

Date of Hearing: March 24, 2026

Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1874 (Wilson) – As Introduced February 12, 2026

As Proposed to be Amended in Committee

SUMMARY: Provides that if a person is convicted of specified vehicle crimes that require the Department of Motor Vehicles (DMV) to revoke their driving privileges for three years and the person is imprisoned in jail or prison as a result of the conviction, the DMV shall not reinstate their driving privileges until three years after their release from confinement or imprisonment, rather than three years after the date of revocation. Specifically, **this bill:**

- 1) Prohibits the DMV from reinstating the driving privileges of a person subject to a three-year license revocation until the expiration of three years after the person's release from confinement or imprisonment, and until the person whose privilege was revoked gives proof of financial responsibility, as defined, for individuals convicted of any of the below crimes who are imprisoned in a county jail or state prison as a result of the conviction or convictions:
 - a) Manslaughter resulting from the operation of a motor vehicle, except for misdemeanor vehicular manslaughter.
 - b) Conviction of three or more violations of a hit and run resulting in injury or death, a hit and run resulting only in property damage, reckless driving, reckless driving causing bodily injury or great bodily injury, or reckless driving that causes specified injuries, within a period of 12 months from the time of the first offense to the third or subsequent offense, or a combination of three or more convictions of violations within the same period.
 - c) Violation of gross vehicular manslaughter while intoxicated or intoxicated vehicular manslaughter while operating a vessel with gross negligence, as specified, or of fleeing or attempting to elude a peace officer, causing death or serious bodily injury resulting in specified serious impairments of physical condition, as specified.

EXISTING LAW:

- 1) Provides that whenever in the Vehicle Code the DMV is required to suspend or revoke the privilege of a person to operate a vehicle upon the conviction of such a person of violating the Vehicle Code, such suspension or revocation shall begin upon a plea, finding, or verdict of guilty. (Veh. Code, § 13366.)
- 2) Requires the clerk of a court in which a person was convicted of certain offenses, including a violation of the Vehicle Code or a violation of any other statute relating to the safe operation of vehicles, among others, to prepare within five days after conviction and immediately

forward to the DMV, an abstract of the record of the court covering the case in which the person was so convicted. (Veh. Code, § 1803, subd. (a)(1).)

- 3) Requires, generally, the DMV, for criminal offenses that result in a criminal license suspension or revocation, to immediately suspend or revoke the privilege of a person to drive a vehicle upon receipt of a duly certified abstract of the record of a court showing that the person has been convicted of specified offenses. (Veh. Code, §§ 13350, subd. (a); 13351, subd. (a); 13352, subd. (a).)
- 4) Requires the DMV, when a person's driving privileges are suspended or revoked, to notify the person by mail of the action taken and of the effective date of the suspension or revocation, except for persons personally given notice by the DMV, a court, a peace officer, or otherwise pursuant to the Vehicle Code. (Veh. Code, § 13106, subd. (a).)
- 5) Provides that if a person is convicted of a hit and run, driving under the influence (DUI), or DUI causing bodily injury and is sentenced to one year in a county jail or more than one year in the state prison under specified DUI sentencing statutes, the court may postpone the revocation or suspension of the person's driving privilege until the term of imprisonment is served. (Veh. Code, § 23665, subd. (a).)
- 6) Authorizes the DMV to suspend a person's driving privileges, upon receipt of a record of conviction from a court, showing that the person has been convicted of any of the following offenses:
 - a) Failure to stop in the event of an accident resulting in damage to property only or otherwise failing to comply with the requirements to immediately stop at the scene of an accident resulting in only damage to property and perform certain duties.
 - b) A second or subsequent conviction of reckless driving.
 - c) Misdemeanor vehicular manslaughter. (Veh. Code, § 13361.)
- 7) Requires the DMV to immediately revoke a person's driving privileges for a mandatory one-year period from the date of revocation and until the person provides proof of financial responsibility, upon receipt of a record of conviction from a court showing a person has been convicted of any of the following offenses:
 - a) Failure of a driver involved in an accident resulting in injury or death to a person to stop or otherwise comply with the requirements to perform specified duties at the scene of the accident.
 - b) A felony in the commission of which a motor vehicle is used, except for crimes subject to separate suspension and revocation rules, as specified.
 - c) Reckless driving causing bodily injury. (Veh. Code, § 13350, subds. (a) & (c).)
- 8) Requires the DMV to immediately revoke a person's driving privileges for a mandatory three-year period from the date of revocation and until the person provides proof of financial

responsibility, upon receipt of a record of conviction from a court showing a person has been convicted of any of the following offenses:

