

Date of Hearing: March 3, 2026

Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1546 (Schultz) – As Introduced January 5, 2026

SUMMARY: Increases the punishment for a driving under the influence (DUI) conviction with two priors from a misdemeanor to an alternate felony-misdemeanor and increases the punishment for a DUI with four or more priors from an alternate felony-misdemeanor to a straight felony. Specifically, **this bill:**

- 1) Increases the punishment for a person convicted of a DUI¹ with two priors² within ten years of the current offense, from a misdemeanor to an alternate felony-misdemeanor, punishable either as a misdemeanor by imprisonment for 120 days to one year in county jail or as a jail-eligible felony by 16 months, or two or three years, and by a fine of \$390 to \$1,000.
- 2) Increases the punishment and associated criminal sanctions for a person convicted of a DUI with four or more priors within ten years of the current offense, as follows:
 - a) Increases the punishment from an alternate felony-misdemeanor to a straight jail-eligible felony, punishable by 16 months, or two or three years, and by a fine of \$390 to \$1,000.
 - b) Extends the license revocation period from four years to five years, as specified.
 - c) Extends the IID installation mandate from three years to four years.
- 3) Clarifies that the punishment and associated criminal sanctions that apply to a DUI with three or more priors apply only to a DUI with three priors.
- 4) 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 (hereafter, “DUI”). (Veh. Code, § 23152 subds. (a), (b) (f), & (g).)
- 2) Punishes a DUI as follows:
 - a) First DUI:

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.

- 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.
 - iii) 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.
 - 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 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 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 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 an alternate-felony misdemeanor because of a prior specified felony. (Veh. Code, § 23597, subd. (a).)
- d) DUI with three or more priors:
- i) An alternate felony-misdemeanor 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, subs. (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 subs. (a), (f), & (g).)
- 4) Punishes a DUI causing bodily injury, as follows:
- a) First DUI causing bodily injury,
 - i) An alternate felony-misdemeanor 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 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, subs. (a) & (b); 23575.3, subd. (h)(2)(A).)
 - b) DUI causing bodily injury with one prior:

- i) An alternate felony-misdemeanor 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 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 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.
 - 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”) an alternate felony-misdemeanor 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 an alternate-felony misdemeanor, 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 an alternate felony-misdemeanor, 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, 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.)
- 7) 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, “Alcohol-related roadway fatalities in our state have surged more than 50% over the past decade — an increase twice as steep as the rest of the country, according to federal estimates. It’s time for California to do more to prevent these tragedies.

“That is why I have introduced AB 1546 to combat the prevalence of DUIs in our community. AB 1546 does two critical things. It strengthens the criminal penalties for repeat DUI offenders, and it imposes longer license revocation and ignition interlock device (IID) mandates for these repeat offenders, to deter future drinking and driving incidents.”

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).

- 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 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 (hereafter, “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

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>

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/>.

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 alcohol (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 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-time DUI and a DUI with one or two priors 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 an alternate felony-misdemeanor, 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

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-Management-Information-System.pdf>

\$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 is focused on the most serious repeat DUI offenders: DUI offenders with two priors, and DUI offenders with four or more priors. DUI offenders with at least two priors within ten years of the current offense make up a relatively small proportion 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 third-time DUI and a fourth or subsequent DUI were similarly 5.3% and 1.7%, respectively.²⁵ Accordingly, this bill targets a narrow, but meaningful, population of serial DUI offenders.

This bill changes California's DUI laws in two ways. First, it increases the punishment for a person convicted of a DUI with two priors from a misdemeanor to an alternate felony-misdemeanor, punishable either as a misdemeanor by imprisonment for 120 days to one year in county jail or as a jail-eligible felony by 16 months, or two or three years, and by a fine of \$390 to \$1,000. Effectively, this gives prosecutors discretion to charge a person's third DUI within 10 years as a felony.

Second, it increases the punishment and associated sanctions for a DUI with four or more priors. As previously noted, a DUI with three or more priors currently may be punished as an alternate felony-misdemeanor (Veh. Code, §§ 23550, subds. (a) & (b).) This means that a person convicted of their fourth, fifth, or sixth DUI in ten years can still be charged with a misdemeanor. This bill makes a DUI with four or more priors a straight jail-eligible felony, punishable by imprisonment for 16 months, or two or three years, and by a fine of \$390 to \$1,000. Effectively, this eliminates the misdemeanor option for the most serious category of repeat DUI offenders.

Additionally, it increases the associated license revocation term and IID installation term for a DUI with four or more priors. As previously noted, a conviction for a DUI with three or more priors results in four-year license revocation and a three-year IID mandate. (Veh. Code, §§ 13352, subd. (a)(7); 23550; 23575.3, subd. (h)(1)(D).) This bill extends the license revocation period for a DUI with four or more priors from four years to five years, as specified, and extends the IID installation mandate for this offense from three years to four years.

