

Date of Hearing: April 7, 2026

Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2122 (Kalra) – As Introduced February 18, 2026

SUMMARY: Eliminates certain processes and penalties if an individual is subject to an infraction, including: issuing a bench warrant for the person's arrest within 20 days of the failure to appear, a misdemeanor charge and conviction reported to the Department of Motor Vehicles (DMV), imposition of a civil fine for failing to appear or failing to make an installment payment on a bail contract, and authorizing the court to declare the bail forfeited and requiring the court to issue a bench warrant for the arrest of the person charged, as specified. Specifically, **this bill:**

- 1) Exempts the issuance of a bench warrant for an infraction from the general rule that all laws relating to misdemeanors apply to infractions.
- 2) Prohibits the issuance of a bench warrant for the failure to pay an infraction ticket.
- 3) Prohibits the issuance of a bench warrant for the failure to appear in court on a written promise to appear when the underlying charge is an infraction.
- 4) Removes the requirement that a court inform the DMV of a willful failure to pay bail in installments or pay the fine for a Vehicle Code infraction, as specified.
- 5) Eliminates the requirement that a misdemeanor shall be issued for failure to pay a bail installment.
- 6) Makes conforming changes to other provisions of law.
- 7) Includes legislative findings and declarations.

EXISTING LAW:

- 1) Establishes that it is the intent of the Legislature that the disposition of any criminal case use the least restrictive means available. (Pen. Code, § 17.2, subd. (a).)
- 2) States that specified wobblettes are infractions subject to defined procedures in the following cases:
 - a) The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time they are arraigned, after being informed of their rights, elects to have the case proceed as a misdemeanor.

- b) The court, with the consent of the defendant, determines that the offense is an infraction, in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint. (Pen. Code, § 17, subd. (d).)
- 3) Provides that all provisions of law relating to misdemeanors shall apply to infractions, as specified. (Pen. Code, § 19.7.)
- 4) States that except where a lesser maximum fine is expressly provided, an infraction is punishable by a fine not exceeding two hundred fifty dollars (\$250) (Pen. Code, § 19.8, subd. (a)(2).)
- 5) States that except for specified violations based upon failure to appear, a conviction for an offense made an infraction is not grounds for the suspension, revocation, or denial of a license or for the revocation of probation or parole of the person convicted. (Pen. Code, § 19.8, subd. (c).)
- 6) Establishes that except as otherwise provided by law, in any case in which a person is arrested for an offense declared to be an infraction, the person may be released according to procedures for a misdemeanor. (Pen. Code, § 853.5, subd. (a).)
- 7) Provides that any person who willfully violates his or her written promise to appear or a lawfully granted continuance of his or her promise to appear in court is guilty of a misdemeanor. (Pen. Code, § 853.7.)
- 8) Establishes that when a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail, the magistrate shall issue and have delivered for execution a warrant for their arrest within 20 days after their failure to appear as promised or within 20 days after their failure to appear after a lawfully granted continuance. (Pen. Code, § 853.8.)
- 9) States that a bench warrant of arrest may be issued when a defendant fails to appear in court. (Pen. Code, § 978.5, subd. (a).)
- 10) States that a trial of an infraction shall be by the court, but when a defendant has been charged with an infraction and with a public offense for which there is a right to jury trial and a jury trial is not waived, the court may order that the offenses be tried together by jury or that they be tried separately. (Pen. Code, § 1042.5.)
- 11) States that a person willfully failing to comply with a condition of a court order for a violation of this code, other than for failure to appear or failure to pay a fine, is guilty of a misdemeanor, regardless of their subsequent compliance with the order. (Veh. Code, § 40508, subd. (c).)
- 12) Provides that if any person has willfully failed to comply with a court order, except a failure to appear, to pay a fine, or to attend traffic violator school, which was issued for a specified violation, the magistrate or clerk of the court may give notice of the fact to the DMV. (Veh. Code, § 40509.1.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “Infraction bench warrants have functioned as a debtor’s prison, creating a system where people who have money for fines never have to appear in court, while those who cannot pay face potential for arrest for what are otherwise non-jailable, minor offenses. AB 2122 addresses the disparate punishment of low-income people that has done little to further public safety by prohibiting the issuance of a bench warrant if the underlying charge is an infraction. This bill will save millions of dollars annually from not having to execute bench warrants or detain people in county jails, and will remove an ineffective, overly punitive punishment for what is essentially a crime of poverty.”
- 2) **Effect of the Bill:** AB 2122 would eliminate bench warrants for multiple violations when the underlying offense is an infraction.