- a) Manslaughter resulting from the operation of a motor vehicle, except for misdemeanor vehicular manslaughter.
 - b) Conviction of three or more specified hit and run or reckless driving violations within a period of 12 months from the time of the first offense to the third or subsequent offense, or a combination of three or more convictions of violations within the same period.
 - c) Violation of gross vehicular manslaughter while intoxicated or vehicular manslaughter while operating a vessel with gross negligence or of fleeing or attempting to elude a peace officer, causing serious bodily injury resulting in specified serious impairments of physical condition, as specified. (Veh. Code, § 13351, subs. (a) & (b).)
- 9) Requires the DMV to immediately suspend or revoke a person's driving privileges, upon receipt of a court record showing that the person has been convicted of a DUI or DUI causing bodily injury, with the length of the license suspension or revocation depending on the person's number of prior¹ DUIs, as follows:
- a) A first DUI is a misdemeanor with a six-month license suspension, a DUI with one prior is a misdemeanor with a two-year license suspension, a DUI with two priors is a misdemeanor with a three-year license revocation, and a DUI with three or more priors is an alternate-felony misdemeanor (hereafter, "wobbler") with a four-year license revocation. (Veh. Code, §§ 13352, subd. (a)(1), (3), (5), & (7).)
 - b) A first DUI causing bodily injury is a wobbler with a one-year license suspension, a DUI causing bodily injury with one prior is a wobbler with a three-year license revocation, and a DUI causing bodily injury with two or more priors is a felony with a five-year license revocation. (Veh. Code, §§ 13352, subd. (a)(2), (4) & (6).)
- 10) Authorizes a court, notwithstanding existing license suspensions and revocations for DUIs, to order a 10-year license revocation if a person has been convicted of three or more separate DUIs or DUIs causing bodily injury, the last of which was punishable as a DUI with two priors, a DUI with three or more priors, a DUI causing bodily injury with two or more priors, a DUI or DUI causing bodily injury with a prior specified felony, a DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter, as specified, or a DUI causing bodily injury, where the violation proximately caused great bodily injury (GBI) and occurred within 10 years of two or more priors. (Veh. Code, § 23597, subd. (a).)
- 11) Provides if a person convicted of a Vehicle Code violation relating to the speed of vehicles or reckless driving, the court may, unless a DMV revocation is required, suspend the person's driving privilege for up to 30 days upon a first conviction, up to 60 days upon a second

¹ 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.

conviction, and up to six months upon a third or subsequent conviction. (Veh. Code, § 13200.)

- 12) Authorizes a court to suspend a person's driving privileges for up to six months, upon a conviction for any of the following offenses:
- a) A hit and run only resulting in damage to property.
 - b) Specified reckless driving offenses.
 - c) Failure to stop at a railway grade crossing, as specified.
 - d) Fleeing or attempting to elude a peace officer, as specified, fleeing or attempting to elude a peace officer with willful or wanton disregard for safety, and fleeing or attempting to elude a peace officer that proximately causes serious bodily injury or death, as specified, if the person's license was not revoked by the DMV, as required.
 - e) Knowingly causing or participating in a vehicular collision or any accident, for the purpose of presenting a false insurance claim. (Veh. Code, § 13201, subs. (a)-(d).)
- 13) Authorizes a court to suspend the driving privileges of a person who commits an assault that constitutes "road rage," as defined, for six months for a first offense and one year for a second or subsequent offense, to commence, at the discretion of the court, either on the date of the person's conviction, or upon the person's release from confinement or imprisonment. (Veh. Code, § 13210.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "Allowing individuals convicted of serious driving offenses to return to the road immediately after incarceration puts everyone at risk. If a license suspension overlaps with jail time, when the offender cannot drive, it becomes meaningless. License suspensions should genuinely protect the public by keeping unsafe drivers off the road, not serve as empty gestures.

