment that represents the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community. (Welf. Inst. Code, § 875, subd. (b)(1).)

The California Rules of Court outline how the baseline term of commitment is determined. In selecting the baseline term, the court must considering the following: t*he circumstances and gravity of the commitment offense*; t*he youth's prior history in the juvenile justice system*; t*he confinement time considered reasonable and necessary to achieve the rehabilitation of the youth*; and t*he youth's developmental history. (Cal. Rules of Court, rule 5.806(a).) Each of these criteria include additional factors for the court to consider, but the rule specifies that* "[e]numerated factors listed … that are outside the youth's control must not result in a longer baseline term than otherwise needed to meet [the objective that the baseline term is no longer than necessary to meet the developmental needs of the youth and to prepare the youth for discharge to a period of probation supervision in the community]." (*Ibid.*)

The rule includes the offense-based matrix that establishes terms with a range of years for various offenses. For example, the matrix specifies a term of 4-7 years for murder, kidnapping with bodily harm involving death or substantial bodily injury, and torture. *(Cal. Rules of Court, rule 5.806(d).)* Attempted murder, voluntary manslaughter, specified

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[1] See Sen. Comm. on Budget and Fiscal Review. Floor Analysis of Sen. Bill No. 823 (2019-2020 Reg. Sess.) as amended August 28, 2020, p. 1.

kidnapping offenses, and specified sex offenses, including rape with force, violence, or threat of great bodily harm, have a term of 3-5 years. (*Ibid.*) A variety of offenses, including arson, robbery, carjacking, specified weapons-related offenses, specified types of assault, and specified gang-related offenses have a term of 2-4 years. (*Ibid.*) Finally, witness or victim intimidation, bribery of a witness, and specified offenses related to manufacturing or selling drugs, such as PCP, have a term of 1-2 years. (*Ibid.*)

The court must also set the maximum term of confinement for the youth. In general, a youth committed to an SYTF cannot be held in secure confinement beyond 23 years of age or two years from the date of the commitment, whichever occurs later, unless the youth has been committed to an SYTF based on adjudication for an offense or offenses for which the youth would have faced an aggregate sentence of seven or more years if convicted in adult criminal court. (Welf. & Inst. Code, § 875, subd. (c)(1)(A).) In that case, the youth can be held until 25 years of age or two years from the date of commitment, whichever occurs later. (Welf. & Inst. Code, § 875, subd. (c)(1)(A).) Additionally, the maximum term of confinement cannot exceed the middle term of imprisonment that can be imposed upon an adult convicted of the same offense or offenses, except as specified. (Welf. & Inst. Code, § 875, subd. (c)(1)(B).)

At the conclusion of a baseline confinement term, a ward could be discharged to a period of probation supervision in the community under conditions approved by the court, unless the court finds that the ward constitutes a substantial risk of imminent harm to others in the community if released from custody. (Welf. & Inst. Code, § 875, subd. (e)(3).)

The court may, upon the motion of the probation department or ward, order that the ward be transferred from a SYTF to a less restrictive program, such as such as a halfway house, a camp or ranch, or a community residential or nonresidential service program. The purpose of a less restrictive program is to facilitate the safe and successful reintegration of the ward into the community. (Welf. & Inst. Code, § 875, subd. (f)(1).) The court shall consider the recommendations of the probation department on the proposed change in placement. Approval of the request for a less restrictive program shall be made only upon the court's determination that the ward has made substantial progress toward the goals of the individual rehabilitation plan and that placement is consistent with the goals of youth rehabilitation and community safety. (*Ibid.*) In transferring a ward to a less restrictive program, the court may require the ward to observe reasonable conditions and shall set the length of time the ward is to remain in the less restrictive program, not to exceed the remainder of the baseline or modified baseline term. (Welf. & Inst. Code, § 875, subd. (f)(2).) If, after placement in a less restrictive program, the court determines that the ward has materially failed to comply with the court-ordered conditions of placement in the program, the court may modify the terms and conditions of placement in the program or may order the ward to be returned to a secure youth treatment facility for the remainder of the baseline term, or modified baseline term, and subject to further periodic reviews and to the maximum confinement set by the court. (*Ibid.*)

This bill adds the offense of conspiracy to commit murder to subdivision (b) of Welfare and Institutions Code section 707 which would expand the offenses for which a juvenile is eligible for SYTF commitment.