Among other things, this bill makes the law authorizing a misdemeanor for willfully failing to appear in court, as specified, inapplicable to infractions. Likewise, infractions would not apply to the requirement that when a person has failed to appear and has not posted bail, a magistrate issue a warrant for the person’s arrest within 20 days of the failure to appear.

This bill would prohibit the issuance of a bench warrant of arrest when the underlying crime is an infraction. While existing law requires the court to report a conviction of certain Vehicle Code provisions to the DMV, AB 2122 would eliminate that requirement. AB 2122 additionally would repeal issuance of a misdemeanor for failure to pay a bail installment or fine and the authorization to issue an arrest warrant for failure to pay a bail installment.

An infraction is an offense that is not punishable with incarceration. (Pen. Code, § 19.6.) Because the punishment for an infraction does not implicate the same loss of liberty, the same constitutional rights that apply to other criminal offenses do not apply to infractions. (*Ibid.*; see also *People v. Prince* (1976) 55 Cal.App.3d 19.) All provisions of law applicable to misdemeanors, however, also largely apply to infractions. (Pen. Code, § 19.7.) Generally, a person arrested for an infraction must be released upon signing a written notice to appear. (Pen. Code, § 853.6, subd. (a).) After a person has been released on a promise to appear, a bench warrant for arrest can be issued if the person fails to appear in court or fails to deposit the bail. (Pen. Code §§ 853.6, subd. (f), 853.8; see also Veh. Code, § 40514.) A willful violation of a promise to appear is a misdemeanor, even if the original offense was an infraction. (Pen. Code, § 853.7.)

The intent of AB 2122 appears laudable, but this bill may have unintended impacts on the enforcement of infractions. Restricting the ability to hold individuals to personally account who are subject to infraction penalties could lead to dismissive treatment of those subject to the penalties, in addition to the expected benefits gained by interrupting the cycle of poverty and contact with the criminal justice system. Other impacts are possible here, too, as individuals at higher risk for indiscriminate immigration enforcement may be less likely to encounter Immigration and Customs Enforcement (ICE) agents if they are able to limit contact with California’s criminal justice system.

Additionally, by limiting enforcement of infractions there may be a perverse incentive created for prosecutors to charge woblettes almost or entirely exclusively as misdemeanors. Prosecutorial discretion could be consciously or unconsciously guided by frustration with the state of the law rather than an honest brokering of the charges warranted for the individual's conduct. Prosecutors overcharging woblettes as misdemeanors could create further public safety harm. The Sentencing Project found that declining to charge individuals for non-violent misdemeanors reduces their likelihood for future offending.¹ They further noted that research on "prosecutorial reforms seeking to decriminalize poverty through dismissing, declining to prosecute, or diverting people charged with nonviolent misdemeanors like disorderly conduct and shoplifting," has discovered a decline in subsequent arrests for those impacted by the reform and no increase in crime rates for nonviolent misdemeanor offenses.² Declining to pursue certain misdemeanor charges can prevent the stigma and lifelong effects associated with a criminal record.³ The certainty of these unintended outcomes occurring following implementation of this bill, however, is unclear.

- 3) **The Impact of Infractions:** AB 2122 would create potentially significant impacts on infractions, which themselves seem to have outsized roles in our lives and the broader criminal justice system.

The Judicial Council's 2021 Court Statistics Report notes that in FY 2019-20, out of all criminal case filings comprised of felonies, misdemeanors, and infractions, the overwhelming majority were infractions.⁴ During this same time period, there were 174,553 felony cases filings, 636,112 misdemeanor filings, and a massive 3,243,819 infraction cases.⁵ The majority of infractions were traffic infractions.⁶ There were over 1,000,000 bail forfeitures for traffic infractions and over 19,000 bail forfeitures for non-traffic infractions.⁷ Infractions require a huge investment of time and resources, not just for the system, but for system-impacted individuals and families.

