
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: SB 1156 **Hearing Date:** April 21, 2026
Author: Caballero
Version: April 9, 2026
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Vehicles: driving under the influence*

HISTORY

Source: Author

Prior Legislation: None

Support: California Association of Highway Patrolmen; Peace Officers Research Association of California

Opposition: None known

PURPOSE

The purpose of this bill is to require the court, upon the conviction of a person for driving under the influence (DUI), DUI with injury, wet reckless, gross vehicular manslaughter while intoxicated, or vehicular manslaughter while intoxicated, and the person has specified prior convictions, to issue an order prohibiting the person from purchasing alcohol for a period of 3 to 10 years.

Existing law makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has 0.08 percent or more, by weight, of alcohol (BAC) in their blood, to drive a vehicle. (Veh. Code, § 23152, subds. (a), (b), (f), & (g).)

Existing law makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or the combined influence of the two, or who has a BAC of .08 or more, to drive a vehicle, and concurrently do any act forbidden by law or neglect any duty imposed by law in driving the vehicle, which proximately causes bodily injury to any person other than the driver. (Veh. Code, § 23153 subds. (a), (f), & (g).)

Existing law requires the prosecutor, if the prosecution agrees to a plea of guilty or no contest to reckless driving in satisfaction of, or as a substitute for, an original charge of a DUI—also known as a wet reckless—to state for the record a factual basis for the satisfaction or substitution, including whether or not there had been consumption of an alcoholic beverage or ingestion or administration of a drug, or both, by the defendant in connection with the offense. (Veh. Code, § 23103.5, subd. (a).)

Existing law provides that a wet reckless is punishable by imprisonment in a county jail for 5 to 90 days, or by a fine of \$145-1,000, or both. (Veh. Code, § 23103, subd. (c).)

Existing law provides that gross vehicular manslaughter while intoxicated is the unlawful killing of a human being without malice aforethought, in the driving of a vehicle, where the driving was driving under the influence, and the killing was either the proximate result of the commission of an unlawful act, not amounting to a felony, and with gross negligence, or the proximate result of the commission of a lawful act that might produce death, in an unlawful manner, and with gross negligence. Provides that gross vehicular manslaughter while intoxicated is punishable by imprisonment in the state prison for 4, 6, or 10 years. (Pen. Code, § 191.5, subds. (a), (c).)

Existing law provides that vehicular manslaughter while intoxicated is the unlawful killing of a human being without malice aforethought, in the driving of a vehicle, where the driving was driving under the influence, and the killing was either the proximate result of the commission of an unlawful act, not amounting to a felony, but without gross negligence, or the proximate result of the commission of a lawful act that might produce death, in an unlawful manner, but without gross negligence. Provides that vehicular manslaughter while intoxicated is punishable by imprisonment in a county jail for not more than one year, or imprisonment in the county jail for 16 months, 2 years, or 4 years. (Pen. Code, § 191.5, subd. (b).)

This bill requires the court, upon the conviction of a person for DUI, DUI with injury, wet reckless, gross vehicular manslaughter while intoxicated, or vehicular manslaughter while intoxicated, and the offense occurred with 10 years of a prior conviction of any one of those offenses, or the person has two prior convictions of any of those offenses, to issue an order prohibiting the person from purchasing alcohol for a period of 3 to 10 years.

This bill requires the court to consider all of the following in imposing an order:

- The severity of the offenses.
- Prior history of driving under the influence.
- Any other relevant factors in aggravation or mitigation.

This bill provides that a conviction for driving under the influence that does not involve alcohol, may not serve as the basis the court to issue an order, unless the court identifies a factual basis for why the order would be appropriate.

COMMENTS

1. Need For This Bill

According to the author:

Every year, Californians lose loved ones to drunk driving. For years, the legislature has focused primarily on penalties for offenders after the damage has been done. Despite our efforts, repeat offenses continue, and the loss of life with them.

SB 1156 takes a preventive approach and prohibits individuals with DUI convictions from purchasing alcohol. SB 1156 does not create new crimes or

increase penalties. Instead, it uses the same enforcement mechanism we already rely on to prevent minors from buying alcohol, and applies it to repeat offenders who have demonstrated a pattern of dangerous behavior. If someone has repeatedly chosen to drive impaired, we should limit access to the substance that puts lives at risk. SB 1156 is a commonsense measure that demonstrates the safety and well being of Californians is our state's top priority.