5) **SYTF Data**: AB 102 (Ting), Chapter 38, Statutes of 2023, requires county probation departments to provide OYCR with data regarding: the number of youth and their commitment offense or offenses committed to an SYTF; the number of individual youth in

the county who were adjudicated for a Section 707(b) or a registerable sex offense; the number of youth and their commitment offense or offenses transferred from an SYTF to an less restrictive program; and the number of youth who had a transfer hearing as well as the number of youth whose jurisdiction was transferred to adult criminal court. The data requirements are designed to provide a better understanding of the impacts of the state's juvenile justice realignment.

According to data reported by OYCR, for fiscal year 2023-2024, 386 youth were committed to an SYTF and a total of 3,216 youth were adjudicated for a 707(b) offense.[2] Comparatively, for fiscal year 2022-2023, 427 youth were committed to an SYTF and a total number of 1,730 youth were adjudicated for a 707(b) offense.[3] The most common adjudicated offenses among youth committed to an SYTF are homicide, assault, robbery, and attempted homicide.[4]

The data also indicates that both Black and Latino youth were overrepresented in the SYTF population compared to state population rates.[5] Additionally, comparing only the population of youth adjudicated for 707(b) offenses, Black and Hispanic/Latino youth were nearly twice as likely than White youth to be committed to SYTFs.[6]

6) **Attempted Murder and Conspiracy to Commit Murder Compared**: Existing law includes attempted murder in the 707(b) list. The author of this bill argues that a minor who conspires to commit murder should be treated the same as a minor who commits attempted murder due to both crimes involving intent to kill. The elements of each offense would indicate that while they may both require intent to kill, the level of required action is much lower in conspiracy to commit murder.

The elements of attempted murder require 1) the defendant took at least one direct but ineffective step toward killing another person; and 2) the defendant intended to kill that person. (CALCRIM No. 600.) A "direct step" "requires more than merely planning or preparing to commit murder or obtaining or arranging for something needed to commit murder. A direct step is one that goes beyond planning or preparation and shows that a person is putting his or her plan into action. A direct step indicates a definite and unambiguous intent to kill. It is a direct movement toward the commission of the crime after preparations are made. It is an immediate step that puts the plan in motion so that *the plan would have been completed if some circumstance outside the plan had not interrupted the attempt*." (*Ibid.*, emphasis added.)

By contrast, the elements of the offense of conspiracy to commit murder require 1) the defendant intended to agree and did agree with one or more persons to intentionally and unlawfully kill; 2) at the time of the agreement, the defendant and the other member of the conspiracy intended that one or more of them would intentionally and unlawfully kill; 3) the defendant committed at least one overt act alleged to accomplish the killing; and 4) and at least one of the overt acts was committed in California. (CALCRIM No. 563.) An "overt act"

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[2] AB 102 Report, OYCR (2025) p. 19.)
[3] *Ibid.*
[4] *Id.* at p. 32.
[5] *Id.* at pp. 23-24.
[6] *Id.* at pp. 53-54.

means "an act by one or more of the members of the conspiracy that is done *to help accomplish the agreed upon crime.* The overt act must happen after the defendant has agreed to commit the crime. The overt act must be more than the act of agreeing or planning to commit the crime, but it *does not have to be a criminal act itself.*" (*Ibid.*, emphasis added.)

When a person attempts to commit murder, that person is doing more than just planning or preparing; they are taking a action, albeit ineffectual, to complete the crime. On the other hand, a person who conspires to commit murder need only commit an outward act which may amount to "planning or preparing to commit murder or obtaining or arranging for something needed to commit murder," which falls short of what is required for attempted murder.