The Sentencing Project released a four-part report that undertook a comprehensive analysis of persisting racial and economic inequities in the American criminal justice system. The report found one driver of carceral disparity relates to the damaging consequences of criminal legal contact, which are disproportionately experienced by communities of color.⁸ Fines, fees, and predatory practices are inequitably experienced by justice-involved Americans and families.⁹ The Consumer Financial Protection Bureau (CFPB) found

¹ Ghandnoosh, N. *One in Five: Disparities in Crime and Policing* (Nov. 2, 2023) The Sentencing Project <<https://www.sentencingproject.org/reports/one-in-five-disparities-in-crime-and-policing/>> [as of Mar. 18, 2026].

² *Ibid.*

³ *Ibid.*

⁴ 2021 Court Statistics Report: Statewide Caseload Trends, at pp. 3-4 (2021) Judicial Council of California <<https://courts.ca.gov/sites/default/files/courts/default/2024-12/2021-court-statistics-report.pdf>> [as of Mar. 18, 2026].

⁵ *Ibid.*

⁶ *Id.* at p. 55.

⁷ *Id.* at p. 84.

⁸ Ghandnoosh, N and Trinko, L. *One in Five: How Mass Incarceration Deepens Inequality and Harms Public Safety* (Nov. 2, 2023) The Sentencing Project <<https://www.sentencingproject.org/reports/one-in-five-disparities-in-crime-and-policing/>> [as of Mar. 18, 2026].

⁹ *Ibid.*

predatory monetary practices exist in every phase of the criminal legal process.¹⁰ By reducing criminal justice system contact for minor offenses, AB 2122 could have a positive socioeconomic impact on already overburdened and underresourced individuals.

Traffic stops are an extraordinarily common means of getting an infraction. Police officers undertake millions of minor traffic stops annually, with many used as a pretext to investigate drivers for criminal activity, which disproportionately impacts motorists of color.¹¹ Police officers initiated contact with nearly 29 million U.S. residents aged 16 and older in 2018.¹² Traffic stops account for a staggering four-fifths of police-initiated contact.¹³ There are clear racial disparities in traffic law enforcement with the Stanford Open Policing Project finding Black drivers disproportionately stopped relative to Latino/a/x and White drivers.¹⁴ Criminal convictions too often create lifelong disadvantage, particularly for African Americans.¹⁵ Employers discriminate against job candidates who have criminal histories, especially against those who are Black, and application questions about criminal histories deter some people from applying to certain jobs and colleges altogether.¹⁶ One study found discovered nearly half of unemployed men had a criminal conviction.¹⁷

Criminal justice involvement often begins with system contact stemming, at least initially, from an infraction. Under current law, infractions can produce unpayable fees for some that can then balloon into crippling, life-altering debt. Moreover, system contact can quickly turn into a misdemeanor if the charged individual is unable to comply with established legal processes. While some individuals may be negligent or unwilling to abide by these processes, far too often justice-involved individuals are simply faced with impossible choices, like complying with a legal order or risk losing their job(s) and being unable to provide for those counting on them. The provisions of AB 2122 could provide a meaningful step towards slowing the ongoing cycle of poverty, inequality, and criminal justice system contact.

- 4) **Argument in Support:** According to the *Felony Murder Elimination Project*, “This bill would amend the penal and vehicle code to eliminate bench warrants for minor infractions. Felony Murder Elimination Project is a national nonprofit organization working to end felony murder laws and extreme accomplice liability, and to create meaningful pathways for resentencing and release for people serving excessive sentences. We support AB 2122 because eliminating bench warrants for low-level infractions will help prevent avoidable entries and re-entries into the criminal legal system, reduce the risk of escalation into more serious charges and detention, and promote more proportional and effective responses to minor conduct.

“Under California law, an individual’s failure to pay for an infraction or appear in traffic court can result in a bench warrant, or a judge-issued order that authorizes law enforcement

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

to arrest an individual and bring them before the court.¹ People who miss court dates may be jailed for an otherwise non-jailable offense.

“Infraction bench warrants are disproportionately issued to communities of color and low-income individuals. In San Francisco, Black people only make up 5.8% of the local population, but through systemic racism and targeted, unjust policing, they make up 48.7% of those arrested for “failure to appear or pay” traffic court warrants. Bench warrants have recently been used as a pretext for immigration enforcement, meaning that people may face ICE arrest and subsequent removal proceedings for a non-jailable offense.

