
THIRD READING

Bill No: SB 1156
Author: Caballero (D), et al.
Amended: 4/9/26
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 4/21/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/14/26
AYES: Cervantes, Seyarto, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Dahle

SUBJECT: Vehicles: driving under the influence

SOURCE: Author

DIGEST: This bill requires 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.

ANALYSIS:

Existing law:

- 1) 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% or more, by weight, of alcohol (BAC) in their blood, to drive a vehicle. (Vehicle (Veh.) Code, § 23152, subs. (a), (b), (f), & (g).)
- 2) 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).)

- 3) 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).)
- 4) 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).)
- 5) 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. (Penal (Pen.) Code, § 191.5, subds. (a), (c).)
- 6) 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:

- 1) 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.
- 2) Requires the court to consider all of the following in imposing an order:
 - a) The severity of the offenses.
 - b) Prior history of driving under the influence.
 - c) Any other relevant factors in aggravation or mitigation.
- 3) 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.

Background

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. Alcohol- and drug-impaired driving contribute significantly to traffic deaths and injuries in California. The California Office of Traffic Safety (OTS) reported that 1,355 people were killed in alcohol-involved traffic crashes in 2023 in the state. 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.

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. 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. That percentage dropped to 41.7% in 2021—the lowest proportion of total crash fatalities since 2001.

DUI Offenses. 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 showing proof of completion of a DUI program as well as applicable fines and penalty assessments. (Veh. Code, § 13352 subd. (a)(1).)

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).)

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 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.

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.*)

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.

FISCAL EFFECT: Appropriation: No Fiscal Com.:Yes Local:No

According to the Senate Appropriations Committee:

Unknown, potentially significant increased workload to the trial courts. The number of people convicted of one of the violations specified in the bill is unavailable. For reference, Department of Motor Vehicles DUI license actions data

(Microsoft Word - 32nd DUI MIS Report) shows 206,316 total mandatory suspension/revocation actions in 2021. More narrowly, second offender suspension/revocations were 17,174 for misdemeanors and 599 for felonies in 2021. (There were 16,705 ignition interlock devices installed for DUI offenders arrested in 2020.)

The issuing of the prohibition is assumed to take place in the courtroom at the same time as the conviction is determined and requires an estimated two hours of preparation and actual court time with one hour of court time estimated to cost approximately \$1,300. Approximately 20 such cases annually would result in cost pressure of \$50,000 or more. (Trial Court Trust Fund, General Fund).

SUPPORT: (Verified 5/14/26)

California Association of Highway Patrolmen
Peace Officers Research Association of California

OPPOSITION: (Verified 5/14/26)

None received

Prepared by: Stephanie Jordan / PUB. S. /
5/16/26 10:38:32

**** **END** ****