2. Alcohol-Involved Traffic Fatalities

According to the most recent annual report on DUIs published by the California Department of Motor Vehicles (DMV), there were 110,017 DUI arrests in 2021.¹ Alcohol- and drug-impaired driving contribute significantly to traffic deaths and injuries in California. According to the California Office of Traffic Safety (OTS), 1,355 people were killed in alcohol-involved traffic crashes in 2023 in the state.² After a decade of increasing alcohol-involved crash fatalities, the latest data suggest this trend may be reversing. Like other fatal crashes, alcohol-involved crash fatalities decreased in California 4.5 percent between 2022 and 2023.³

Alcohol- and drug-involved crash fatalities (hereafter, "DUI crash fatalities"), which have historically comprised a significant portion of total crash fatalities, peaked at 2,065 in 2005, before declining to a multi-decade low of 1,416 in 2010.⁴ While DUI crash fatalities have steadily increased since then, DUI crash fatalities comprise an increasingly smaller proportion of total crash fatalities. In 2013, DUI crash fatalities were responsible for 54.7% of all crash fatalities.⁵ That percentage dropped to 41.7% in 2021—the lowest proportion of total crash fatalities since 2001.⁶

3. Driving Under the Influence

California has a complex statutory framework for DUI offenses with graduated penalties that are largely tied to the specific offense and the number of prior DUI-related convictions.

DUI with no injury

Vehicle Code section 23152 governs DUIs when there is no injury. This code section includes several subdivisions that cover different types of conduct: driving under the influence of alcohol; driving under the influence of any drug; driving under the influence of alcohol and drugs; driving with a BAC of .08 or higher; driving with a BAC of .04 or higher when driving a commercial vehicle or a passenger for hire is a passenger in the vehicle; and driving a vehicle when addicted to the use of any drug. A first-time DUI with no injury is a misdemeanor punishable by 96 hours to six months in jail, and a fine between \$390 and \$1,000. (Veh. Code, § 23536.) In addition, a conviction requires a six-month driver license suspension which cannot be reinstated until

¹ DMV, *32nd Annual Report of the California DUI Management Information System* (Oct. 2025), summary statistics <<https://www.dmv.ca.gov/portal/file/32nd-annual-report-dui-management-information-system-pdf>>.

² OTS, *California's Annual Report Fiscal Year 2025* (Mar. 2026), p. 8 <https://www.ots.ca.gov/wp-content/uploads/sites/67/2026/03/FY_2025_Annual_Report_Final.pdf>; OTS, *California Traffic Safety Quick Stats* available at <<https://www.ots.ca.gov/ots-and-traffic-safety/score-card/>>.

³ OTS, *Annual Report*, *supra*, at p. 8.

⁴ DMV, *DUI Summary Statistics* <<https://www.dmv.ca.gov/portal/dmv-research-reports/research-development-data-dashboards/dui-management-information-system-dashboards/dui-summary-statistics/>>.

⁵ *Ibid.*

⁶ *Ibid.*

showing proof of completion of a DUI program as well as applicable fines and penalty assessments. (Veh. Code, § 13352 subd. (a)(1).) A person who is convicted of a first DUI and granted probation is subject to the following additional conditions: a period of probation between three and five years; a requirement that the person not drive a vehicle with any measurable amount of alcohol in their blood; and, a requirement of spending the minimum time of 48 hours in confinement, if any, or of paying the minimum fine imposed by law is imposed. (Veh. Code, §§ 23154, 23538, 23600.)

DUI causing bodily injury

Vehicle Code section 23153 governs DUIs when there has been an injury. A first DUI causing bodily injury is punishable by 90 days to one year in county jail, or 16 months, 2 years, or 3 years in state prison, and by a fine of between \$390 and \$1,000. (Veh. Code, § 23554.) A one-year driver's license suspension also applies which cannot be reinstated until showing proof of completion of a DUI program. (Veh. Code, § 13352, subd. (a)(2).) A person who is convicted of violating Vehicle Code section 23153 and granted probation is subject to the following conditions: confinement in the county jail for five days to one year; a fine of between \$390 and \$1,000; successful completion of a drug or alcohol education program, as specified; and a requirement that the person not drive a vehicle with any measurable amount of alcohol in their blood. (Veh. Code, §§ 23154, 23556, 23600.) A first-time offender whose BAC was less than .20 is required to participate in a licensed program that consists of at least 30 hours of program activities, including those education, group counseling, and individual interview sessions, for at least three months. (Veh. Code, § 23556, subd. (b)(3).) If a first-time offender had a BAC of .20 or more, the court must order the person to participate in a licensed program that consists of at least 60 hours of program activities, for at least nine months. (Veh. Code, § 23556, subd. (b)(4).)

Vehicular manslaughter while intoxicated

Vehicular manslaughter while intoxicated is the unlawful killing of a human being without malice aforethought, in the driving of a vehicle, where the driving was in violation of one of several specified DUI laws, and the killing was either the proximate result of the commission of an unlawful act, not amounting to a felony, but without gross negligence, or the proximate result of the commission of a lawful act that might produce death, in an unlawful manner, but without gross negligence. (Pen. Code, § 191.5, subd. (b).) Vehicular manslaughter while intoxicated is a wobbler, and it is punishable by imprisonment in a county jail for not more than one year or by imprisonment in a county jail as a realigned felony for 16 months, two years, or four years. (Pen. Code, § 191.5, subd. (c)(2).)

