
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 2122 (Kalra) - Infractions: warrants and penalties

Version: April 16, 2026

Urgency: No

Hearing Date: June 29, 2026

Policy Vote: PUB. S. 4 - 1

Mandate: No

Consultant: Bob Franzoia

Bill Summary: AB 2122 would prohibit the issuance of bench warrants for failure to appear, or failure to pay bail, under an infraction offense of the Vehicle Code. For any bench warrant issued for failure to appear for an infraction offense not of the Vehicle Code, the bench warrant must be limited to arrest and booking at the scene followed by immediate release. The bill further provides that failure to appear in court, or failure to pay, under any infraction offense is not a misdemeanor.

Fiscal Impact: Moderate, potentially increasing workload and negative revenue impacts on the courts. Prohibiting the issuance of bench warrants for failure to appear 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.

Additional court 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. These impacts are likely to increase over time as the public becomes aware that bench warrants are unavailable as an enforcement mechanism. Although courts are not funded on the basis of workload, increased cost pressure on the Trial Court Trust Fund may create a demand for increased General Fund support. The FY 2026-27 Budget appropriates \$70 million General Fund to backfill declining revenue to the Trial Court Trust Fund (Trial Court Trust Fund, General Fund).

Moderate, potentially increasing savings 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 infractions and incarceration costs.

Background: An infraction is an offense that is not punishable with incarceration. 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. However, for the most part, all provisions of law applicable to misdemeanors also apply to infractions. Generally, a person arrested for an infraction must be released on signing a written notice to appear. 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 and/or fails to deposit the bail. A willful violation of a promise to appear is a misdemeanor, even if the original offense was an infraction.

Proposed Law: This bill (1) prohibits the issuance of bench warrants for failure to appear, or failure to pay bail for a Vehicle Code infraction, (2) requires that for any bench warrant issued for failure to appear for an infraction not of the Vehicle Code, or a local ordinance established under the Vehicle Code, be limited to arrest and booking at the scene followed by immediate release, and (3) provides that failure to appear in court, or failure to pay, under any infraction offense is not a misdemeanor.

Related Legislation: AB1266 (Kalra) 2024, a similar measure to this bill, proposed eliminating misdemeanor liability for, and the court's authority to issue a bench warrant for, the failure to pay, or to appear in court, for an infraction ticket. AB 1266 was held on the committee's Suspense File.