

ASSEMBLY THIRD READING  
AB 1546 (Schultz)  
As Introduced January 5, 2026  
Majority vote

## 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

### Major Provisions

- 1) Increases the punishment for a person convicted of a DUI<sup>1</sup> with two priors<sup>2</sup> 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.

## COMMENTS

### According to the Author

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,

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<sup>1</sup> 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.

<sup>2</sup> 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.

and it imposes longer license revocation and ignition interlock device (IID) mandates for these repeat offenders, to deter future drinking and driving incidents."

### **Arguments in Support**

According to the *California Consortium of Addiction Programs and Professionals (CCAPP)*, "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 bills 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."

### **Arguments 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 % and only 4.3 % 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. "

## FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 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."

## VOTES

### ASM PUBLIC SAFETY: 8-0-1

**YES:** Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Ramos, Wilson

**ABS, ABST OR NV:** Nguyen

### ASM APPROPRIATIONS: 15-0-0

**YES:** Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

## UPDATED

VERSION: January 5, 2026

CONSULTANT: Ilan Zur / PUB. S. / (916) 319-3744

FN: 0002797