7) **Juvenile Adjudications and Three Strikes**: In 1994, California voters passed Proposition 184, known as the "Three Strikes and You're Out" law that defined qualifying "strikes" as those felonies listed as "serious" or "violent" on June 30, 1993. That same year, the California Legislature passed similar legislation that was signed into law. (AB 971 (Jones), Ch. 12, Stats. 1994.) Collectively, Proposition 184 and AB 971 became known as California's Three Strikes law which imposes longer prison sentences for certain repeat offenders. Proposition 21 of the March 2000 primary election added to the lists of serious and violent felonies and defined qualifying prior strikes as a felony listed as "serious" or "violent" felonies as of March 8, 2000, the date that the Proposition 21 took effect.

   The Three Strikes law requires a person who is convicted of a felony and who previously has been convicted of one or more "violent" or "serious" felonies, known as strikes, to be subject to enhanced penalties. Specifically, if the person has one prior strike, the sentence on any new felony conviction must be double what is specified by statute. If the person has two prior strikes, the sentence on any new felony conviction was 25 years to life, although this provision was amended by Proposition 36, approved by voters in 2012, to require that the third strike must be a "serious" or "violent" felony in order to impose the life term.

   The Three Strikes law also applies to crimes committed by juveniles. Specifically, the law states that a prior adjudication shall constitute a serious or violent felony conviction for purposes of Three Strikes sentencing enhancement if:

   a) The juvenile was 16 years of age or older at the time the prior offense was committed;

   b) The prior offense is listed in subdivision (b) of Section 707 of the Welfare and Institutions Code or described in statute as a "serious" or "violent felony;"

   c) The juvenile was found to be a fit and proper subject to be dealt with under the juvenile court law; and,

   d) The juvenile was adjudged a ward of the juvenile court because the person committed an offense listed in subdivision (b) of Section 707 of the Welfare and Institutions Code. (Pen. Code, §§ 667, subd. (d)(3) and 1170.12, subd. (b)(3).

Proponents of the original Three Strikes law argued that the law would "reduce crime by incapacitating and deterring people who committed repeat offenses by dramatically increasing punishment for people previously convicted of a "serious" or "violent" offense."[7] However, research shows that a decline in crime rates already began prior to the passage of the law. According to a 2005 report by the Legislative Analyst's Office[8]:

> The overall crime rate in California, as measured by the Department of Justice's California Crime Index, began declining before the passage of the Three Strikes law. In fact, the overall crime rate declined by 10 percent between 1991 and 1994. The crime rate continued to decline after Three Strikes, falling by 43 percent statewide between 1994 and 1999, though it has risen by about 11 percent since 1999. Similarly, the violent crime rate declined by 8 percent between 1991 and 1994 and then fell an additional 43 percent between 1994 and 2003. It is important to note that these reductions appear to be part of a national trend of falling crime rates. National crime rates-as reported by the Federal Bureau of Investigation's Uniform Crime Report-declined 31 percent between 1991 and 2003, with violent crime declining 37 percent over that period. Researchers have identified a variety of factors that likely contributed to these reductions in national crime rates during much of the 1990s including a strong economy, more effective law enforcement practices, demographic changes, and a decline in handgun use.

By adding to the list of offenses listed in subdivision (b) of Welfare and Institutions Code section 707, this bill would arguably expand the types of offenses that would qualify a prior adjudication as a strike. However, existing law also provides that any offense listed as a "serious" or "violent" felony could qualify as a prior strike. The "serious" felony list includes "any conspiracy to commit an offense described in this subdivision," which includes murder. (Pen. Code, § 1192.7, subd. (c)(1) & (43).)

8) **Argument in Support**: According to *California District Attorneys Association*, "Currently, a juvenile court judge cannot sentence a youth to the Secured Youth Treatment Facility (SYTF) for conspiracy to commit a murder. In 2021, the legislature closed the Department of Juvenile Justice and created the SYTF. Only crimes listed in WIC 707(b) qualify for a SYTF commitment. This bill would add the crime of conspiracy to commit murder to WIC 707(b) and give the court discretion to commit a minor to the SYTF.

"In 2025, several juveniles conspired to commit a mass shooting at Evergreen Middle School in Tehama County. One juvenile was committed to the SYTF for the qualifying crime of attempted murder. A second youth was unable to be committed to the SYTF because the crime of conspiracy to commit a murder is not a qualifying crime under WIC 707b). This bill would allow a juvenile court discretion to impose a stricter sentence to the STYF for a youth who was at least 14 years of age at the time of the crime and planned a mass school shooting.

