

THIRD READING

Bill No: SB 907
Author: Archuleta (D), et al.
Amended: 5/14/26
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 4/7/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SUBJECT: Driving under the influence and other driving offenses:
comprehensive reform

SOURCE: CA Safe Roads Coalition
Los Angeles County District Attorney
Mothers Against Drunk Driving
Orange County District Attorney

DIGEST: This bill 1) creates mandatory sentences for hit and run causing injury or death when the defendant has a prior conviction within the previous 10 years for DUI, gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, or gross vehicular manslaughter; 2) requires imprisonment in the state prison or county jail for up to one year for hit and run causing damage to property within 10 years of a separate conviction for DUI, gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, or gross vehicular manslaughter; 3) creates a mandatory 3-year enhancement for each prior separate conviction that occurred within the previous 10 years for felony DUI, DUI with no injury and with three or more priors, DUI with injury and specified priors, gross vehicular manslaughter while intoxicated, or vehicular manslaughter while intoxicated, when a person is convicted of any one of those offenses; and 4) expands application of the *Watson* advisement to apply in cases where DUI with no injury is dismissed or the defendant pleads not guilty or no contest to a different or lesser offense instead.

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 percent or more, by weight, of alcohol (BAC) in their blood, to drive a vehicle (hereafter, "DUI"). (Vehicle (Veh.) Code, § 23152, subds. (a), (b), (f), & (g).)
- 2) Establishes graduated penalties for a first DUI, DUI with one prior, DUI with two priors, and DUI with three or more priors, including jail time, fines, ignition interlock device (IID) installation, license suspension or revocation, and completion of a DUI program. (Veh. Code, §§ 13352, 13352.1, 23538, 23540, 23542, 23546, 23550, 23552, 23548, 23575.3.)
- 3) Requires a 10-year license revocation if a person has been convicted of three or more DUIs or DUIs causing bodily injury, the last of which was punishable as a DUI or DUI causing bodily injury with two priors, a DUI with three or more priors, or as an alternate-felony misdemeanor because of a prior specified felony. (Veh. Code, § 23597, subd. (a).)
- 4) 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 (hereafter, "DUI causing bodily injury.") (Veh. Code, § 23153 subds. (a), (f), & (g).)
- 5) Establishes graduated penalties for a first DUI causing bodily injury, DUI causing bodily injury with one prior, and DUI causing bodily injury with two or more priors, including jail or prison time, fines, IID installation, license suspension or revocation, and completion of a DUI program. (Veh. Code, §§ 13352, 23554, 23556, 23560, 23562, 23566, 23568, 23575.3.)
- 6) Provides that a person who proximately causes bodily injury or death to more than one victim in any one instance that results in a felony conviction of a DUI causing bodily injury, gross vehicular manslaughter while intoxicated, or vehicular manslaughter while intoxicated, shall receive a one-year sentence

enhancement in state prison for each additional victim injured (maximum of three). (Veh. Code, § 23558.)

- 7) Punishes a person convicted of a DUI causing bodily injury, where the violation proximately causes great bodily injury to any person other than the driver, and the offense occurred within 10 years of two or more priors, as a felony by imprisonment for two, three, or four years in state prison, a \$1,015 to \$5,000 fine, and a five-year license revocation (Veh. Code, §§ 23566, subd. (b), 13352 subd. (a)(6).)
- 8) Makes any DUI or DUI causing bodily injury (hereafter, “any DUI”) an alternate felony-misdemeanor if that person has previously been convicted of certain impaired driving crimes:
 - a) Punishes a person convicted of any DUI within 10 years of specified felonies – a DUI with three or more priors, a DUI causing bodily injury, or gross vehicular manslaughter – as an alternate-felony misdemeanor, a \$390 to \$1,000 fine, a four- or five-year license revocation (including a three-year designation as a habitual traffic offender), and a three- or four-year IID mandate. (Veh. Code, §§ 13352, subd. (a)(6)-(7); 23550.5, subds. (a), (c) & (d); 23575.3, subd. (h)(1)-(2).)
 - b) Punishes a person convicted of any DUI, who has a prior conviction for felony vehicular manslaughter while intoxicated, as an alternate felony-misdemeanor, a fine of \$390 to \$1,000, a four- or five-year license revocation, and a three- or four-year IID mandate. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (b), (c) & (d); 23575.3, subd. (h)(1)-(2).)
- 9) Requires the court, if a person is convicted of a DUI or a DUI causing bodily injury, to consider a BAC of .15 percent or more, or a person’s refusal to take a breath or urine test, as a special factor that may justify enhancing the penalties in sentencing, in determining whether to grant probation, and, if probation is granted, in determining additional or enhanced terms and conditions of probation. (Veh. Code, § 23578.)
- 10) Requires a court to advise a person convicted of a DUI or a DUI causing bodily injury, or who pleads to a reckless driving conviction in satisfaction of, or as a substitute for an original DUI charge, of the following: “You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and, as

