

Date of Hearing: May 13, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2122 (Kalra) – As Amended April 16, 2026

Policy Committee: Public Safety

Vote: 7 - 2

Urgency: No

State Mandated Local Program: No

Reimbursable: No

**SUMMARY:**

This bill prohibits the issuance of a bench warrant when the underlying offense is an infraction, but permits citation and release.

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 appear in court on a written promise to appear, or for the failure to pay a fine or bail installment, when the underlying charge is an infraction.
- 3) Provides that, for non-Vehicle Code infractions, a bench warrant is limited to authorizing arrest and booking at the scene followed by immediate release.
- 4) Removes the requirement that a court report to the Department of Motor Vehicles (DMV) a willful failure to pay bail in installments or pay a fine for a Vehicle Code infraction.
- 5) Eliminates the misdemeanor for failure to pay a bail installment or fine for a Vehicle Code violation when the underlying charge is an infraction.

**FISCAL EFFECT:**

- 1) No fiscal impact to the Department of Motor Vehicles (DMV). DMV reports no anticipated implementation costs.
- 2) Likely savings (county General Fund) to local law enforcement and county jails from reduced execution of infraction bench warrants and reduced jail bookings for failure-to-appear and failure-to-pay on infractions. Under current law, a person arrested on an infraction bench warrant may be booked into county jail for an otherwise non-jailable offense pending appearance before a magistrate. Eliminating bench warrant authority for infractions removes this booking pathway. The magnitude depends on current local practice and varies by county; jurisdictions that actively execute infraction bench warrants would experience proportionally larger savings than those that do not. County jail savings are not reimbursable by the state and accrue to county general funds.

- 3) Moderate, potentially growing workload and revenue impacts on the courts (Trial Court Trust Fund (TCTF), General Fund). The Judicial Council reports the bill will likely produce more trials in absentia in Vehicle Code infraction cases, with associated fines sent to collections. For infractions outside the Vehicle Code (for example, violations of the Harbors and Navigation Code, Water Code, and Streets and Highways Code), courts lack analogous trial-in-absentia authority, so those infractions would generally remain adjudicated and the associated fines uncollectible. The Judicial Council also anticipates increased clerk and collections staff workload related to failure-to-appear cases, and loss of revenue from fees and assessments that would have been imposed on adjudicated cases. The Judicial Council expects these impacts to grow over time as the public becomes aware that bench warrants are unavailable as an enforcement mechanism. The state budget provides annual General Fund backfills to the TCTF to offset revenue reductions, totaling approximately \$117.3 million in 2025-26. To the extent this bill produces material revenue losses to the TCTF, increased General Fund backfill pressure could result in future budgets.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

#### COMMENTS:

- 1) **Purpose.** 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) **Background.** Infractions are non-jailable offenses punishable by fine, generally not exceeding \$250. The Judicial Council reports that California processes over three million infractions annually, the overwhelming majority of which are Vehicle Code traffic infractions. When a peace officer cites a person for an infraction, the person is generally released upon signing a written promise to appear in court at a specified date and time. The signed promise to appear is, in effect, the alternative to being taken into custody at the time of the citation. If the person appears as promised, the case proceeds; if the person fails to appear or fails to pay an installment of bail, several enforcement consequences flow under current law. The court may issue a bench warrant for the person's arrest within 20 days of the missed appearance, and a person arrested on an infraction bench warrant may be booked into county jail pending appearance before a magistrate. A willful failure to appear or willful failure to pay bail in installments is itself a misdemeanor — meaning the original non-jailable infraction may convert into a jailable offense based on the failure-to-appear conduct. The court may also report the failure to pay to the Department of Motor Vehicles for Vehicle Code infractions.

For Vehicle Code infractions, courts have authority under Vehicle Code Section 40903 to adjudicate the underlying charge by trial in absentia when the defendant fails to appear, and may then refer unpaid fines to civil collections. This means courts can resolve traffic infractions and recover unpaid fines without bringing the defendant into court. Analogous trial-in-absentia authority does not exist for infractions established under other codes — meaning that for non-traffic infractions, the bench warrant has historically been the principal mechanism to bring a defendant before the court for adjudication.

Several mechanisms for collecting infraction fines do not depend on bench warrants. A person cited for an infraction may pay voluntarily without ever appearing in court. Once a fine is imposed — whether through voluntary plea, trial in absentia, or otherwise — courts may refer unpaid amounts to comprehensive civil collections under Penal Code Section 1463.007, which includes wage garnishment, bank levies, tax refund interception, and credit reporting. The court may also impose a civil assessment of up to \$100 under Penal Code Section 1214.1 for failure to appear or pay. This bill does not affect this civil penalty framework.

Rather, this bill prohibits the issuance of a bench warrant when the underlying offense is an infraction. Citation and release at the scene by a law enforcement officer remains permitted. The bill also repeals the misdemeanor for failure to appear or failure to pay bail when the underlying charge was an infraction, eliminates the requirement that a court report failure to pay to the DMV for Vehicle Code violations, and authorizes a limited non-custodial bench warrant for non-Vehicle Code infractions — limited to arrest and booking at the scene followed by immediate release. This non-custodial warrant preserves a mechanism to bring defendants before the court for adjudication of non-traffic infractions (such as certain Fish and Game Code, Harbors and Navigation Code, and Public Resources Code violations) without exposing those individuals to incarceration. The Judicial Council notes that even with this provision, the practical ability to compel adjudication of non-Vehicle Code infractions may be limited.

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