
THIRD READING

Bill No: AB 1546
Author: Schultz (D), et al.
Amended: 8/28/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/23/26

AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 72-0, 5/21/26 - See last page for vote

SUBJECT: Vehicles: driving under the influence

SOURCE: Author

DIGEST: This bill increases the punishment for a driving under the influence (DUI) conviction 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 jail felony.

Senate Floor Amendments of 8/27/26 include double jointing language.

ANALYSIS:

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% or more, by weight, of alcohol (BAC) in their blood, to drive a vehicle (hereafter, "DUI"). (Vehicle (Veh.) Code, § 23152, subds. (a), (b), (f), & (g).)

- 2) Establishes graduated penalties for a first DUI, DUI with one prior, DUI with two priors, and DUI with three or more priors, including jail time, fines, ignition interlock device (IID) installation, license suspension or revocation, and completion of a DUI program. (Veh. Code, §§ 13352, 13352.1, 23538, 23540, 23542, 23546, 23550, 23552, 23548, 23575.3.)
- 3) Requires a 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).)
- 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).)
- 5) Establishes graduated penalties for a first DUI causing bodily injury, DUI causing bodily injury with one prior, and DUI causing bodily injury with two or more priors, including jail or prison time, fines, IID installation, license suspension or revocation, and completion of a DUI program. (Veh. Code, §§ 13352, 23554, 23556, 23560, 23562, 23566, 23568, 23575.3.)
- 6) Provides that a person who proximately causes bodily injury or death to more than one victim in any one instance that results in a felony conviction of a DUI causing bodily injury, gross vehicular manslaughter while intoxicated, or vehicular manslaughter while intoxicated, shall receive a one-year sentence enhancement in state prison for each additional victim injured (maximum of three). (Veh. Code, § 23558.)
- 7) Punishes a person convicted of a DUI causing bodily injury, where the violation proximately causes great bodily injury 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).)

- 8) Provides that if a person is convicted of 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).)
- 9) 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:
- 10) 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. (Veh. Code, §§ 13352, subd. (a)(6)-(7); 23550.5, subds. (a), (c) & (d); 23575.3, subd. (h)(1)-(2).)
- 11) Punishes a person convicted of any DUI, who has a prior conviction for felony vehicular manslaughter while intoxicated, 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).)
- 12) Requires the court, if a person is convicted of a DUI or a DUI causing bodily injury, to consider a BAC of .15% 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.)
- 13) Requires the prosecutor, if the prosecution agrees to a plea of guilty or no contest to reckless driving in satisfaction of, or as a substitute for, an original charge of a DUI—also known as a wet reckless—to 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. Provides that a wet reckless is punishable by imprisonment in a county jail for 5 to 90 days, or by a fine of \$145-1,000, or both. (Veh. Code, §§ 23103, subd. (c); 23103.5, subd. (a).)

- 14) 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).)
- 15) Provides that any person who personally inflicts great bodily injury on any person other than an accomplice in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for three years. (Pen. Code, § 12022.7, subd. (a).)
- 16) Defines “great bodily injury,” for purposes of the enhancement statute, as a significant or substantial physical injury. (Pen. Code, § 12022.7, subd. (f)(1).)
- 17) Prohibits the application of the great bodily injury enhancement to murder or manslaughter. Provides that the great bodily injury enhancement shall not apply if infliction of great bodily injury is an element of the offense. (Pen. Code, § 12022.7, subd. (g).)

This bill:

- 1) Increases the punishment for a person convicted of a DUI with two priors within 10 years of the current offense, from a misdemeanor to a wobbler, 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, two years, 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 10 years of the current offense, as follows:
 - a) Increases the punishment from a wobbler to a jail felony, punishable by 16 months, two years, 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.

Background

According to the most recent annual report on DUIs published by the California Department of Motor Vehicles (DMV), there were 110,017 DUI arrests in 2021. (DMV, *32nd Annual Report of the California DUI Management Information System* (Oct. 2025), summary statistics available at <<https://www.dmv.ca.gov/portal/file/32nd-annual-report-dui-management-information-system-pdf> .) For DUI arrests made 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. (*Id.* at p. 30.)