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[7] Proposition 184, Voter Information Guide, 1994 General Election.
[8] LAO, *A Primer: Three Strikes - The Impact After More Than a Decade* (Oct. 2005) https://www.lao.ca.gov/2005/3_strikes/3_strikes_102005.htm (accessed Mar. 5, 2026].)

"The law already provides that a juvenile may be transferred to a court of criminal jurisdiction where the minor was 16 years of age or older, and it is alleged they committed an offense listed in WIC 707(b) or any other felony criminal statute. If a minor is at least 16 years of age and is alleged to have conspired to commit a murder, a court may order the case transferred to adult court.

"AB 1968 would add the crime of conspiracy to commit murder to the list of 707(b) crimes. This will give the court discretion to sentence a youth to a higher level of programming in SYTF in cases where a mass shooting has been planned."

9) **Argument in Opposition**: According to *California Youth Defender Center*, "Welfare & Institutions code 707 as it exists today is a very crucial statute for how youth are handled in the delinquency system and beyond. The list of offenses referenced in subdivision (b) are not only offenses specifically specified as ones the district attorney may try to transfer to adult court, they are also the offenses that can qualify as a strike under the three strikes law, and are also the offenses eligible to send a child to a Secure Track commitment under 875 of the Welfare and Institutions code. Adding an offense alters the playing field for all youth in an unintended way as the plain language of 707 already permits the district attorney to try to transfer a youth to adult court for any felony.

"WIC 707 was enacted January 1, 1990 as AB 1456.1 In the years after it was enacted the list was adjusted a few times. However, the last significant change to the list of offenses in 707 occurred in 2000 when the voters passed Proposition 21 when the list grew slightly. This was only 10 years after the list of 707(b) offenses was created. Only that slight change was made at the time and no other additions have been made in the 25 years since, though other portions of the statute have been amended multiple times.

"Further the suggested change is to add the crime of Conspiracy to commit murder to the 707(b) list. Conspiracy is an inchoate crime, completed when an agreement and any slight action occurs. Conspiracy to commit murder is differentiated from the remainder of the 707(b) offenses which all require the minor to personally inflict or commit a harmful act. Because of this, Conspiracy, unlike the offenses currently listed under 707(b), takes place mostly in the mind.

"Advances in adolescent brain science began to transform understanding of youth behavior, decision-making, and development, showing that the adolescent brain is fundamentally different from that of an adult.2 Brain science confirms that adolescents differ significantly from adults in their capacity for impulse control, risk assessment, and long-term planning. These developmental characteristics explain why young people may make impulsive decisions.3 The deep field of knowledge on youth brain development strongly goes against increasing the severity of how the system treats an offense that occurs mostly in the mind. It is settled science that youth are not as capable of thinking about consequences of their actions and their brains are not fully developed in the crucial area of decision making. So youth are unable to comprehend the severity of a mostly mental crime."

10) **Related Legislation**:

a) AB 1647 (Bryan) would require the court to find beyond a reasonable doubt, instead of by clear and convincing evidence, that a minor is not amenable to rehabilitation while

under the jurisdiction of the juvenile court for purposes of transfer to adult criminal court. The hearing on AB 1647 was canceled at the request of the author.

b) AB 1902 (Pellerin) would make various changes to the process that authorizes a court to order extended detention of a person confined in an SYTF. AB 1902 is pending hearing by this Committee.

c) AB 1959 (Patel), relevant to this bill, would authorize juveniles who committed specified offenses when they were 14 or 15 years old to be transferred to adult criminal court. AB 1959 is pending hearing by this Committee.

d) AB 2040 (Macedo) would lower the burden of proof, from clear and convincing evidence to preponderance of the evidence, required to find a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court for purposes of transfer to adult criminal court. AB 2024 is pending hearing in this Committee.