"The state has a duty to ensure that drivers returning to our roads do not pose an ongoing risk. AB 1874 closes a dangerous loophole by preventing license suspensions from being served while offenders are incarcerated. By prioritizing public safety, this bill keeps high-risk drivers off the road during a critical time upon reentry, helping more Californians get home safely."

- 2) **Criminal License Suspensions and Revocations:** There are numerous distinct license suspension and revocation statutes. This bill pertains to criminal license revocations, which refers to license sanctions that are imposed after a person's *conviction* for a certain vehicle-related crime. Such criminal license sanctions are distinct from the pre-conviction administrative suspensions that the DMV may impose on specified impaired individuals. (Veh. Code, §§ 13353; 13353.1; 13353.2; 13353.3)

The typical process of suspending or revoking a license upon a criminal conviction is as follows. Upon conviction for certain vehicle-related offenses, including a violation of the Vehicle Code or a violation of any other statute relating to the safe operation of vehicles, among others, judicial clerks are required to send an abstract of the record of the court covering the case in which the person was convicted to the DMV within five days after conviction. (Veh. Code, § 1803, subd. (a)(1).) For any Vehicle Code conviction requiring the DMV to suspend or revoke driving privileges, driving privileges are suspended or revoked until the DMV takes the action required by the Vehicle Code, and the court shall require the individual to surrender their driver's license and must send it to the DMV within 10 days of conviction, along with the required report of conviction. (Veh. Code, § 13550.) The DMV, upon receiving a certified abstract of the record establishing a conviction, is generally required to immediately suspend or revoke the driving privileges of the convicted person. (Veh. Code, §§ 13350, subd. (a); 13351, subd. (a); 13352, subd. (a).)

There are numerous distinct criminal license suspension and revocation statutes. For crimes such as a hit and run only resulting in damage to property, a second or subsequent reckless driving conviction, or misdemeanor vehicular manslaughter, the DMV has discretion to impose a suspension. (Veh. Code, § 13361.) Other crimes result in mandatory one-year revocations. (Veh. Code, § 13350, subs. (a) & (b).) Specifically, the DMV is required to immediately revoke a person's driving license for one year upon receiving a record of conviction for a hit and run resulting in injury or death, a felony involving the commission of a motor vehicle, except for offenses subject to separate suspension and revocation rules, and reckless driving causing bodily injury. (*Ibid.*)

Some of the most severe vehicle crimes, such as those addressed by this bill, require the DMV to revoke a person's license for three years. The following offenses are subject to a three-year license revocation: 1) manslaughter resulting from the operation of a vehicle, except for misdemeanor vehicular manslaughter; 2) a conviction of three or more specified hit and run or reckless driving violations within a period of 12 months, as specified; and 3) a violation of gross vehicular manslaughter while intoxicated or vehicular manslaughter while operating a vessel with gross negligence or of fleeing or attempting to elude a peace officer, as specified. (Veh. Code, § 13351, subd. (a).) For three-year license revocations, the DMV may not reinstate the person's driving privileges until the expiration of three years after the date of revocation and until the person provides proof of financial responsibility. (Veh. Code, § 13351, subd. (a).) Other convictions, such as those for a DUI or a DUI causing bodily injury, require the DMV to impose progressively longer license suspensions or revocations depending on the person's number of prior DUIs. (Veh. Code, § 13352, subd. (a)(1)-(8).)