Alcohol-Involved Traffic Fatalities. Alcohol- and drug-impaired driving contribute significantly to traffic deaths and injuries in California. According to the California Office of Traffic Safety (OTS), 1,355 people were killed in alcohol-involved traffic crashes in 2023 in the state. (OTS, *California's Annual Report Fiscal Year 2025* (Mar. 2026), p. 8 <https://www.ots.ca.gov/wp-content/uploads/sites/67/2026/03/FY_2025_Annual_Report_Final.pdf ; OTS, *California Traffic Safety Quick Stats* available at <<https://www.ots.ca.gov/ots-and-traffic-safety/score-card/> .) After a decade of increasing alcohol-involved crash fatalities, the latest data suggest this trend may be reversing. Like other fatal crashes, alcohol-involved crash fatalities decreased in California 4.5 percent between 2022 and 2023. (OTS, *Annual Report, supra*, at p. 8.)

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. (DMV, *DUI Summary Statistics* <<https://www.dmv.ca.gov/portal/dmv-research-reports/research-development-data-dashboards/dui-management-information-system-dashboards/dui-summary-statistics/> .) While DUI crash fatalities have steadily increased since then, DUI crash fatalities comprise an increasingly smaller proportion of total crash fatalities. In 2013, DUI crash fatalities were responsible for 54.7% of all crash fatalities. (*Ibid.*) That percentage dropped to 41.7% in 2021—the lowest proportion of total crash fatalities since 2001. (*Ibid.*)

This bill changes the state'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 wobbler, punishable either as a misdemeanor by imprisonment for 120 days to one year in county jail or as a jail felony by 16 months, two years, 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. A DUI with three or more priors may currently be punished as a wobbler. (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 jail felony, punishable by imprisonment for 16 months, two years, or three years, and by a fine of \$390 to \$1,000. In other words, this change eliminates the misdemeanor option for the most serious category of repeat DUI offenders.

FISCAL EFFECT: Appropriation: No Fiscal Com.:Yes Local:Yes

According to the Senate Appropriations Committee:

Potentially major costs to the counties to incarcerate if punishment increases from a one year misdemeanor sentence to a wobbler or to a jail felony punishable by 16 months, two years, or three years and by a fine of \$390 to \$1,000. The average annual cost to incarcerate one person in county jail is approximately \$80,000. In 2021 Los Angeles County budgeted \$1.3 billion for jail costs with \$90,000 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).

Potentially significant costs to the courts to adjudicate new penalties. An eight-hour court day costs approximately \$10,500 based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would increase pressure to fund additional staff and resources. The FY 2026-27 Budget appropriated \$70 million General Fund for this purpose (Trial Court Trust Fund, General Fund).

Implementation will require the Department of Motor Vehicles (DMV) to make modifications to its core legacy information technology systems to create new

court suspensions and update driving records accordingly. DMV is undertaking an enterprise modernization project, and resources are fully committed to the project. Coordinating implementation of this bill within the project could delay implementation and/or increase costs by requiring the services needed to be built outside the core legacy system.

The Motor Vehicle Account (MVA), the primary funding account for the DMV and the California Highway Patrol, is facing insolvency. The LAO has 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.” The proposed Governor’s FY 2026-2027 Budget currently projects that the MVA will be insolvent as soon as FY 2028-29.

SUPPORT: (Verified 8/27/26)

Associated General Contractors, California Chapters
Burbank Armenian Association
California Association of Highway Patrolmen
California Consortium of Addiction Programs and Professionals
California Contract Cities Association
California District Attorneys Association
California Police Chiefs Association
California State Sheriffs’ Association
City of Norwalk
City of Thousand Oaks
League of California Cities
Los Angeles County Sheriff’s Department
Peace Officers Research Association of California
Safety and Advocacy for Empowerment
Streets for All

OPPOSITION: (Verified 8/27/26)

ACLU California Action
California Attorneys for Criminal Justice
California Public Defenders Association
Debt Free Justice California
Initiate Justice
Justice2Jobs Coalition
La Defensa

Los Angeles County Public Defender's Union, Local 148

ASSEMBLY FLOOR: 72-0, 5/21/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Ellis, Flora, Fong, Gabriel, Gallagher, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
NO VOTE RECORDED: Arambula, Bryan, Chen, Elhawary, Garcia, Lackey, Ramos, Celeste Rodriguez

Prepared by: Stephanie Jordan / PUB. S. /916-651-4118
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