
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1662 **Hearing Date:** June 16, 2026
Author: Wilson
Version: June 3, 2026
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Misdemeanor diversion*

HISTORY

Source: Author

Prior Legislation: AB 282 (Lackey), failed passage in Assembly Public Safety, 2021
AB 421 (Bradford), held in Senate Appropriations, 2021
AB 3234 (Ting), Ch. 334, Stats. of 2020
SB 725 (Jackson), Ch. 179, Stats. of 2017
SB 1227 (Hancock), Ch. 658, Stats. of 2014

Support: American Automobile Association of Northern California, Nevada & Utah; Arcadia Police Officers' Association; Brea Police Association; Burbank Police Officers' Association; California Association of School Police Chiefs; California Coalition of School Safety Professionals; California Consortium of Addiction Programs and Professionals; California District Attorneys Association; California Narcotic Officers' Association; California Police Chiefs Association; California Reserve Peace Officers Association; Claremont Police Officers Association; Corona Police Officers Association; Culver City Police Officers' Association; Fullerton Police Officers' Association; League of California Cities; Los Angeles School Police Management Association; Los Angeles School Police Officers Association; Murrieta Police Officers' Association; Newport Beach Police Association; Palos Verdes Police Officers Association; Placer County Deputy Sheriffs' Association; Pomona Police Officers' Association; Riverside Police Officers Association; Riverside Sheriffs' Association; Safety and Advocacy for Empowerment; Streets for All

Opposition: None known

Assembly Floor Vote: 75 - 0

PURPOSE

The purpose of this bill is to require the court, when it grants diversion to a defendant who would have had an abstract of record forwarded to the Department of Motor Vehicles (DMV) if they had been convicted, to instead direct the prosecuting attorney to ensure the arresting agency provides notice to DMV of the arrest or incident.

Existing law authorizes a judge in the superior court in which a misdemeanor is being prosecuted to, at the judge's discretion, and over the objection of a prosecuting attorney, offer diversion to a defendant pursuant to these provisions. (Pen. Code, § 1001.95, subd. (a).)

Existing law authorizes a judge to continue a diverted case for a period not to exceed 24 months and order the defendant to comply with terms, conditions, or programs that the judge deems appropriate based on the defendant's specific situation. (Pen. Code, § 1001.95, subd. (b).)

Existing law requires a judge to dismiss the action against the defendant at the end of the period of diversion if the defendant has complied with the imposed terms and conditions. (Pen. Code, § 1001.95, subd. (c).)

Existing law requires the court, if it appears that the defendant is not complying with the terms and conditions of diversion, after notice to the defendant, to hold a hearing to determine whether the criminal proceedings should be reinstated. Authorizes the court to end the diversion and order resumption of the criminal proceedings if the court finds that the defendant has not complied with the terms and conditions of diversion. (Pen. Code, § 1001.95, subd. (d).)

Existing law prohibits a defendant from being offered diversion for any of the following current charged offenses:

- Any offense for which a person, if convicted, would be required to register as a sex offender.
- Any offense involving domestic violence, as defined.
- Stalking. (Pen. Code, § 1001.95, subd. (e).)

Existing law prohibits the court from suspending or staying the proceedings, in any case in which a person is charged with DUI, for the purpose of allowing the accused person to attend or participate, or considering dismissal of or entertaining a motion to dismiss the proceedings because the accused person attends or participates during that suspension, in any one or more education, training, or treatment programs, including, but not limited to, a driver improvement program, a treatment program for persons who are habitual users of alcohol or other alcoholism program, a program designed to offer alcohol services to problem drinkers, an alcohol or drug education program, or a treatment program for persons who are habitual users of drugs or other drug-related program. (Veh. Code, § 23640.)

Existing law requires the clerk of a court in which a person was convicted of specified driving-related offenses, including a violation of any statute relating to the safe operation of vehicles, to prepare an abstract of the record within five days after conviction and to immediately forward it to the DMV headquarters. Requires the abstract to be forwarded to the DMV within five days after sentencing if sentencing is not pronounced in conjunction with the conviction. Requires the abstract to be certified by the person required to prepare it to be true and correct. (Veh. Code, § 1803, subd. (a)(1).)

This bill requires the court, when it grants diversion to a defendant who would have had an abstract of record forwarded to the DMV if they had been convicted, to instead direct the prosecuting attorney to ensure the arresting agency provides notice to DMV of the arrest or incident.

COMMENTS

1. Need For This Bill

According to the author:

When serious driving offenses disappear from the record, the public pays the price. AB 1662 closes a loophole that previously let individuals avoid points on their driving record if their case was dismissed through diversion. This bill ensures dangerous conduct is counted, not covered up.

2. Diversion

Diversion is the suspension of criminal proceedings for a prescribed period of time with certain conditions. A defendant may not be required to admit guilt as a prerequisite for placement in a pretrial diversion program. If diversion is successfully completed, the criminal charges are dismissed and the defendant may, with certain exceptions, legally answer that they have never been arrested or charged for the diverted offense. If diversion is not successfully completed, the criminal proceedings resume.