In terms of when criminal license suspensions and revocations commence, the general rule is that where the Vehicle Code requires the DMV to suspend or revoke a person's driver's license for a conviction for violating the Vehicle Code, such suspension or revocation shall begin upon a plea, finding, or verdict of guilty. (Veh. Code, § 13366.) Court-imposed license suspensions similarly reference suspensions commencing upon a person's conviction. (Veh. Code, §§ 13200; 13201, subd. (a).) However, in certain circumstances, courts have discretion to postpone a given criminal license suspension or revocation until after a person is released from jail or prison. Most notably, if a person is convicted of a hit and run, or a DUI or a DUI causing bodily injury and is sentenced to one year in a county jail or more than one year in the state prison under specified DUI sentencing statutes, the court may postpone the revocation or suspension of the person's driving privilege until the term of imprisonment

is served. (Veh. Code, § 23665, subd. (a).) Courts and the DMV similarly have discretion to postpone road rage-based license suspensions until that person is released from confinement. (Veh. Code, §§ 13210; 13351.8.)

- 3) **Effect of this Bill:** The author raises concerns that license suspensions accomplish very little if the period of suspension runs while the person is incarcerated. On the other hand, it could be argued that if the goal of a license suspension is to prohibit a person from driving for a certain period of time, then this exact goal is accomplished if a person is behind bars and unable to drive. Currently, convictions for certain serious vehicle crimes are subject to three-year license revocations, and the DMV is prohibited from reinstating the person's driving privileges until the expiration of three years after the date of revocation and until the person provides proof of financial responsibility. (Veh. Code, § 13351, subd. (a).) The date of revocation likely refers to the point at which the DMV revokes a person's driving privileges upon receipt of a record of conviction from the court, which typically occurs shortly after the person's conviction. (Veh. Code, §§ 13351, subd. (a); 13366; 1803, subd. (a)(1).) This three-year revocation applies to the following crimes: 1) manslaughter, except for misdemeanor vehicular manslaughter; 2) convictions of three or more violations of specified hit and run and reckless driving offenses, within a period of 12 months; and 3) gross vehicular manslaughter while intoxicated, intoxicated vehicular manslaughter while operating a vessel with gross negligence, or of fleeing or attempting to elude a peace officer, as specified. (Veh. Code, § 13351, subs. (a) & (b).) As proposed to be amended, this bill provides that if a person is convicted of specified vehicle crimes that require the DMV to revoke their driving privileges for three years and the person is actually imprisoned in jail or prison as a result of the conviction, the DMV shall not reinstate their driving privileges until three years after *their release from confinement or imprisonment*, rather than three years after the date of revocation.

This may substantially postpone the effective date of license suspensions and revocations for individuals convicted of the above crimes. For example, gross vehicular manslaughter, a crime subject to a mandatory three-year license revocation, is a wobbler, punishable by imprisonment in a county jail for up to one year or by imprisonment in state prison for two, four, or six years. (Pen. Code, § 193, subd. (c)(1); Veh. Code, § 13351, subd. (a)(1).) Under current law, if this offense is punished as a felony and the person is sentenced to four years in state prison, a three-year revocation suspension commencing when the DMV revokes the person's license after receiving a record of conviction from the court may be partially or even entirely completed while that person is still incarcerated, permitting them to lawfully drive upon, or shortly after, their release from prison. This bill would, for individuals convicted of three-year revocation-triggering crimes who serve time in jail or prison, postpone the commencement of such a three-year license suspension until that person is released from imprisonment, prohibiting such an individual from being able to lawfully drive in the three years following their release. For individuals incarcerated for periods of time longer than their license revocation, whose license revocations would ordinarily be considered to be fully served while they are incarcerated, this bill effectively creates a new license revocation tailored to begin at the point in time that the person attempts to reenter society. For others, if the length of the license revocation exceeds the amount of time they are incarcerated, it may simply lengthen the revocation by several months.

- 4) **Removal of Judicial Discretion:** This bill mandates, for crimes subject to three-year license revocations and where the person serves time in jail or prison, that the license sanction

commences after the person's release from confinement or imprisonment, rather than upon the date of revocation. This does not allow for any judicial discretion but rather requires such delayed sanctions in every instance. Currently, for certain offenses, courts have *discretion* to postpone a given criminal license suspension or revocation until after a person is released from jail or prison. Most notably, if a person is convicted of a hit and run, or a DUI or a DUI causing bodily injury and is sentenced to one year in a county jail or more than one year in the state prison under specified DUI sentencing statutes, a court may postpone the revocation or suspension of the person's driving privilege until the term of imprisonment is served. (Veh. Code, § 23665, subd. (a).) Courts can similarly postpone license suspensions until after imprisonment for road rage suspensions. (Veh. Code, §§ 13210; 13351.8.)