Gross vehicular manslaughter while intoxicated

Gross vehicular manslaughter while intoxicated is the unlawful killing of a human being without malice aforethought, in the driving of a vehicle, where the driving was in violation of Section 23140, 23152, or 23153 of the Vehicle Code (i.e., person under 21 with a BAC between .05-.07, DUI with no injury, or DUI with bodily injury) and the killing was either the proximate result of the commission of an unlawful act, not amounting to a felony, and with gross negligence, or the proximate result of the commission of a lawful act that might produce death, in an unlawful manner, and with gross negligence. (Pen. Code, § 191.5, subd. (a).) Gross vehicular manslaughter while intoxicated is a felony punishable by imprisonment in the state prison for 4, 6, or 10 years. (Pen. Code, § 191.5, subd. (c)(1).) However, if the person has one or more

specified prior convictions (i.e., a prior conviction for gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, gross vehicular manslaughter, or DUI), the punishment is imprisonment in the state prison for a term of 15 years to life.

Wet reckless

Sometimes a DUI charged under Vehicle Code section 23152 (DUI without injury) is pled down to reckless driving. (Veh. Code, § 23103.5.) This is known as a wet reckless. If the prosecution agrees to a plea of guilty or no contest to reckless driving in satisfaction of, or as a substitute for, an original charge of a violation of Section 23152, the prosecutor must state for the record a factual basis for the satisfaction or substitution, including whether or not there had been consumption of an alcoholic beverage or ingestion or administration of a drug, or both, by the defendant in connection with the offense. (Veh. Code, § 23103.5, subd. (a).) The statement must set forth facts that show whether or not an alcoholic beverage was consumed or a drug was ingested or administered by the defendant in connection with the offense. (*Ibid.*)

Prior to the acceptance of the plea, the court must advise the defendant of the consequences of a conviction of reckless driving that involved the consumption of an alcoholic beverage or the ingestion or administration of a drug by the defendant in connection with the offense. (Veh. Code, § 23103.5, subd. (b).) As noted above, a conviction for reckless driving involving alcohol or drugs is considered a prior offense in a future DUI prosecution. (Veh. Code, § 23103.5, subd. (c).) A wet reckless is punishable by imprisonment in a county jail for 5 to 90 days, or by a fine of \$145-1,000, or both. (Veh. Code, § 23103, subd. (c).)

If the defendant is placed on probation for a conviction of a wet reckless, the court must order the defendant to enroll in an alcohol and drug education program and complete, at a minimum, the educational component of that program, as a condition of probation. (Veh. Code, § 23103.5, subd. (e).) If the defendant is placed on probation for a conviction of a wet reckless which occurred within 10 years of a separate conviction of reckless driving originally charged as DUI, or within 10 years of a conviction of DUI or DUI with bodily injury, the court must order the defendant to participate in a program for nine months or longer that consists of at least 60 hours of program activities, including education, group counseling, and individual interview sessions. (Veh. Code, § 23103.5, subd. (f).)

In addition, the court may require a person convicted of a wet reckless to install an IID on any vehicle that the person operates and prohibit that person from operating a motor vehicle unless that vehicle is equipped with a functioning, certified IID. (Veh. Code, § 23103.5, subd. (g).) An order for the IID restriction must be for at least three months, but no longer than the term that would have applied to the defendant if they had instead been convicted of a DUI. (*Ibid.*)

4. Effect of This Bill

This bill requires the court, upon the conviction of a person for DUI, DUI with injury, wet reckless, gross vehicular manslaughter while intoxicated, or vehicular manslaughter while intoxicated, to issue an order prohibiting the person from purchasing alcohol for a period of 3 to 10 years if either if the following is true: (1) the offense occurred within 10 years of a prior conviction of any one of those offenses, or (2) the person has two prior convictions of any of those offenses (over any amount of time).

In imposing an order, the court is required to consider all of the following: 1) the severity of the offenses; 2) prior history of driving under the influence; and 3) any other relevant factors in

aggravation or mitigation. Finally, this bill provides that a conviction for driving under the influence that does not involve alcohol, may not serve as the basis for the court to issue an order, unless the court identifies a factual basis for why the order would be appropriate.

The author may wish to consider whether the court should be required to issue an order or if the court should be required to consider issuing an order in these cases. The author may also wish to consider whether the provision that allows the court to issue an order when the DUI conviction did not involve alcohol should be limited to cases in which alcohol was involved (i.e., cases in which only alcohol was involved or alcohol and drugs were involved but not cases in which only non-alcohol substances were involved).

5. Argument in Support

The California Association of Highway Patrolmen writes:

SB 1156 would require a court, when imposing a sentence for DUI offenses, to prohibit the person from purchasing alcohol for a period of 3 to 10 years.

The main duty of the CHP is to patrol our state's highways, and every officer understands the importance of keeping dangerous drivers off the road. SB 1156 ensures that high-risk drivers that have a history of DUI violations maintain accountability for their actions and cannot drive while intoxicated.

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