“Research shows that punitive measures are ineffective in compelling people to pay or appear in court.⁴ Common sense, non-punitive practices like text message reminders and follow-ups help get people to appear in court. Furthermore, courts have other, less punitive means to address failure to pay an infraction, like bank levies, wage garnishment, and tax intercepts. Finally, the MyCitations tool allows individuals to pay their infractions online and permits those individuals to request an infraction reduction in cases of financial need from the safety of their home, substantially decreasing the need to resolve unpaid court debt in person.

“Eliminating bench warrants for infractions will help end an unnecessary pipeline to incarceration and allow families to focus on what matters—devoting their already limited time and resources to meeting their critical needs.”

- 5) **Argument in Opposition:** According to the *California District Attorneys Association* (CDAA), “This bill would prohibit the issuance of an arrest warrant, bench warrant, or the filing of a new misdemeanor whenever the underlying offense is an infraction, and the offender violates a written promise to appear. This bill eliminates any consequence for the numerous offenders who simply ignore appearing in court and prevents their underlying infraction from being adjudicated.

“Requested Amendments: AB 2122 should either limit its application to the Vehicle Code (or any local ordinance adopted pursuant to the Vehicle Code) or propose an analogous provision to Vehicle Code § 40903 that is applicable to all California codes. If a mechanism were added to allow adjudication of the underlying infractions, AB 2122 could at least hold individuals accountable while, at the same time, doing so without the threat of incarceration or arrest.

“Although AB 2122 would apply to all California codes, only infractions currently identified in the Vehicle Code may be adjudicated by declaration and, in the event the offender fails to appear, in the offender’s absence. Pursuant to Vehicle Code § 40903, “[a]ny person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration upon any alleged infraction, as charged by the citing officer, involving a violation of this code or any local ordinance adopted pursuant to this code.” Therefore, the underlying vehicle code infraction may be adjudicated in the offender’s absence and, if found guilty, any associated penalty could be sent to civil collections without the need for the court to issue a warrant or the prosecutor to file a misdemeanor charge for failing to appear. This is not the case, however, for the hundreds of infractions that are contained in other California codes.

“Because there is no analogous provision to Vehicle Code § 40903 in other California codes, eliminating the court’s authority to bring persons to court ensures that numerous infractions will never be adjudicated, and offenders will not be held accountable. Oftentimes, these infractions directly impact public safety or public health.

“In addition, AB 2122 may result in several unintended consequences that run contrary to the purpose of the bill:

“Currently numerous violations provide prosecutors with the discretion to file misdemeanor charges instead of an infraction (commonly known as a “wobblette”). Without a mechanism to adjudicate underlying infractions, AB 2122 would incentivize the filing of misdemeanor charges over unenforceable infractions.

“Several infractions currently contain an escalating penalty structure in which multiple infraction violations will ultimately lead to a misdemeanor offense. AB 2122 would nullify any graduated penalty schemes.

“Certain infractions currently involve the imposition of community service hours or other probation obligations, such as restitution, if convicted. By prohibiting courts from issuing a warrant, AB 2122 would deprive courts of their ability to monitor and ensure that offenders are in compliance with their post-conviction obligations.”

- 6) **Related Legislation:** SB 1218 (Arreguin) would require the DMV to refuse to renew the registration of a vehicle if the registered owner or lessee has been mailed a notice of delinquent illegal dumping violation. This bill is pending hearing in the Senate Transportation Committee.
- 7) **Prior Legislation:**
 - a) SB 76 (Seyarto) would have required the DMV to waive delinquent registration fees and penalties when a transferee or purchaser of a vehicle applies for a transfer of registration if the DMV determines that the fees became due or the penalties accrued before the purchase of the vehicle. SB 76 would have required the DMV to create a system to collect these delinquent fees and penalties from the seller or transferor. SB 76 would have repealed the provision authorizing the DMV to collect the waived fees and penalties in a civil action. SB 76 was vetoed by the Governor and sustained by the Legislature.
 - b) AB 632 (Hart) would have, for specified administrative fines or penalties, authorized a local agency to, subject to specified requirements, file a certified copy of a final administrative order or decision that directs payment of the administrative fine or penalty with the clerk of the superior court of any county, as specified, and require the clerk to enter judgment immediately in conformity with the decision or order. AB 632 would also authorize a local agency to, by ordinance, establish a procedure to collect administrative fines or penalties by lien upon the parcel of land on which the violation occurred if the ordinance meets specified requirements. AB 632 was vetoed by the Governor.
 - c) AB 1125 (Hart), Chapter 356, Statutes of 2023, eliminates the court’s authorization to impound a person’s driver’s license or limit the person’s driving when the person fails to pay the bail in installments.