Judicial discretion permits courts to tailor the sentence in the appropriate manner based on the facts of the crime, the person's history, and the person's current circumstances. As stated by the California Supreme Court, "Society receives maximum protection when the penalty, treatment or disposition of the offender is tailored to the individual case." (*People v. Williams* (1970) 30 Cal.3d 470, 482 [citation and internal quotation marks omitted].) "Only the trial judge has the knowledge, ability and tools at hand to properly individualize the treatment of the offender." (*Ibid.*)

Allowing for judicial discretion to postpone the commencement of a license revocation, rather than mandating it for every crime triggering a three-year revocation, may be appropriate. Postponing a license revocation until a person is released from imprisonment, to ensure the suspension is in effect when the person is released, may be appropriate for an unremorseful repeat impaired driver offender. However, it may be less appropriate for a person convicted of a first-time vehicle offense, who is a single parent who relies on their vehicle to pick up their children or work multiple jobs. Permitting judges to make this determination, based on the specific facts of the case, may contribute to more just outcomes.

- 5) **Re-entry Barrier: Impacts of Prohibiting Individuals Re-Entering Society From Lawfully Driving:** Altering California law to prevent license revocations from being served while a person is incarcerated and applying those revocations at the point in time when individuals are attempting to reenter society may negatively impact formerly incarcerated persons' prospects of finding employment, housing, and their ability to comply with applicable parole or post-release community supervision conditions. For many, access to a driver's license is critical for a person's re-entry prospects. This may be particularly true in rural areas or other regions where public transportation is inadequate. This bill may make it more difficult for such persons to access lawful transportation to attend job interviews, housing application appointments, substance use treatment services, welfare benefit appointments, medical appointments, and to visit family members. This may undermine efforts to promote successful re-entry and reduce recidivism.

These concerns are particularly true in the employment context. Research suggests that a license suspension "can make it harder to find and keep a job, can increase one's exposure to the criminal legal system, and can generally place a great strain on one's life and the life of one's family."² "Having a valid driver's license and possession of a car is a stronger predictor

² U.S. Department of Health & Human Services, *Challenges to Employment: Fines, Fees, and License Suspensions* (Dec. 2022), available at: <https://acf.gov/opre/report/challenges-employment-fines-fees-license-suspensions>

of finding employment and leaving public assistance than a high school diploma.”³ Almost 30% of jobs require some amount of driving, and 75% of workers commute to work in a car.⁴ According to a study on the impacts of license suspension in New Jersey conducted by Rutgers, the New Jersey Department of Transportation, and the Federal Highway Administration, 42% of individuals with a history of license suspension lost their jobs when they had their driving privileges suspended.⁵ Job loss was most significant among low-income and younger drivers.⁶ 45% of those who lost their job because of the suspension could not find another job, a trend that was most pronounced among low-income and older drivers.⁷ Further, of those who were able to find another job, 88% reported a decrease in income.⁸ This was most true for low-income drivers. Finally, more than half of those with a history of license suspension reported that they could not afford the increased cost of auto insurance as a result of the suspension.⁹

Further, individuals subject to a license suspension upon release from jail or prison may feel they have no choice but to drive on their suspended license to attend job interviews or comply with their parole and supervision requirements, which may increase the likelihood of reincarceration. An estimated 75% of suspended drivers continue to drive.¹⁰ Individuals who have their licenses suspended may simply “choose to keep driving because they have to work, which puts them at serious legal risk if they are caught driving with suspended licenses.”¹¹ In California, individuals who drive on a suspended or revoked license, or fail to comply with the conditions of a restricted license, can be subject to additional criminal penalties and fines. Existing law makes it a misdemeanor to drive on a license that was suspended or revoked, where the person knows of the suspension or revocation. (Veh. Code, § 14601.1, subd. (a).) A first offense is punishable by up to six months in county jail and a fine between \$300 and \$1,000; a second offense within five years of a prior offense is punishable by five days to one year in county jail and a fine of \$500 to \$2,000. (Veh. Code, § 14601, subs. (a) & (b).)

