

Date of Hearing: April 14, 2026

Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2328 (Alanis) – As Amended March 19, 2026

SUMMARY: Increases the punishment for failing to stop and perform certain duties at the scene of an accident that results in death from an alternate felony-misdemeanor with a maximum punishment of two, three, or four years in state prison, to an alternate felony-misdemeanor with a maximum punishment of three, four, or five years in state prison. Specifically, **this bill:**

- 1) Increases the punishment for a driver involved in an accident that results in another person's death, who fails to stop at the scene of the accident and perform certain duties, from an alternate felony-misdemeanor punishable by up to one year in county jail or two, three, or four years in state prison, or by a fine of \$1,000 to \$10,000, or by both that fine and imprisonment, to an alternative felony-misdemeanor with a greater maximum punishment of three, four, or five years in state prison.
- 2) Makes the fine of \$1,000 to \$10,000 for the above offense mandatory, rather than permissive, except the court, in imposing the minimum fine, shall take into consideration the defendant's ability to pay the fine and, in the interests of justice and for reasons stated in the record, may reduce the amount of the minimum fine.

EXISTING LAW:

- 1) Requires the driver of a vehicle involved in an accident that results in injury to another person to immediately stop the vehicle at the scene of the accident and to fulfill specified requirements, including providing identifying information and rendering reasonable assistance. (Veh. Code, §§ 20001, subd. (a); 20003.)
- 2) Provides that, except as specified, fleeing the scene of an accident resulting in injury to another, is punishable by 16 months, two, or three years in state prison or, by imprisonment in a county jail not to exceed one year, or by a fine of not less than \$1,000 nor more than \$10,000, or by both a fine and imprisonment. (Veh. Code, § 20001, subd. (b)(1).)
- 3) Provides that fleeing the scene of an accident which results in permanent, serious injury or death to another, is punishable by imprisonment in state prison for two, three, or four years, or in county jail for not less than 90 days nor more than one year, or by a fine between \$1,000 and \$10,000, or by both a fine and imprisonment. (Veh. Code, § 20001, subd. (b)(2).)
- 4) Allows the court, in the interests of justice, to reduce or eliminate the minimum term of imprisonment required for a conviction of fleeing the scene of an accident that causes death or permanent, serious injury. (Veh. Code, § 20001, subd. (b)(2).)

- 5) Requires the court to take into consideration the defendant's ability to pay in imposing the minimum fine required, and in the interests of justice, the court may reduce the amount of the fine below the required minimum. (Veh. Code, § 20001, subd. (b)(3).)
- 6) States that a person who flees the scene of an accident after committing gross vehicular manslaughter, gross vehicular manslaughter while intoxicated, or vehicular manslaughter while intoxicated, upon conviction for that offense, shall be punished by an additional term of five years in the state prison. This additional term runs in addition to and consecutive to the prescribed punishment. (Veh. Code, § 20001, subd. (c).)
- 7) Defines "permanent, serious injury" as the loss or permanent impairment of the function of a bodily member or organ. (Veh. Code, § 20001, subd. (d).)
- 8) Defines "gross vehicular manslaughter" as the unlawful killing of a human being, without malice aforethought, in driving a vehicle in the commission of an unlawful act, not amounting to a felony, and with gross negligence, or in driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence. This offense is punishable by imprisonment in a county jail for not more than one year, or in the state prison for two, four, or six years. (Pen. Code, §§ 192, subd. (c)(1); 193, subd. (c)(1).)
- 9) Defines "gross vehicular manslaughter while intoxicated" as the unlawful killing of a human being, without malice aforethought, while driving a vehicle while intoxicated, and the killing was either a proximate result of an unlawful act, not amounting to a felony, and with gross negligence, or the proximate result of a lawful act that might produce death, in an unlawful manner, and with gross negligence. Gross vehicular manslaughter while intoxicated is punishable by four, six, or 10 years in state prison. (Pen. Code, § 191.5.)
- 10) Provides for an additional punishment of three years when great bodily injury (GBI) is inflicted during the commission of a felony and where GBI is not an element of the offense, although this is inapplicable to murder or manslaughter. (Pen. Code, § 12022.7, subs. (a) & (g).)
- 11) The additional punishment described above increases to five years if the victim becomes comatose due to brain injury or suffers permanent paralysis or if the victim is 70 years of age or older, and up to six years if the victim is a child under five years of age. (Pen. Code, § 12022.7, subs. (a)-(d).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "While California law criminalizes leaving the scene of a collision, current penalties do not always reflect the seriousness of situations where a driver causes significant injury or death. AB 2328 ensures that fleeing the scene in these cases carries consequences that match the severity of the underlying offense. By clarifying and strengthening the law, this bill enhances helps keep communities safer."

