

CONCURRENCE IN SENATE AMENDMENTS

AB 1687 (Lackey)

As Amended August 27, 2026

Majority vote

SUMMARY

Provides that commencing on January 1, 2031, a person convicted of driving under the influence (DUI) causing bodily injury involving alcohol within 10 years of four or more prior DUI convictions shall be subject to a 72-month license suspension.

Senate Amendments

- 1) State that this bill shall be known, and may be cited, as "Irene's Law."
- 2) Delete the contents of the bill and provide the following:
 - a) Requires, operative January 1, 2031, that upon a conviction or finding of a DUI causing bodily injury involving alcohol, where the offense occurred within 10 years of four or more DUI convictions, as specified, that a person's driving privileges be suspended for 72 months.
 - b) States that a person's driving privilege shall not be reinstated until the person files proof of financial responsibility and gives proof satisfactory to the department of successful completion of any of the following:
 - i) A 30-month DUI program in the person's county of residence or employment, as specified.
 - ii) If a 30-month program is unavailable in the person's county of residence or employment, an 18-month DUI program, as specified.
 - iii) A specified live-in alternative to incarceration rehabilitation program.
 - c) States that credit shall not be given to program activities completed before the date of the current violation.
 - d) States that enrollment in, participation in, and completion of an approved program shall occur subsequent to the date of the current violation.
 - e) Requires the Department of Motor Vehicles (DMV) to advise the person that after completion of 12 months of the revocation period, which may include credit for an Administrative Per Se (APS) suspension period, as specified, they may apply to the DMV for a restricted driver's license if they meet all of the following requirements:
 - i) The person satisfactorily provides, after the violation date of the current underlying conviction, either of the following:
 - (1) The initial 12 months of an 18-month DUI program licensed, if a 30-month program is unavailable in the person's county of residence or employment.

- (2) The initial 12 months of a 30-month DUI program, if available in the county of the person's residence or employment.
- ii) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program.
- iii) The person submits an ignition interlock device (IID) "Verification of Installation" form, as specified.
- iv) The person agrees to maintain a functioning, certified IID for a mandatory term of 72 months.
- v) The person provides proof of financial responsibility as defined.
- vi) The person pays all applicable reinstatement or reissue fees and any restriction fee required by the DMV

COMMENTS

As Passed by the Assembly, this bill: Authorized the DMV to revoke a person's driver's license for eight years if they are convicted of three or more specified impaired driving offenses within a ten-year period.

Major Provisions

- 1) Authorized the DMV to immediately revoke the privilege of a person to drive a motor vehicle upon receipt of a duly certified abstract of the record of a court showing that the person has been convicted of three or more of the following violations, or a combination of three or more of these violations, where each of the three or more violations occurred within a 10-year period:
 - a) Driving under the influence (DUI)¹ with two priors.²
 - b) A DUI with three or more priors.
 - c) A DUI causing bodily injury with two or more priors.
 - d) A DUI or DUI causing bodily injury within 10 years of the following felonies: a DUI with three or more priors, a DUI causing bodily injury, or gross vehicular manslaughter.
 - e) A DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter or intoxicated vehicular manslaughter while operating a vessel.

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.

- f) A DUI causing bodily injury, where the violation proximately causes great bodily injury (GBI) to another person, and the offense occurred within 10 years of two or more priors.
 - g) Gross vehicular manslaughter while intoxicated.
 - h) Vehicular manslaughter while intoxicated, without gross negligence, within seven years of two or more priors.
 - i) Intoxicated vehicular manslaughter while operating a vessel and with gross negligence, as specified.
- 2) Specified that if the DMV revokes the privileges of a person to drive a motor vehicle pursuant to the above, the DMV shall not reinstate the privilege revoked until the expiration of eight years after the date of revocation and until the person whose privilege was revoked gives proof of financial responsibility, as defined, except as specified below.
 - 3) Authorized, four years from the date of the last conviction of an offense specified above, a person whose license was revoked pursuant to the above to apply to the DMV to have their privilege to operate a motor vehicle reinstated, subject to the condition that the person submits an ignition interlock device (IID) "Verification of Installation" form and agrees to install and maintain an IID, as specified.
 - 4) Required the IID to remain on the person's motor vehicle for two years following the reinstatement of the person's driving privilege pursuant to this bill.
 - 5) Required the DMV to reinstate the person's license pursuant to the above, if the person satisfies all of the following conditions:
 - a) The person was not convicted of any drug- or alcohol-related offenses under state law, during the driver's license revocation period.
 - b) The person successfully completed a specified licensed DUI program, following the date of the last conviction of an offense specified above, if such a program is required.
 - c) The person was not convicted of violating specified prohibitions against driving a vehicle on a suspended or revoked license, including driving on a suspended or revoked license because of a DUI conviction, during the revocation period.
 - 6) Required the DMV to immediately terminate the restriction issued pursuant to the above and immediately revoke the privilege to operate a motor vehicle of a person who attempts to remove, bypass, or tamper with the IID, who has the device removed prior to the termination date of the restriction, or who fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device, and specifies that the privilege shall remain revoked for the remaining period of the original revocation and until all reinstatement requirements are met.

According to the Author

"As a California Highway Patrol (CHP) officer, I have stood on the side of the road with families who have just lost loved ones to drunk drivers. Those scenes will never leave me. We owe it to those families to hold repeat offenders accountable. AB 1687 will help by increasing the

revocation period for a third DUI conviction from three years to eight years. This stronger deterrent reduces the likelihood of repeat offenses, keeps high-risk drivers off the road, and helps prevent alcohol-related injuries and fatalities, ultimately improving public safety across the state."