11) **Prior Legislation**:

a) AB 22 (DeMaio), of the 2025-2026 Legislative Session, among other things, would have removed from the juvenile court's jurisdiction over specified crimes committed by minors, requiring those crimes to be tried in a court of criminal jurisdiction. AB 22 was held in this Committee.

b) SB 824 (Menjivar), of the 2025-2026 Legislative Session, would have required Individualized Rehabilitation Plans (IRP) for youth committed to an SYTF to contain a roadmap for their successful return to their community and requires judges to assess the juvenile's progress at each six-month review hearing. SB 824 was held in the Senate Appropriations Committee suspense file.

c) AB 102 (Ting), Chapter 38, Statutes of 2023, relevant to this bill, required county probation departments to provide the OYCR with specific juvenile justice data related to the realignment of DJJ.

d) SB 92 (Committee on Budget and Fiscal Review), Chapter 18, Statutes of 2021, allowed counties, commencing July 1, 2021, to establish SYTFs for wards who are 14 years of age or older who have been adjudicated and found to be a ward of the court based on an offense that would have resulted in a commitment to the DJJ, as provided.

e) SB 823 (Committee on Budget and Fiscal Review), Chapter 337, Statutes of 2020, established a process for realigning California's juvenile system by phasing out the state's youth prison system, DJJ, and transferring the responsibility for managing all youthful offenders to local jurisdictions.

f) AB 624 (Bauer-Kahan), Chapter 195, Statutes of 2021, made an order transferring a minor from a juvenile court to a court of criminal jurisdiction subject to appeal, as specified.

g) AB 1423 (Wicks), Chapter 583, Statutes of 2019, created a mechanism for the return of a case back to the juvenile court from the criminal court under certain circumstances.

h) AB 2865 (Wicks), of the 2019-2020 Legislative Session, would have required a court to find that a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court in order to find that the minor should be transferred to a court of criminal jurisdiction. AB 2865 was held in this Committee without a hearing.

i) SB 439 (Mitchell), Chapter 1006, Statutes of 2018, established a minimum age of 12 years old for a minor to come within the jurisdiction of the juvenile court, except the court would continue to have jurisdiction over a minor under 12 who committed murder or specified forcible sex crimes.

j) SB 1391 (Lara), Chapter 1012, Statutes of 2018, repealed the authority of a district attorney to make a motion to transfer a minor from juvenile court to a court of criminal jurisdiction in a case in which a minor is alleged to have committed a specified serious offense when he or she was 14 or 15 years of age, unless the individual was not apprehended prior to the end of juvenile court jurisdiction.

k) SB 382 (Lara), Chapter 382, Statutes of 2015, enumerated certain factors that may be given weight within each of the criteria to be determined by a court in order to find that the minor should be transferred to a court of criminal jurisdiction.

l) SB 1151 (Kuehl), of the 2003-2004 Legislative Session, would have clarified the definition of the "circumstances and gravity of the offense" for purposes of evaluating the fitness of a minor for juvenile court jurisdiction. SB 1151 was vetoed.

m) AB 560 (Peace), Chapter 453, Statutes of 1994, lowered the age from 16 to 14 at which a juvenile could be transferred to adult criminal court and be tried as an adult for committing certain crimes.

REGISTERED SUPPORT / OPPOSITION:

Support

California District Attorneys Association
California Police Chiefs Association
California State Sheriffs' Association
Peace Officers Research Association of California (PORAC)
Tehama County District Attorney's Office
Tehama County Sheriff's Office
1 Private Individual

Oppose

ACLU California Action
California Attorneys for Criminal Justice
California for Safety and Justice
California Public Defenders Association

California Youth Defender Center
Center on Juvenile and Criminal Justice
Community Interventions
Community Works West
Congregations Organized for Prophetic Engagement (COPE)
Ella Baker Center for Human Rights
Fair Chance Project
Felony Murder Elimination Project
Fresh Lifelines for Youth
Friends Committee on Legislation of California
Human Rights Watch
Initiate Justice
Justice2jobs Coalition
LA Defensa
Local 148 Los Angeles County Public Defender's Union
Silicon Valley De-bug
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Beyond Impact
The W. Haywood Burns Institute
Viet Voices

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