- 2) **Effect of this Bill:** The offenses described in Vehicle Code section 20001 are commonly known as “hit and runs.” To prove a violation of a hit and run resulting in permanent, serious injury or death the prosecution must establish that: (1) the defendant was involved in a vehicle accident while driving; (2) the accident caused permanent, serious injury or death to another; (3) the defendant knew that they were involved in an accident that injured another person, or knew from the nature of the accident that it was probable that another person had been injured; and, (4) the defendant willfully failed to perform one or more duties, including immediately stopping at the scene, providing reasonable assistance to any injured person, providing specified identifying information, showing a driver’s license upon request, and notifying the applicable law enforcement entity. (CALCRIM No. 2140 (2025).)

The hit and run statute “merely addresses the duties of a driver, however otherwise innocent, once the accident and its attendant injuries have occurred.” (*People v. Wood* (2000) 83 Cal.App.4th 862, 866.) “The purpose of [the statute] is to prevent the driver of an automobile from leaving the scene of an accident in which he participates or is involved without proper identification and to compel necessary assistance to those who may be injured. The requirements of the statute are operative and binding on all drivers involved in an accident regardless of any question of their negligence respectively.” (*People v. Scofield* (1928) 203 Cal. 703, 708.) In other words, this offense does not require that a person drive impaired, recklessly, or negligently. A driver’s post-accident duties apply regardless of who was at fault for the accident. Accordingly, a hit-and-run may involve a driver who is involved in an accident in which they were not at fault, but for whatever reason, they leave the scene.

If the accident results in injury to another person, the offense is punishable by up to one year in county jail or 16 months, two, or three years in state prison, or a fine of \$1,000 to \$10,000, or by both that imprisonment and fine. (Veh. Code, § 20001, subd. (b)(1).) However, if the accident results in death or permanent, serious injury, it is punishable by 90 days to one year in county jail, or two, three, or four years in state prison, or by a fine of \$1,000 to \$10,000, or by both that fine and imprisonment. (Veh. Code, § 20001, subd. (b)(2).)

This bill punishes a hit-and-run that results in death more severely than a hit-and-run that results in permanent, serious injury. Specifically, it increases the punishment for a driver involved in an accident that results in another person's death, who fails to stop at the scene of the accident and perform certain duties, from an alternate felony-misdemeanor punishable by up to one year in county jail or two, three, or four years in state prison, to an alternative felony-misdemeanor with a greater maximum punishment of three, four, or five years in state prison. It also makes the fine of \$1,000 to \$10,000 for this offense mandatory, rather than permissive. Although the court, in imposing the minimum fine, may, in the interests of justice and for reasons stated in the record, reduce the amount of the minimum fine. (Veh. Code, § 20001, subd. (b)(3).)

- 3) **Increased Penalties and Lack of Deterrent Effect:** According to the National Institute of Justice (NIJ), “Laws and policies designed to deter crime by focusing mainly on increasing the severity of punishment are ineffective partly because criminals know little about the sanctions for specific crimes. “More severe punishments do not ‘chasten’ individuals

convicted of crimes, and prisons may exacerbate recidivism.”¹ Rather than penalty increases, the NIJ emphasizes the need for policies that “increase[] the perception that criminals will be caught and punished” because “[t]he *certainty* of being caught is a vastly more powerful deterrent than the punishment.”²

In a 2014 report, the Little Hoover Commission similarly addressed the disconnect between science and sentencing – that is, “put[ting] away offenders for increasingly longer periods of time, with no evidence that lengthy incarceration, for many, brings any additional public safety benefit.”³ Accordingly, while this bill guarantees greater punishment for drivers who fail to stop at the scene of the accident that results in another’s death, it is unclear whether it will effectively prevent drivers from leaving the scene of an accident that results in a fatality.

- 4) **Argument in Support:** According to the *Peace Officers Research Association of California*, “AB 2328 strengthens penalties for individuals who flee the scene of a vehicle accident resulting in death by increasing the applicable state prison terms. By ensuring that individuals who commit fatal hit-and-run offenses face more serious consequences, this measure reinforces accountability and reflects the severity of abandoning victims at the scene of a fatal incident.

“Failing to stop and render aid not only delays emergency response, but can also hinder investigations and reduce the likelihood of identifying and apprehending those responsible. Strengthening these penalties helps deter this dangerous behavior and supports law enforcement’s ability to pursue justice for victims and their families.”