Arguments in Support

According to *Mothers Against Drunk Driving (MADD)*, "AB 1687 changes the timeframe for how long the DMV can revoke person's license after they have been convicted of their third DUI and also allows the use of ignition interlocks for these persons. Enclosed is a chart showing the checks and balances a person with a revoked licenses faces vs that of a person restricted to utilizing an ignition interlock.

"Specifically, Irene's Law contains the following provisions:

- 1) Requires the Department of Motor Vehicles (DMV), beginning January 1, 2031, to revoke a person's driving privilege upon conviction of a DUI causing bodily injury when the person has four or more prior convictions within a 10-year period for impaired driving offenses; prohibits DMV from reinstating that person's driving privileges until the expiration of 72 months after the date of revocation, subject to certain requirements including the installation of an ignition interlock device (IID).
- 2) Requires, until January 1, 2033, a person convicted of DUI causing bodily injury with four or more prior convictions within a 10-year period for impaired driving offenses to install and maintain an IID for 72 months.

"Drunk driving is a problem in California. The bills put forward by Assemblymember Lackey will help stop this problem. Since the pandemic, drunk driving deaths have spiked. Since 2019, according to the National Highway Traffic Safety Administration (NHTSA), drunk driving deaths in California have increased 36%, resulting in 1,311 preventable deaths in 2024."

Arguments in Opposition

According to *Initiate Justice*, "Punitive measures, such as increased license suspension, only harm low and middle-income people, while not providing any impact on alcoholism or repeated drunk driving. Alternative, non-carceral measures, such as DUI courts, diversion, and free IID installation, are the most effective approaches to DUI prevention, and they provide real solutions to the root causes of drunk driving and alcohol-related vehicle fatalities...

"The effectiveness of ignition interlock devices (IIDs) is mixed. IID installation has demonstrated a reduction in fatal crashes. One study found states with mandatory IID installation laws had 26% fewer impaired-driving fatal crashes compared to states without mandatory IID installation. Additionally, some studies demonstrate a decline in subsequent DUI arrests during the installation period. While these benefits should not be understated, research does not suggest IID installation as a long-term solution for repeat DUI offenses.

"Despite a few individual studies determining there were positive benefits after installation, the weight of the evidence demonstrates that the benefits of IIDs are limited to the period of installation. Several studies demonstrated IID installation "by itself does not generally lead to longer-term changes in the propensity to drink and drive that last beyond the period of interlock

installation" and "recidivism rates increased once the device was removed" and there were no long-term effects. Without behavior and attitude changes, individuals may "simply continue driving impaired once the interlock is removed." These limitations were only mitigated upon incorporating treatment. In Florida, there was a 32% lower recidivism rate for IID installation when paired with alcohol use disorder treatment.

"Cost is cited as a "barrier to greater use of interlocks." IIDs cost Californians \$1,000 or more per year, including: a \$75 installation fee, \$75-100 per month in maintenance fees, and a removal fee, typically costing \$50-150. Despite these concerns, there is almost no research on the benefits of providing free IID installation and maintenance. One research review even acknowledged "no studies of the costs or economic efficiency of ignition interlock programs" met the meta-analysis review guidelines. The only available study determined two-thirds of States offer financial support programs for IID program participants, which only 10% of individuals utilized. However, there are concerns about whether these rates of indigency are accurate. In California, legal service providers report the sliding fee scale is chronically underused and any additional payments can burden some individuals. This lack of regulation has also contributed to faulty devices, false positives, and dangerous "rolling retest" requirements that pose their own roadway safety risks."

FISCAL COMMENTS

According to the Senate Appropriations Committee, "The DMV indicates that it would incur significant one-time costs to make necessary IT systems changes to create a new permissive license revocation and restricted license program. DMV's legacy systems have limited capacity to accommodate new functionality and are currently being replaced through the Enterprise Modernization Project (the Digital eXperience Platform, or DXP). As a result, implementation would either require modifications within DXP, potentially increasing project costs and/or delaying implementation, or development of a temporary solution outside the legacy environment, resulting in duplicative costs, additional technology procurement, and requiring additional approvals. Assuming a temporary solution is required, implementation costs are expected to be at least in the low millions, and potentially higher, depending on the final scope of work, implementation timelines, and the technology solution ultimately required. Direct modifications to legacy systems would likely result in significantly higher costs. Staff notes that DMV would be unable to make the necessary programming changes by the January 1, 2027 operative date of this bill. (Motor Vehicle Account)"

VOTES:

ASM PUBLIC SAFETY: 8-0-1

YES: Schultz, Alanis, Mark González, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins
ABS, ABST OR NV: Haney

ASM TRANSPORTATION: 15-0-1

YES: Wilson, Davies, Aguiar-Curry, Ahrens, Carrillo, Harabedian, Hart, Hoover, Jackson, Lackey, Macedo, Papan, Ransom, Rogers, Sharp-Collins
ABS, ABST OR NV: Ávila Farías

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: 73-0-7

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Krell, Lackey, Lowenthal, Macedo, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, 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: Bryan, Elhawary, Kalra, Lee, McKinnor, Muratsuchi, Celeste Rodriguez

SENATE FLOOR: 39-0-1

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Smallwood-Cuevas

UPDATED

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

FN: 0004550