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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair  
2025 - 2026 Regular Session

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### AB 1087 (Patterson) - Crimes: vehicular manslaughter while intoxicated

**Version:** April 28, 2025

**Urgency:** No

**Hearing Date:** August 18, 2025

**Policy Vote:** PUB. S. 6 - 0

**Mandate:** Yes

**Consultant:** Liah Burnley

**Bill Summary:** AB 1087 extends the period of probation for a person convicted vehicular manslaughter while intoxicated to not less than three nor more than five years.

#### Fiscal Impact:

- Unknown, potentially significant workload costs (local funds, General Fund) to county probation departments. In each criminal case, county probation departments conduct investigations to provide presentencing reports to the courts after a conviction, supervise people in the community to ensure they comply with the terms of their supervision, and refer people to programs intended to help them avoid committing new crimes and improve their lives. This bill could create additional workload and costs pressures for probation departments to supervise people on probation for longer periods. Actual supervision costs will vary by each county probation department and how many individuals sentenced to probation. It is not clear whether the county probation duties imposed by this bill constitute a reimbursable state mandate or whether they may be subject to Proposition 30 (2012). Proposition 30 provides that legislation enacted after September 30, 2012, that has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by realignment applies to local agencies only to the extent the state provides annual funding for the cost increase.
- Unknown, potentially significant costs (local funds, General Fund) to the counties to incarcerate people who violate probation. The average annual cost to incarcerate one person in county jail varies by county, but likely ranges from \$70,000 to \$90,000 per year. For example, in 2021, Los Angeles County budgeted \$1.3 billion for jail spending, including \$89,580 per incarcerated person. Actual incarceration costs to counties will depend on the number of convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).

**Background:** In 2020, the Legislature specified 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. (AB 1950 (Kamlager), Chapter 328, Statutes of 2020.) 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).)

Existing law provides for a period of between three and five years of probation for any person convicted of driving under the influence. (Veh. Code, § 23600, subd. (b)(1).) However, if the maximum sentence for the offense exceeds five years, for a period of probation may be for a longer period than three years but may not exceed the maximum time for which sentence imprisonment may be pronounced. DUI is a lesser included offense of both vehicular manslaughter and gross vehicular manslaughter. However, there is no specified probation term for the latter crimes. As such, despite being more serious crimes than DUI, the maximum term of probation for both vehicular manslaughter and gross vehicular manslaughter is two years. (See *Bowden v. Superior Court* (2022) 82 Cal.App.5th 735, 745.)

**Proposed Law:** This bill increases the period of probation for vehicular manslaughter while intoxicated and gross vehicular manslaughter while intoxicated from a term of two years to three to five years.

**Related Legislation:**

- AB 2823 (Joe Patterson), of the 2023-2024 Legislative Session, was identical to this bill. AB 2823 did not receive a hearing in the Assembly Public Safety Committee.
- AB 1067 (Jim Patterson), of the 2023-2024 Legislative Session, would have increased the penalties for fleeing the scene of an accident resulting in the death of another person from an alternate felony-misdemeanor with a maximum punishment of four years in state prison, to an alternate felony-misdemeanor having a maximum punishment of six years in the state prison. AB 1607 failed passage in Assembly Appropriations Committee.
- AB 582 (Jim Patterson), of the 2021-2022 Legislative Session, was identical to AB 1067. AB 582 was held in the Assembly Appropriations Committee.
- 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.
- AB 195 (Jim Patterson), of the 2019-2020 Legislative Session, was identical to AB 1067. AB 195 failed passage in the Senate Public Safety Committee.
- AB 2014 (E. Garcia), of the 2017-2018 Legislative Session, would have increased the penalty for fleeing the scene of an accident resulting in death or serious bodily injury from two, three, or four years in state prison to two, four, or six years in state prison. AB 2014 was not heard in Assembly Public Safety Committee.

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