a result of that driving, someone is killed, you can be charged with murder.”
(Veh. Code, § 23593, subd. (a).)

- 11) 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. 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), 23103.5, subd. (a).)
- 12) 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).)
- 13) Provides that when a defendant has one or more prior convictions for gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, gross vehicular manslaughter, or DUI (with or without injury), the punishment for gross vehicular manslaughter while intoxicated is imprisonment in the state prison for a term of 15 years-to-life. (Pen. Code, § 191.5, subd. (d).)
- 14) 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).)

- 15) Defines gross vehicular manslaughter as driving a vehicle in the commission of an unlawful act, not amounting to a felony, and with gross negligence; or driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence, except as provided. Provides that this type of vehicular manslaughter is punishable either by imprisonment in the county jail for not more than one year or by imprisonment in the state prison for two, four, or six years. (Pen. Code, §§ 192, subd. (c)(1), 193, subd. (c).)
- 16) Requires the driver of a vehicle involved in an accident resulting only in damage to property, including vehicles, to immediately stop at the nearest location that will not impede traffic or jeopardize the safety of others. Provides that failure to comply with these requirements is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding \$1,000, or both. (Veh. Code, § 20002, subs. (a), (c).)
- 17) Requires the driver of a vehicle involved in an accident that results in injury to or the death of another person to immediately stop at the scene of the accident. Provides that a violation is punishable by imprisonment in the state prison, or in a county jail for not more than one year, or by a fine of \$1,000 to \$10,000, or both. (Veh. Code, § 20001, subs. (a), (b)(1).)
- 18) Provides that if the accident results in death or permanent, serious injury (i.e., the loss or permanent impairment of function of a bodily member or organ), a violation is punishable by imprisonment in the state prison for two, three, or four years, or in a county jail for between 90 days to one year, or by a fine of \$1,000 to \$10,000, or both. (Veh. Code, § 20001, subd. (b)(2).)
- 19) Provides that if a person flees the scene of an accident after committing a vehicular manslaughter, vehicular manslaughter while intoxicated, or gross vehicular manslaughter while intoxicated, the punishment is an additional term of five years imprisonment in the state prison consecutive to the term imposed for the underlying conviction. (Veh. Code, § 20001, subd. (c).)

This bill:

- 1) Creates mandatory sentences for hit and run offenses causing injury or death when the defendant has a prior conviction for wet reckless, DUI, gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, or gross vehicular manslaughter within the prior 10 years.

- 2) Requires imprisonment in the state prison or in a county jail for not more than one year for hit and run causing damage to property within 10 years of a separate conviction for wet reckless, DUI, gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, or gross vehicular manslaughter.
- 3) Creates a 3-year mandatory enhancement for each prior separate conviction of felony DUI, DUI with no injury and with three or more priors, DUI with bodily injury and specified priors, gross vehicular manslaughter while intoxicated, or vehicular manslaughter while intoxicated person, if the person was sentenced to prison or to serve the felony conviction in county jail, and the conviction occurred within the prior 10 years, and the current conviction is for one of those offenses.
- 4) Expands the application of the *Watson* advisement to apply in cases where DUI with no injury is dismissed or the defendant pleads not guilty or no contest to a different or lesser offense instead. Provides that this provision is known as Braun's Law.

Comments

This bill has several components that are generally designed to increase criminal penalties related to DUIs. First, this bill creates mandatory sentences when the hit and run offense occurs within 10 years of a separate conviction for wet reckless, DUI (with or without bodily injury), gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, or gross vehicular manslaughter. This bill additionally requires either imprisonment in the state prison or in a county jail for not more than one year, if a hit and run offense (not causing injury) occurs within 10 years of a separate conviction for wet reckless, DUI (with or without bodily injury), gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, or gross vehicular manslaughter.