- 6) **Benefits of Swift and Certain License Sanctions:** Research on the effectiveness of license sanctions in the context of impaired driving does not appear to support delaying and postponing license suspensions. Individuals are less likely to commit driving offenses when they believe sanctions will be swift and certain.¹² According to the National Highway Traffic Safety Administration (NHTSA), research suggests that “swift and certain administrative sanctions—such as [administrative license suspension] and vehicle impoundment—can be highly effective in reducing alcohol impaired-driving crashes and fatalities, and in reducing

³ Leiva and Marano, *Challenges to Employment: Fines, Fees, and License Suspensions*, Building Evidence of Employment Strategies (Nov. 2022), at p. 4, available at: https://acf.gov/sites/default/files/documents/opre/bees_orlando_brief.pdf

⁴ *Id.* at p. 1.

⁵ Driver’s License Suspensions, Impacts and Fairness Study, New Jersey Department of Transportation (Aug. 2007), at p. 56, available at: https://vtc.rutgers.edu/wp-content/uploads/2014/04/MVC-DL-Suspension-Study-Final-Report-Vol1_9-13-07_.pdf

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ American Association of Motor Vehicle Administrators, *Reducing Suspended Drivers and Alternative Reinstatement Best Practices: Edition 3* (May 2021), at p. 3, available at: <https://www.aamva.org/getmedia/b92cc79d-560f-4def-879c-6d6e430e4f4d/Reducing-Suspended-Drivers-and-Alternative-Reinstatement-Best-Practices-Edition-3.pdf>

¹¹ Leiva and Marano, *supra*, at p. 1.

¹² National Highway Traffic Safety Administration, *Countermeasures that Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices* (2023), at p. 1-11, available at: https://www.nhtsa.gov/sites/nhtsa.gov/files/2023-12/countermeasures-that-work-11th-2023-tag_0.pdf

further impaired driving by DWI offenders.”¹³ The traffic safety benefits of *administrative* license suspensions are well-documented. A 2000 report found that administrative license suspensions and revocations “reduced crashes of different types by an average of 13%.”¹⁴ Another study that analyzed the long-term impacts of license suspensions across the U.S. found that administrative license revocations reduced alcohol-related fatal crash involvement by 5%, resulting in an estimated 800 saved lives annually.¹⁵ A study in Ontario, Canada, found that a law requiring immediate roadside license suspensions for drivers with blood alcohol contents (BAC) from .05 to .08 resulted in a 17% decrease in fatalities and injuries.¹⁶

The swift and certain penalties of administrative suspensions can be contrasted with the “lengthy and uncertain outcomes in criminal courts.”¹⁷ While the benefits of quick administrative license sanctions are well-established, the value of lengthy post-conviction license suspensions is less clear. According to NHTSA, “[a]lthough *administrative* license actions are highly effective in reducing crashes.... *court-imposed* license actions appear less effective” and “long court-imposed license suspensions may do little to reduce recidivism.”¹⁸ This is supported by a 2007 study on the effects of DUI mandatory pre-conviction and post-conviction driver’s license suspension laws in 46 U.S. states.¹⁹ That study found “[a]dministrative or preconviction drivers license suspension policies have statistically significant and substantively important effects in reducing alcohol-related fatal crash involvement by 5%” but that “[i]n clear contrast, postconviction license suspension policies have no discernable effects.”²⁰ This led the study to conclude that “[t]he effectiveness of a deterrence policy appears to be more strongly affected by celerity—the speed by which punishment is applied after the offending behavior—than by the high severity of the penalty.”²¹

The primary effect of this bill is to delay criminal license revocations until after a person is released from jail or prison for individuals convicted of certain crimes who actually serve time in jail or prison. In some cases, where a person serves multiple years in prison, revocation could be postponed for a handful of years. This is counter to the findings of well-documented research on when license sanctions are most effective in deterring impaired driving. Accordingly, while this bill guarantees delayed and lengthier license punishment for individuals convicted of certain driving offenses that serve time in custody, it is less clear whether it will deter or prevent dangerous driving behavior.