- 6) **Felony Impaired Driving Crimes, Sentence Enhancements, and Other Criminal Sanctions for Impaired Driving:** A recent series of reporting by Cal Matters, titled "License to Kill,"²⁶ 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 Department of Motor Vehicles (DMV.)²⁷ A

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-Management-Information-System.pdf>

²⁵ DMV, 31st 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 Cal Matters, *License to Kill* (accessed Feb. 13, 2026), available at: <https://calmatters.org/series/license-to-kill/>

²⁷ 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>

frequently repeated claim from this reporting series is that “California has some of the weakest DUI laws in the country.”²⁸ Whether this can be said 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. Some of these 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 an alternate felony-misdemeanor 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

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 an alternate-felony misdemeanor, 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 an alternate felony-misdemeanor, 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

²⁸ 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>

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 an alternate felony misdemeanor with a heightened felony option of imprisonment for 16 months, or two or four years. (Pen. Code, § 191.5, subd. (c)(2).)

Notably, 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 a 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) 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) **Argument in Support:** According to the *California Consortium of Addiction Programs and Professionals*, "AB 1546 strengthens California's response to repeat driving-under-the-influence (DUI) offenses and enhances public safety through a more graduated and accountable penalty structure.

"CCAPP represents the state's largest network of addiction treatment and recovery professionals. Our members regularly witness the profound risks associated with chronic impaired driving, particularly among individuals with untreated substance use disorders. Repeat DUI offenses signal a high-risk pattern that requires a proportionate response, one that protects the public while encouraging pathways to treatment and recovery.

"AB 1546 modernizes the state's DUI framework by clarifying wobbler classifications and increasing penalties for individuals with multiple prior DUI convictions within a ten-year period. These changes appropriately distinguish between occasional offenders and those whose repeated behavior presents a significant danger to themselves and others. This graduated structure strengthens accountability while supporting a more consistent statewide approach.

"We also strongly support the bill's updates to ignition interlock device (IID) requirements. Extending IID installation to 36 months for individuals with three prior DUI violations, and to 48 months for those with four or more, reflects evidence-based best practices. IIDs are

among the most effective tools for preventing repeat impaired driving, and these provisions will help reduce recidivism and save lives.

“By reinforcing proven prevention measures and ensuring that penalties reflect the severity of repeat offenses, AB 1546 advances both public safety and public health.”

- 8) **Argument in Opposition:** According to *Californians United for a Responsible Budget*, “AB 1546 would add yet more and harsher punishments for driving under the influence (DUI) offenses which the evidence has shown do not address the underlying problems...”

“We oppose this bill because it chooses to confront the complicated DUI problem in this state through the narrow traditional lens of ever increasing punishments. For over fifty years we have seen repeated attempts to get the attention of drunk drivers by imposing more and more serious criminal penalties. It hasn’t worked before and it won’t work now. Studies have shown that increased punishment has little or no deterrent effect.

“When ignition interlock devices are implemented in a way that is evidence based, equitable, and narrowly tailored California research shows DUI recidivism rates for first time convictions are relatively low, with a one year recidivism rate of 3.7 percent and only 4.3 percent involving a crash. That data shows why a one size fits all mandate is not sound policy. IIDs should be available and encouraged where there are clear indicators of elevated risk, guided by judicial discretion and informed criteria. The state must pair any program with strong oversight of IID installers, transparent complaint processes, safeguards against device malfunctions and dangerous rolling rechecks, and strict privacy limits on data collection, retention, and use.

“IIDs must also be free for people who cannot afford them. Current programs can cost more than one thousand dollars per year in installation, maintenance, and removal fees. For low income Californians, even reduced payments can trigger missed bills, food insecurity, and license suspensions tied to nonpayment. A public safety tool should not extract wealth from people in poverty. If the state requires IIDs, it should fully fund the cost, enforce clear vendor standards, and ensure that inability to pay never leads to extended sanctions or loss of driving privileges.

“Research shows that increasing the severity of criminal penalties often does little to deter individual conduct; instead, more effort should be devoted to structural solutions, including making roads and vehicles safer, and providing alternative transportation options.

“We all want to avoid the danger that drunk driving presents but attempts at deterrence after the fact have largely proven ineffective.”

9) **Related Legislation:**

- a) 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 Senate Public Safety.

- b) AB 1686 (Lackey) increases the punishment for a DUI with one prior, and a DUI with two priors, from a misdemeanor to an alternate felony-misdemeanor. AB 1686 is pending a hearing in this 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 pending a hearing in this Committee.
- 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 pending a hearing in this Committee.
- 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 pending referral to this Committee.
- 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 referral to this Committee.

10) 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) 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) 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.
- 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) 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.
- 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.

- i) 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

California Consortium of Addiction Programs and Professionals
Peace Officers Research Association of California (PORAC)
Safe California Roads Coalition

Opposition

California Attorneys for Criminal Justice
California Public Defenders Association
Californians United for a Responsible Budget
Debt Free Justice California
Initiate Justice
Justice2jobs Coalition
LA Defensa
Local 148 LA County Public Defenders Union
San Francisco Public Defender
Sister Warriors Freedom Coalition
Western Center on Law & Poverty, INC.

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