

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

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

Policy Committee: Public Safety

Vote: 8 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This bill increases the punishment for a driver convicted of driving under the influence (DUI) with two prior DUI convictions within 10 years from a misdemeanor to an alternate felony-misdemeanor, and increases the punishment for a DUI with four or more priors within 10 years from an alternate felony-misdemeanor to a straight jail-eligible felony.

Specifically, this bill:

- 1) For a DUI with two priors, permits the court to impose either a misdemeanor sentence of 120 days to one year in county jail or a jail-eligible felony sentence of 16 months, two, or three years, plus a fine of \$390 to \$1,000.
- 2) Establishes that a DUI with four or more priors is punishable as a straight jail-eligible felony, with a fine of \$390 to \$1,000, and designates the person as a habitual traffic offender for three years.
- 3) For a DUI with four or more priors, extends the license revocation period from four years to five years and extends the ignition interlock device (IID) installation mandate from 36 months to 48 months.

FISCAL EFFECT:

- 1) Incarceration costs (local funds, General Fund) to counties and the California Department of Corrections and Rehabilitation (CDCR). Actual incarceration costs will depend on the number of convictions, the length of each sentence, and whether each sentence must be served in county jail or state prison. As noted below, based on most recently-available data, there were thousands of convictions for drivers with priors who would be affected by this bill. The average annual cost to incarcerate one person in county jail is approximately \$29,000, though costs are higher in larger counties. The Legislative Analyst's Office estimates the average annual cost to incarcerate one person in state prison is \$128,000. CDCR estimates the annual cost is \$135,921. County incarceration costs are not subject to reimbursement by the state. However, overcrowding in county jails creates cost pressure on the General Fund because the state has historically granted new funding to counties to offset overcrowding resulting from public safety realignment. The state must reimburse these local costs from the General Fund if the Commission on State Mandates determines the duties imposed by this bill constitute a reimbursable state mandate.

- 2) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts for processing felony DUI cases that would previously have been handled as misdemeanors. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

- 3) One-time and ongoing costs to the Department of Motor Vehicles (DMV) (Motor Vehicle Account) of an unknown, but significant amount to make modifications to its core legacy systems to create a new suspension, restriction, and reinstatement requirements for certain DUI offenders. Additionally, the DMV reports that its core systems technology has reached its outer limits.

Any change to, or expansion of, functionality jeopardizes continuity of services, systems, data integrity, and costs. DMV has instituted a containment strategy designed to limit changes to the legacy system or risk catastrophic system failure. The DMV is undertaking an Enterprise Modernization Project — the Digital eXperience Platform Project (DXP), and resources are fully committed to the project. Coordinating implementation of this bill within DXP might delay bill implementation or increase DXP Platform costs. Most changes to DMV's services will have to be built outside the core legacy system. The DMV reports that if it is required to implement this bill by January 1, 2027, it will be required to build a temporary solution outside of the core legacy systems. According to the DMV, programming outside the core legacy systems will be costly, redundant, and will require the department to acquire new technology and services. Acquiring new technology and services will require Project Approval Lifecycle Information Technology Project approval. The bill contains no cost recovery for implementation efforts. The Motor Vehicle Account (MVA), the primary funding account for the California Highway Patrol and the DMV is facing insolvency. In a report, the LAO noted that, "Until a plan is put in place to address MVA's structural deficit, we recommend the Legislature set a high bar for considering approval of any proposals that create additional MVA cost pressures and accelerate the risk of insolvency." In the Governor's proposed 2026-2027 budget, the Governor stated that, "the Budget currently projects that the MVA will be insolvent as soon as 2028-29. Given the ongoing fiscal constraints in the MVA, the Administration will continue to limit new workload or initiatives, including those with delayed implementation dates that would create additional cost pressures over time."

COMMENTS:

- 1) **Purpose.** 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.

- 2) **Background.** California's DUI framework imposes escalating penalties based on a defendant's number of prior DUI convictions within the preceding 10 years. Under existing law, a first-time DUI, a DUI with one prior, and a DUI with two priors are all misdemeanors. A DUI with three or more priors is an alternate felony-misdemeanor, punishable as either a misdemeanor or a jail-eligible felony of 16 months, two, or three years. Existing law also provides a range of felony options for DUI offenses involving bodily injury, great bodily injury, or death, and for DUI convictions within 10 years of specified prior felonies. This bill makes a DUI with two priors an alternate felony-misdemeanor, giving prosecutors discretion to seek a felony rather than a misdemeanor conviction. It makes a DUI with four or more priors a straight felony, eliminating the misdemeanor option entirely for this category by creating a new standalone offense. The bill does not alter the sanctions for first-time DUIs, DUIs with one prior, or DUIs with three priors.

The policy committee's analysis notes that in 2020, third-DUI convictions (corresponding to this bill's two-priors category) comprised approximately 4.6% of California's DUI convictions, and fourth-or-subsequent DUI convictions comprised approximately 1.4%. Applied to 2021's approximately 81,000 DUI convictions statewide, the two-priors population is roughly 3,700 convictions annually; the four-or-more-priors population is a subset of the 1,140 fourth-or-subsequent convictions, because the bill's new felony category reaches only fifth and later DUI convictions (a fourth DUI, which is three priors, remains a wobbler under existing law and is unaffected). The actual share of two-priors convictions that would be charged as felonies — rather than remaining misdemeanors under prosecutorial discretion — is uncertain.

The bill also extends the mandatory ignition interlock device (IID) installation term for the most serious repeat category. Under existing law, a person convicted of a DUI with three or more priors is required to install a functioning, certified IID for 36 months. This bill extends that term to 48 months for convictions under the new four-or-more-priors felony category. An IID is a breath-alcohol-analyzing device installed on a vehicle's ignition system; the vehicle will not start unless the driver provides a breath sample below a set alcohol threshold, and the device also requires random retests while the vehicle is operating. The bill also extends the associated license revocation period for four-or-more-prior convictions from four years to five years.

- 3) **Support and Opposition.** The bill is supported by the California Consortium of Addiction Programs and Professionals, the Peace Officers Research Association of California, and the Safe California Roads Coalition, who argue that repeat DUI offenses signal high-risk patterns requiring a proportionate response and that extended IID mandates reflect evidence-based best practices for reducing recidivism. The bill is opposed by criminal justice reform organizations and public defenders' offices, who argue that research indicates increased severity of punishment has limited deterrent effect compared to certainty of apprehension,

and that IID-related costs impose significant burdens on low-income drivers who cannot afford installation and maintenance fees.

- 4) **Related Legislation.** AB 1686 (Lackey) makes a DUI with one prior and a DUI with two priors alternate felony-misdemeanors. The bill failed passage in the Assembly Public Safety Committee.

AB 1748 (Sanchez) lengthens suspensions and revocations that apply to a conviction for a DUI or a conviction for a DUI causing bodily injury. The bill also failed passage in Public Safety.

AB 1830 (Petrie-Norris) requires IIDs for first-time DUI offenders. The bill is pending a hearing in this committee.

AB 1687 (Lackey) imposes eight-year license revocations for drivers convicted of three or more specified impaired driving offenses within a ten-year period. The bill is pending a hearing in this committee.

- 5) **Prior Legislation.** 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.

AB 401 (Flora), of the 2019-20 Session, would have made a DUI with four or more priors punishable only as a felony. AB 401 failed passage in Assembly Public Safety.

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