- 7) **Argument in Support:** According to *Streets For All*, “AB 1874 would clarify that the time period for a court-ordered suspension or revocation of one’s license commences upon release from custody. The bill also prohibits a concurrent suspension/revocation period and incarceration period being ordered by the courts.

¹³ *Ibid.*

¹⁴ National Highway Traffic Safety Administration, *supra*, at p. 1-11.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Id.* at p. 1-62.

¹⁹ Wagenaar, A.C. and Maldonado-Molina, M.M, *Effects of Drivers' License Suspension Policies on Alcohol-Related Crash Involvement: Long-Term Follow-Up in Forty-Six States*, *Alcoholism: Clinical and Experimental Research* (2007), 31: 1399-1406, available at: <https://onlinelibrary.wiley.com/doi/10.1111/j.1530-0277.2007.00441.x>

²⁰ *Ibid.*

²¹ *Ibid.*

“Following recent reporting by CalMatters in their *License to Kill* series, behaviors and policies that cause dangerous conditions on our roads have taken the spotlight. When courts order a time period during which a convicted person is not allowed to drive, that time period should not include time while incarcerated when the convicted person will not be able to drive.

“This bill addresses this issue by clarifying that incarceration and license suspension or revocation are not concurrent but consecutive. Reducing the number of dangerous drivers on our roadways can keep everyone safer. For these reasons we support AB 1874.”

- 8) **Argument in Opposition:** According to the *California Public Defenders Association*, “We must oppose Assembly Bill 1874 (“AB 1874”) by Assemblymember Wilson unless it is amended to narrowly tailor its provisions to the offenses involving injury or death where the individual has been sentenced to the custody of the Department of Corrections and Rehabilitation. Additionally, it should be amended to delete “any other custodial facility” which includes ICE detention facilities.

“AB 1874 would provide that when a driver’s license is suspended or revoked as part of a criminal sentence that suspension or revocation shall not commence until after the person is released from custody.

“AB 1874 is unconstitutional, unworkable, and unduly punitive to the most vulnerable of our population. First, it would result in varying degrees of punishment for individuals convicted of the same offense in violation of the constitutional principle of equal protection of the laws. Some judges may impose longer sentences than other judges for the same offense, as they are permitted (within discretionary limits) but the effect of this bill is to extend the actual period of suspension for those with the longer period of incarceration, even though the period of suspension of or revocation is set by law and cannot be extended by the judge. Moreover, the primary purpose of license sanctions is to protect the public from dangerous drivers, and the public will be protected while that driver is in jail. Also, not infrequently an individual can be jailed for both driving and non-driving offenses at the same time, so the net effect is that their license suspension is increased by virtue of an offense that has nothing to do with their driving danger. This would result in unduly punitive suspensions that bear little rational relation to the offense, and treating similarly situated individuals disparately is a denial of the equal protection of the laws.

“Secondly the provisions of AB 1874 would be problematic to implement. For one thing, if the suspension is not effective until the person is released from custody then they could very well have a valid license in jail (even though they are unlikely to use it), but what if they are temporarily let out of jail on work release or work furlough, or humanitarian release for a family emergency, or medical treatment not available in jail? Under this bill it would appear they could still drive because their license is not suspended. What if an individual is sentenced, but is free on bail pending appeal? Wouldn’t they be able to drive then as well? If this quandary is resolved by making the suspension operative at sentencing but extending until the completion of incarceration that would make the violation of equal protection only more glaring.