This bill also creates a mandatory 3-year enhancement for each prior separate conviction of felony DUI, DUI with no injury and with three or more priors, DUI with bodily injury and specified priors, gross vehicular manslaughter while intoxicated, or vehicular manslaughter while intoxicated person, if the person was sentenced to prison or to serve the felony conviction in county jail, and the conviction occurred within the prior 10 years, and the current conviction is for one of those offenses. Finally, this bill expands the application of the *Watson*

advisement to apply in cases where DUI with no injury is dismissed or the defendant pleads not guilty or no contest to a different or lesser offense instead.

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

According to the Senate Appropriations Committee:

Implementation will require the Department of Motor Vehicles (DMV) to make modifications to its core legacy information technology systems to create new court suspensions and update driving records accordingly. DMV is undertaking an Enterprise Modernization Project (EMP) and resources are fully committed to the project. Coordinating implementation of this bill within the project could delay implementation and/or increase costs by requiring the services needed to be built outside the core legacy system. However, this bill may not impose new DMV automation costs to the extent the penalties imposed do not require significant changes to a defendant's driving record that cannot be accommodated within the EMP.

The Motor Vehicle Account (MVA), the primary funding account for the DMV and the California Highway Patrol is facing insolvency. The LAO has noted that, "Until a plan is put in place to address MVA's structural deficit, we recommend the Legislature set a high bar for considering approval of any proposals that create additional MVA cost pressures and accelerate the risk of insolvency." The proposed Governor's 2026-2027 Budget currently projects that the MVA will be insolvent as soon as 2028-29.

Unknown, potentially significant cost pressure to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate the new crime created by this bill. Certain rights to the defendants are attached to criminal proceedings, including the right to a jury trial and the right to counsel (at public expense if the defendants are unable to afford the costs of representation) and creating new felonies, with increased penalties, could lead to lengthier and more complex court proceedings with attendant workload and resource costs to the court. The fiscal impact of this bill to the courts will depend on many unknown factors, including the numbers of violations alleged to have occurred and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. If the bill results in only 12 or more days spent in court, trial court costs could be in the hundreds of thousands of dollars. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and

would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.

Costs to the counties and the California Department of Corrections and Rehabilitation (CDCR) to incarcerate people convicted of this new offense. Actual incarceration costs will depend on the number of convictions, the length of each sentence, and whether each sentence must be served in county jail or state prison. The average annual cost to incarcerate one person in county jail ranges up to \$80,000. CDCR estimates the average 2026-27 cost to incarcerate one person in state prison is \$139,000. Although county incarceration costs are generally not considered reimbursable state mandates pursuant to Proposition 30 (2012), overcrowding in county jails creates cost pressure on the General Fund because the state has historically granted new funding to counties to offset overcrowding resulting from 2011 public safety realignment (local funds, General Fund).

SUPPORT: (Verified 5/14/26)

CA Safe Roads Coalition (co-source)
Los Angeles County District Attorney (co-source)
Mothers Against Drunk Driving (co-source)
Orange County District Attorney (co-source)
American Medical Response West
Arcadia Police Officers' Association
Association for Los Angeles Deputy Sheriffs
Brea Police Association; Burbank Police Officers' Association
California Association of Highway Patrolmen
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Consortium of Addiction Programs and Professionals
California Contract Cities Association
California District Attorneys Association
California Narcotic Officers' Association
California Peace Officers Association
California Police Chiefs Association
California Reserve Peace Officers Association
California State Sheriffs' Association
City of Pico Rivera
Claremont Police Officers Association
Corona Police Officers Association
County of Orange

Culver City Police Officers' Association
Fullerton Police Officers' Association
League of California Cities
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Peace Officers Research Association of California
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside County District Attorney
Riverside Police Officers Association
Riverside Sheriffs' Association
Streets are for Everyone
Streets for All
Walk San Francisco Foundation
Over 60 individuals

OPPOSITION: (Verified 5/14/26)

ACLU California Action
California Attorneys for Criminal Justice
California Public Defenders Association
Californians United for a Responsible Budget
Ella Baker Center for Human Rights
Friends Committee on Legislation of California
Initiate Justice
Justice2Jobs Coalition
La Defensa
Los Angeles County Public Defender's Union, Local 148
San Francisco Public Defender
Smart Justice California

Prepared by: Stephanie Jordan / PUB. S. /
5/18/26 15:03:46

**** END ****