
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1662 (Wilson) - Misdemeanor diversion

Version: June 3, 2026

Urgency: No

Hearing Date: June 29, 2026

Policy Vote: PUB. S. 6 - 0

Mandate: Yes

Consultant: Bob Franzoia

Bill Summary: AB 1662 would require the court, when granting 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 the DMV of the arrest or incident. If the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement to local agencies shall be made.

Fiscal Impact: Minor, absorbable to potentially significant implementation costs to DMV associated with distributing memos and updating publications. DMV may have ongoing costs to the extent that this record transfer process increases the number of cases referred to DMV for review. There is limited data available on the quantity of cases that are granted diversion and many of these cases will have already been referred through existing law enforcement reporting processes for priority referrals and fatal accidents (Motor Vehicle Account).

Major court calendaring cost pressure. Although courts are not funded on the basis of workload, increased cost pressures on the Trial Court Trust Fund may create a demand for increased funding for courts. The FY 2026-27 Budget contains \$70 million to backfill the declining revenue to the Trial Court Trust Fund (General Fund).

Unknown, potentially major costs if the Commission on State Mandates determines this bill imposes new duties or costs on prosecuting attorneys and arresting agencies (General Fund).

Background: An abstract of record is a document that summarizes the essential details of a court case. It typically includes the facts of the case, the proceedings to date, the trial court's decision, and the legal issues to be determined.

Court calendaring cost pressure results from adding time onto a hearing and is a way to illustrate costs to operate the courts. Based on 2026 Judicial Council calculations, the calendaring cost is approximately \$22 per minute (\$4.00 for judge time, \$18 for court staff). The DMV dashboard indicates there were approximately 80,000 misdemeanor traffic cases that were not DUI related in 2022. The Judicial Council statistics report indicates approximately 180,000 traffic misdemeanors in the same year. Thus, there are potentially 100,000 cases where the proposed record transfer process would apply. If 20 percent to 50 percent of DUI cases are granted diversion, calendaring cost pressure would range between \$400,000 and \$2.2 million.

Proposed Law: Penal Code 1001.95 is amended to add:

(f) If the court grants diversion pursuant to this section for a violation the court would be requested to report to the Department of Motor Vehicles pursuant to Section 1803 of the Vehicle Code, the court shall direct the prosecuting attorney to ensure the arresting agency provides notice to the Department of Motor Vehicles of the arrest or incident.

Staff Comments: It is unclear what authority or process the court holds over the prosecuting attorney in this context. Furthermore, it is unclear what responsibility or oversight authority prosecuting attorneys have to ensure the arresting agency provides notice to the DMV.

The Motor Vehicle Account (MVA) which funds the DMV is facing insolvency. In a report, the Legislative Analyst's Office 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."