

CONCURRENCE IN SENATE AMENDMENTS

AB 1546 (Schultz)

As Amended August 28, 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 DUI with four or more priors from an alternate felony-misdemeanor to a straight felony.

Senate Amendments

- 1) Remove provisions of the bill subjecting a person convicted of DUI with four or more priors to a five-year license revocation period and a four-year IID installation mandate, and instead subject a person convicted of this offense to the same license and IID sanctions that apply to a person convicted of DUI with three priors.
- 2) Make technical and conforming changes.
- 3) Double-joint this bill with AB 1830 of the current legislative session to avoid chaptering issues.

COMMENTS

As Passed by the Assembly: This bill 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 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.

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.

- 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

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."

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 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."

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

ASSEMBLY FLOOR: 72-0-8

YES: 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

ABS, ABST OR NV: Arambula, Bryan, Chen, Elhawary, Garcia, Lackey, Ramos, Celeste Rodriguez

UPDATED

VERSION: August 28, 2026

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

FN: 0004570