- 5) **Argument in Opposition:** According to the *Ella Baker Center for Human Rights*, “AB 2328’s proposed penalty increase is disproportionate to the offense it seeks to punish. The crime of leaving the scene of an accident causing death does not require that the accused intend that death, much less intend to harm anyone. Indeed, as the common name of Vehicle Code section 20001 – leaving the scene of an accident – reflects, the act leading to the injury or death is often an unintended “accident.” Leaving the scene of the accident does not even require that the driver be at fault for the accident, only that the accident be the cause of the injury or death.

“The purpose of Vehicle Code section 20001 is to ensure that the accident is reported, and aid rendered, if possible, at the earliest possible time. The penalty for this crime should reflect only that failure to render aid, not an assumption that the person who leaves the scene was responsible for the accident or intended the death. Violating Vehicle Code section 20001 already results in a sentence of two, three, or four years in state prison for a felony, and up to one year in county jail for a misdemeanor. If there is evidence that the driver was driving a vehicle with gross negligence, the person can be charged with the crime of gross vehicular manslaughter, punishable by up to six years in state prison. (See Penal Code, § 193, subd. (c)(1).) If the person was driving while intoxicated with gross negligence and killed another

¹ National Institute of Justice, U.S. Department of Justice, *Five Things about Deterrence* (June 5, 2016) <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>.

² *Ibid.*

³ Little Hoover Commission, *Sensible Sentencing for a Safer California* (Feb. 2014) at p. 4, <https://lhc.ca.gov/wp-content/uploads/Reports/219/Report219.pdf>

person, they can be charged with gross vehicular manslaughter while intoxicated and punished by up to 10 years in state prison. (Penal Code, § 191.5, subd. (c)(1).)

“While drivers should certainly be encouraged to report accidents and render aid following an accident, we do not believe increasing sentences will result in greater adherence to the law. To the extent existing penalties already act as a deterrent to violate the law, expanding penalties will not increase their deterrent value. Research has shown that certainty of punishment has a greater deterrent effect than the severity of the punishment itself, and existing law already provides relatively significant penalties for the crime at hand.”

- 6) **Related Legislation:** SB 907 (Archuleta) would add intoxicated vehicular manslaughter and gross vehicular manslaughter to the violent felonies list, subjects a person convicted of specified vehicle offenses, including a felony DUI, to a three-year sentence enhancement for each prior conviction for specified vehicle offenses, and increases the punishment for a hit and run with certain priors, as specified. SB 907 is pending a hearing in the Senate Appropriations Committee.
- 7) **Prior Legislation:**
 - a) AB 1281 (DeMaio), of the 2025-2026 Legislative Session, would have increased the punishment for failing to stop and perform certain duties at the scene of an accident resulting in death or permanent, serious injury from an alternate felony-misdemeanor to a felony punishable by seven, eight, or nine years in state prison. AB 1281 failed passage in this Committee.
 - b) AB 1193 (Gipson), of the 2025-2026 Legislative Session, would have removed the statute of limitations for a hit and run resulting in death or permanent serious injury. The hearing on AB 1193 was canceled at the request of the author.
 - c) AB 1067 (Patterson), of the 2023-2024 Legislative Session, would have increased the penalties for fleeing the scene of an accident resulting in the death of another person from an alternate felony-misdemeanor with a maximum punishment of four years in state prison, to an alternate felony-misdemeanor having a maximum punishment of six years in state prison. AB 1067 was held in the Assembly Appropriations Committee.
 - d) AB 582 (Patterson), of the 2021-2022 Legislative Session, was substantially similar to AB 1067 (Patterson) of the 2023-2024 Legislative Session. AB 582 was held in the Assembly Appropriations Committee.
 - e) AB 195 (Patterson), of the 2019-2020 Legislative Session, as amended in the Senate, was substantially similar to AB 1067 (Patterson) of the 2023-2024 Legislative Session. AB 195 failed passage in the Senate Public Safety Committee.
 - f) AB 2014 (E. Garcia), of the 2017-2018 Legislative Session, would have increased the penalty for fleeing the scene of an accident resulting in death or serious bodily injury from two, three, or four years in state prison to two, four, or six years in state prison. The hearing on AB 2014 in this committee was canceled at the request of the author.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Highway Patrolmen
California District Attorneys Association
Peace Officers Research Association of California (PORAC)
Riverside County Sheriff's Office
Streets for All

Opposition

Ella Baker Center for Human Rights
Initiate Justice
Justice2jobs Coalition
LA Defensa
San Francisco Public Defender
Smart Justice California, a Project of Beyond Impact

Analysis Prepared by: Ilan Zur / PUB. S. / (916) 319-3744