“Another troubling aspect of implementing AB 1874 is that it does not tell us how the Department of Motor Vehicles (DMV) will know when to start the license suspension or

revocation. DMV will not know when the individual is released from custody. Even if DMV receives the sentencing record from the court, individuals routinely both gain and lose custody credits during their incarceration affecting their release dates. If DMV has trouble getting records from courts what makes us believe that jails will be any more diligent, especially when enforcing license restrictions is not part of their core function? The possibility of information falling through the cracks is just too great. Additionally, the individual has to be informed that their license is suspended in order for it to be effective. Who is going to do that when they get out of jail?

“Thirdly, excessive license suspensions and the likelihood of re-offending due to operational problems are likely to fall disproportionately on the poorest, least informed and least educated of our populations, especially on immigrants who have limited English skills and knowledge of our laws. They are likely to come in contact with the authorities simply out of ignorance or inadvertence. When that happens it can be catastrophic, as recent ICE horror stories have taught us.

“The example of non-citizens who were detained for driving on a suspended license and then transferred to ICE custody where they spent 2-4 years in custody before they were granted immigration relief is illustrative. If tolling had been in effect when they were released from ICE custody, they would find that their license suspension had just begun. In many parts of California without little or no public transportation they would be unable to seek and retain employment.”

9) **Related Legislation:**

- a) AB 1748 (Sanchez) increases the length of the driver’s license suspensions and revocations that apply to a conviction for a DUI or a conviction for a DUI causing bodily injury. AB 1748 is being heard in this Committee today.
- b) AB 1546 (Schultz) increases the punishment for a DUI with two priors from a misdemeanor to a wobblor and increases the punishment for a DUI with four or more priors from a wobblor to a straight felony and increases the license revocation period for a DUI with four or more priors from four years to five years, among other changes. AB 1546 is pending a hearing in the Assembly Appropriations Committee.
- c) AB 1687 (Lackey), punishes a person convicted of three or more specified vehicle offenses, including a DUI or a DUI causing bodily injury, among others, with an eight-year license revocation. AB 1687 is being heard in this Committee today.
- d) AB 1723 (Ellis), specifies that the “date of revocation,” for purposes of the prohibition against the DMV reinstating a person’s driving privilege until the expiration of three years after the date of revocation, for persons convicted of certain vehicle-related crimes, means the date the DMV revokes a person’s privilege to drive a motor vehicle, as specified, and not the date of conviction. AB 1723 is pending a hearing in the Assembly Transportation Committee.
- e) SB 1198 (Menjivar) lengthens the license suspension periods that apply to reckless driving, among other changes. SB 1198 is pending a hearing in the Senate Public Safety Committee.

10) Prior Legislation:

- a) AB 2337 (Linder), of the 2013-2014 Legislative Session, would have extended, by one year, the revocation period of an individual's driver's license if they were convicted of a hit-and-run accident in which another individual is killed or seriously injured. AB 2337 was vetoed.
- b) AB 1104 (Pan), of the 2011-2012 Legislative Session, would have required, rather than allowed, driver's license revocations for specified DUIs to be delayed until offenders are released from prison or county jail. AB 1104 was never heard in the Assembly Appropriations Committee.
- c) AB 1601 (Hill), Chapter 301, Statutes of 2010, permits a court to order a 10-year revocation of a driver's license for a person convicted of three or more separate DUIs.
- d) AB 2258 (Benoit), of the 2005-2006 Legislative Session, would have created an alternate misdemeanor-felony and mandatory jail time for a fourth offense of driving on a suspended license, and required a four-year license revocation for this offense, as specified. AB 2258 failed passage in this Committee.
- e) AB 4 (Bogh), of the 2004-2005 Legislative Session, would have permanently revoked the driver's license of a person convicted of a third or subsequent violation of specified DUI provisions. AB 4 was held in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:**Support**

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
California Association of School Police Chiefs
California Coalition of School Safety Professionals
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
Mothers Against Drunk Driving
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 (SAFE)
Streets for All

Opposition

ACLU California Action
California Public Defenders Association
Debt Free Justice California
Ella Baker Center for Human Rights
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
Local 148 Los Angeles County Public Defender's Union
San Francisco Public Defender
Uncommon Law
Western Center on Law & Poverty, INC.

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