

Date of Hearing: April 29, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

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

Policy Committee: Public Safety

Vote: 8 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill increases the maximum sentence for a driver involved in an accident resulting in another person's death who fails to stop at the scene and perform required duties 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, and makes the existing \$1,000 to \$10,000 fine mandatory rather than permissive.

Specifically, this bill:

- 1) Permits the court to impose the existing misdemeanor sentence of up to one year in county jail for this offense.
- 2) Authorizes the court, in imposing the minimum fine, to take into consideration the defendant's ability to pay and, in the interests of justice and for reasons stated in the record, to reduce the amount of the minimum fine.

FISCAL EFFECT:

Incarceration costs (General Fund) to the California Department of Corrections and Rehabilitation for longer sentences. Actual incarceration costs will depend on the number of convictions and the length of each sentence. CDCR data indicates that in 2025 there were 161 new felony admissions for hit-and-run accidents resulting in death or serious bodily injury. CDCR data does not distinguish between admissions for hit-and-runs resulting in death from seriously bodily injury. Even if only a small fraction involved accidents resulting in death, which would be the category implicated by this bill, the resulting increase in state prison commitments and sentence lengths would translate into meaningful and ongoing incarceration costs. The Legislative Analyst's Office estimates the average annual cost to incarcerate one person in state prison is \$128,000. CDCR estimates the annual cost is \$135,921.

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:

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) **Background.** Existing law imposes a set of post-accident duties on drivers involved in any accident causing injury or death, regardless of fault — immediately stopping at the scene, providing identifying information, rendering reasonable assistance, and notifying law enforcement. The statute addresses the driver’s conduct after the accident rather than the accident itself. As the courts have construed the statute, these duties apply regardless of whether the driver was negligent or otherwise at fault for the accident itself. Existing law already creates tiered penalties: for hit-and-run resulting in injury, a felony-misdemeanor with a state prison triad of 16 months, two, or three years; for hit-and-run resulting in permanent serious injury or death, a felony-misdemeanor with a state prison triad of two, three, or four years and a minimum 90 days in county jail. Separate, higher penalties apply for vehicular manslaughter and gross vehicular manslaughter where the underlying driving conduct is negligent or grossly negligent. This bill increases the state prison triad for hit-and-run resulting in death — but not permanent serious injury — to three, four, or five years. As opponents have noted, a conviction does not require intent to cause harm or death, nor does it require fault for the underlying accident — only a post-accident failure to perform the statutory duties.

3) **Related Legislation.** SB 907 (Archuleta) among other things, increases the punishment for hit-and-run with certain priors. This bill is pending hearing in Senate Appropriations.

AB 1281 (DeMaio), of the 2025-26 Session, increases the penalty for a hit-and-run resulting in death or serious injury to a straight felony at seven, eight, or nine years, and removes the misdemeanor pathway entirely. AB 1281 failed passage in Assembly Public Safety.

4) **Prior Legislation.** AB 1067 (Patterson), of the 2023-24 Session, would have increased the triad to a maximum of six years for both death and permanent serious injury. The bill was held on this committee’s suspense file.

AB 582 (Patterson), of the 2021-22 Session, would have increased the penalties for fleeing the scene of an accident resulting in the death of another person to an alternate felony misdemeanor having a maximum punishment of six years in the state prison. AB 582 was held on this committee’s suspense file.

AB 195 (Patterson), of the 2019-2020 Legislative Session, was identical to AB 582 and failed passage in the Senate Committee on Public Safety.

Analysis Prepared by: Shiran Zohar / APPR. / (916) 319-2081