Diversion programs may be pre-plea or post-plea (often called deferred entry of judgment). Pre-plea programs allow a defendant to participate in the program without admitting guilt. In post-plea programs, the defendant must first admit guilt before participating in the program. The primary difference between the two types of diversion is that in a pre-plea program, criminal proceedings resume if the defendant does not successfully complete the program, and the defendant has the option to plead guilty or pursue a defense against their case. In a post-plea diversion program, the defendant (having already pled guilty) would be sentenced if they do not successfully complete the program.

3. Court-Initiated Misdemeanor Diversion

AB 3234 (Ting), Chapter 334, Statutes of 2020, created a court-initiated misdemeanor diversion program. (Pen. Code, §§ 1001.95-1001.97.) Under this program, a superior court judge is authorized to divert a misdemeanor defendant outside of a prosecutor approved program. Unlike existing prosecutor-approved misdemeanor diversion programs, the court-initiated program has no requirements for the defendant to satisfy in order to be eligible. However, several offenses are excluded from court-initiated misdemeanor diversion, including domestic violence, stalking, and registrable sex offenses.

Although the court has discretion regarding whether to divert otherwise eligible misdemeanor defendants, that judicial discretion is not without limits. “[A]ll exercises of legal discretion must be grounded in reasoned judgment and guided by legal principles and policies appropriate to the particular matter at issue.” (*People v. Russel* (1968) 69 Cal.2d 187, 195.) A trial court abuses its discretion when it exceeds the bounds of reason, all of the circumstances before it being considered. (*Id.* at p. 194.)

After the creation of court-initiated diversion in 2021, it was unclear if DUIs were eligible for judicial diversion. Vehicle Code section 23640 prohibits a court, if a person is charged with a DUI offense, from suspending or dismissing the criminal proceedings for the purposes of

allowing the accused to participate in specified education, training, or treatment programs. However, DUIs were not explicitly excluded from court-initiated misdemeanor diversion, as they had been from prosecutor-initiated diversion. (Pen. Code, § 1001.51, subd. (b).) This led one of the state's superior courts to find that misdemeanor DUIs were eligible for court-initiated misdemeanor diversion. (*People v. Superior Court (Diaz-Armstrong)* (2021) 67 Cal.App.5th Supp. 10.)

In recent years, the state's intermediate appellate courts have largely brought clarity to this matter, consistently finding that DUIs are not eligible for court-initiated diversion. (See *Grassi v. Superior Court* (2021) 73 Cal.App.5th 283, 308 [finding that court-initiated diversion "authorizes diversion for all misdemeanor defendants except those listed in subdivision (e) and misdemeanor DUI defendants pursuant to Vehicle Code section 23640"]; See also *Tan v. Appellate Division of Superior Court* (2022) 76 Cal.App.5th 130, 148; *Islas v. Appellate Division of Superior Court* (2022) 78 Cal.App.5th 1104, 1110.) Accordingly, the changes made by this bill generally will not apply to individuals arrested for DUIs.

4. Effect of This Bill

This bill was introduced following the publication of the Cal Matter series "*License to Kill*" which highlighted lapses in communication between the state's courts and the DMV for a variety of concerning driving incidents. (Lauren Helper & Robert Lewis, *They were convicted of killing with their cars. No one told the California DMV* (Jun. 25, 2025) <<https://calmatters.org/investigation/2025/06/california-courts-dmv/?series=license-to-kill>>.) To ensure that records are being timely transmitted to the DMV in cases that are diverted via the court-initiated diversion program, this bill requires the court to direct the prosecuting attorney to ensure the arresting agency provides notice to the DMV of an arrest or incident if the abstract of record would have been forwarded to the DMV had the person been convicted. As introduced, the bill contained a provision directing the DMV to assess points in specified cases but the current version of the bill no longer directs the DMV to take action. However, the DMV is authorized to take administrative actions permitted under existing law in response to the information that this bill requires to be transmitted to the DMV.

5. Argument in Support

Cal Cities writes:

California Vehicle Code Section 12810 mandates the California Department of Motor Vehicles (DMV) to assign violation points to driving records for convictions involving the unsafe operation of a motor vehicle. An accumulation of points can lead to license suspension, increased insurance, or probation. Existing law allows drivers who commit serious driving related offenses to sometimes avoid points on their record if their misdemeanor case is dismissed through diversion, meaning the DMV may never see the conduct, even when public safety was at risk.

AB 1662 would provide that if the court grants diversion for a DUI offense the court must ensure that the arresting agency provides notice to the DMV of the arrest or incident.

...Accurate and complete driving records are essential to identifying dangerous driving patterns and ensuring that habitual reckless drivers are held accountable and removed from the road before additional lives are put at risk. According to the "License to Kill" reports from CalMatters, "nearly 40% of the drivers charged with vehicular manslaughter since 2019 have a valid license." Also in this report, nearly a third of the three dozen drivers who were granted diversion for manslaughter have gotten a ticket or been involved in another collision after their initial fatal crash.

Data clearly shows that reform is needed, as repeated dangerous and reckless drivers are not consistently held to standards that prevent traffic deaths in our cities. To address this, it is essential that the DMV be fully informed about the driving records of the individuals to whom it issues licenses.

-- END --