GOVERNOR'S VETO
AB 2122 (Kalra and Lowenthal)
As Enrolled August 30, 2026
2/3 vote

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.

Major Provisions:

1) Exempts the issuance of a bench warrant for an infraction, but permits citation and release, from the general rule that all laws relating to misdemeanors apply to infractions.

2) Prohibits the issuance of a bench warrant, but permits citation and release, for the failure to pay an infraction ticket.

3) Prohibits the issuance of a bench warrant, but permits citation and release, 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.

Governor’s Veto Message
This bill would, among other things, eliminate the misdemeanor offense for foiling to appear in court on a Vehicle Code infraction and prohibit the issuance of a bench warrant for failing to appear in court for such an infraction.

I share the author's commitment to mitigate disparate punishment for minor offenses aqainst low-income residents of the state. Throughout my administration, I have sought to tackle the issue of burdensome fines, fees, and assessments that disproportionately drag low-income individuals deeper into debt - signing numerous bills that repeal or reduce dozens of criminal fines and fees and discharging nearly $7 billion in debt. In doing so, I strived to provide relief where possible, while also maintaining public safety. This bill, however, does not appropriately balance those twin goals.

Unsafe speed accounted for over 100,000 vehicle crashes last year, and the California Highway Patrol issued nearly 500,000 speeding citations. With few exceptions, the Department of Motor

Vehicles (OMV) does not receive information that a person has committed a vehicle offense, including most speeding infractions, until the matter is adjudicated in court. By eliminating misdemeanor liability and arrest authority for failures to appear, this bill could cause additional delays in the court processing of unsafe driving violations and communication of those violations to the OMV.

This year, the State Auditor conducted an audit to review the steps that superior courts and the OMV take to process a conviction. With findings and recommendations from the State Auditor on this issue forthcoming, it would be unwise to cause further delays in the processing of moving violations, which would result in more unsafe drivers on our roads.

COMMENTS

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.″

Arguments 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 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.″

Arguments in Opposition
According to *California State Sheriffs' Association (CSAA)*, ″If a person fails to appear in court, existing law generally allows a warrant to issue for the person′s arrest. AB 2122 would eliminate this authority if the underlying offense is an infraction. This bill would remove an important tool that encourages people who have been cited for infraction violations to appear in court or otherwise resolve their cases.

″AB 2122 sends the message that it is acceptable to fail to appear in court, even after having promised to do so. We understand there may be valid reasons why a particular person may not be able to pay the fine on a particular violation, but the answer is not to eliminate the ability of a court to compel the person′s attendance in every case. California has enacted numerous amnesty programs over the last several years and this bill goes too far in trying to address the stated problem. ″For these reasons, CSSA must oppose AB 2122.″

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

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 unadjudicated 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.

VOTES

ASM PUBLIC SAFETY: 7-2-0
YES: Schultz, Mark González, Haney, Harabedian, Nguyen, Ramos, Sharp-Collins
NO: Alanis, Lackey

ASM APPROPRIATIONS: 11-4-0
YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache
NO: Hoover, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 55-18-7
YES: Addis, Aguiar-Curry, Ahrens, Alvarez, Ávila Farías, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Flora, Fong, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wilson, Zbur, Rivas
NO: Alanis, Bains, Castillo, Davies, DeMaio, Dixon, Ellis, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Johnson, Lackey, Macedo, Patterson, Sanchez, Tangipa, Wallis
ABS, ABST OR NV: Arambula, Bauer-Kahan, Chen, Gabriel, Celeste Rodriguez, Ta, Wicks

SENATE FLOOR: 26-11-3
YES: Allen, Archuleta, Arreguín, Ashby, Becker, Cabaldon, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Laird, Limón, McGuire, McNerney, Menjivar, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener
NO: Alvarado-Gil, Choi, Dahle, Grove, Hurtado, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares
ABS, ABST OR NV: Blakespear, Caballero, Padilla

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