- d) SB 932 (Seyarto), of the 2023-24 Legislative Session, would have required the DMV to waive delinquent registration fees and penalties when a transferee or purchaser of a vehicle applies for a transfer of registration if the DMV determines that the fees became due or the penalties accrued before the purchase of the vehicle. SB 932 would have required the DMV to create a system to collect these delinquent fees and penalties from the seller or transferor. SB 932 was held in the Senate Appropriations Committee.
- e) AB 3243 (Ta), of the 2023-24 Legislative Session, would have, notwithstanding any law, prohibited a person who is subject to specified delinquency penalties and has been determined to have a current income level that meets the eligibility requirements for specified public social services programs, including, among others, the California Work Opportunity and Responsibility to Kids (CalWORKs) program, from being required to pay the delinquency penalty in order to renew the registration of their vehicle. AB 3243 would have instead authorized the person to delay payment of their penalty until after the vehicle is registered, but by no later than the expiration date of the vehicle's registration. AB 3243 was held in the Assembly Appropriations Committee.
- f) AB 1266 (Kalra), of the 2023-24 Legislative Session, would have done what this bill, AB 2122, purports to do. AB 1266 was held in the Senate Appropriations Committee.
- g) AB 491 (Wallis), of the 2023-24 Legislative Session, would have authorized for specified administrative fines or penalties, a local agency, after the exhaustion of the defined administrative and appeal procedures, to file with the clerk of the superior court of any county a certified copy of a final administrative order or decision of the local agency that directs the payment of an administrative fine or penalty and, if applicable, a copy of an order of the superior court rendered on an appeal from the local agency's decision. AB 491 was held in the Senate Judiciary Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

All of US or None (HQ) (Co-Sponsor)
 Communities United for Restorative Youth Justice (CURYJ) (Co-Sponsor)
 Corporation for Supportive Housing (Co-Sponsor)
 Legal Services for Prisoners With Children (Co-Sponsor)
 San Francisco Public Defender (Co-Sponsor)
 The Maven Collaborative (Co-Sponsor)
 A New Path
 A New Way of Life Reentry Project
 ACLU California Action
 Alliance for Boys and Men of Color
 Anti Police-terror Project
 Bridges of Hope CA
 California Attorneys for Criminal Justice
 California for Safety and Justice

California Immigrant Policy Center
California Public Defenders Association
Californians United for a Responsible Budget
Care First California
Center on Juvenile and Criminal Justice
Coalition of California State Tribes
Community Legal Services in East Palo Alto
Community Works West
Courage California
Debt Free Justice California
Destination: Home
Dignity and Power Now
Disability Rights California
Drug Policy Alliance 1
Ella Baker Center for Human Rights
Empowering Women Impacted by Incarceration
Felony Murder Elimination Project
Fresh Lifelines for Youth
Friends Committee on Legislation of California
Glide
Grace Institute - End Child Poverty in CA
Homeless United for Friendship and Freedom
Housing California
Indivisible CA Statestrong
Initiate Justice
Justice2jobs Coalition
LA Defensa
Legal Aid of Marin
Local 148 Los Angeles County Public Defender's Union
Mill Valley Force for Racial Equity and Empowerment
National Alliance to End Homelessness
National Consumer Law Center, INC.
Pillars of the Community
Public Advocates
Reuniting Families Contra Costa
Rubicon Programs
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Beyond Impact
Starting Over INC.
Surj Marin - Showing Up for Racial Justice
The People Concern
The W. Haywood Burns Institute
Transitions Clinic Network
University of the Pacific McGeorge School of Law Homeless Advocacy Clinic
Vera Institute of Justice
Viet Voices
Western Center on Law & Poverty, INC.
3 Private Individuals

Opposition

California District Attorneys Association
California State Sheriffs' Association
Child Support Directors Association of California

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