

SENATE THIRD READING
SB 907 (Archuleta)
As Amended July 2, 2026
Majority vote

SUMMARY

Increases the punishment for fleeing the scene of an accident for a person with a prior specified driving conviction and expands the circumstances when a court must issue a Watson Advisement.

Major Provisions

- 1) Increases the punishment for fleeing the scene of an accident if that person has been convicted of a prior specified vehicle crime, as follows:
 - a) For a driver involved in an accident that results in injury to another, from an alternate felony-misdemeanor (wobbler) punishable by up to 16 months, two years, or three years in state prison, to a wobbler punishable by a higher maximum term of two, three, or four years in state prison, if the violation occurred within 10 years of a wet reckless,¹ Driving under the influence (DUI), DUI causing bodily injury, any intoxicated vehicular manslaughter offense, or gross vehicular manslaughter that resulted in a conviction.
 - b) For a driver involved in an accident that results in death or permanent, serious injury to another, from a wobbler punishable by up to two, three, or four years in state prison, to a wobbler punishable by a higher maximum term of three, four, or five years in state prison if the violation occurred within 10 years of a wet reckless, DUI, DUI causing bodily injury, any intoxicated vehicular manslaughter offense, or gross vehicular manslaughter that resulted in a conviction.
- 2) Expands the circumstances under which a court must issue a "Watson Advisement," a judicial advisement informing a person, among other things, that if they continue to drive under the influence and kill someone, they can be charged with murder, to include when a defendant pleads guilty or no contest to a different or lesser offense as a substitute for an alleged violation of DUI.

COMMENTS

According to the Author

"California has fallen behind the nation in addressing drunk and impaired driving, putting our citizens at risk. This is unacceptable and a disservice to all Californians. SB 907 sends a clear message: California will no longer prioritize protecting the repeat, serial offenders that terrorize our streets over victims of drunk driving. SB 907 strengthens California's DUI enforcement and sentencing laws, particularly for repeat offenders. The bill includes three provisions that will protect California families from drunk drivers, improve road safety, hold repeat serial offenders

¹ A wet reckless conviction occurs where the prosecution agrees to a plea to a charge of reckless driving under Vehicle Code 23103, in satisfaction of, or as a substitute for, an original DUI charge, as specified. (Veh. Code, § 23103.5.)

accountable, and close loopholes in existing law. SB 907 shows California that their government takes our drunk driving epidemic seriously and we are committed to making our roads safe and prevent the types of tragedies that have become all too common. Having lost my own Granddaughter to a drunk driver, I have seen firsthand the failures of our current system and know California must stand up for families and stand up for victims."

Arguments in Support

According to the *Los Angeles County District Attorney's Office*, a co-sponsor of this bill, "California's DUI laws are among the weakest in the nation, which has resulted in devastating outcomes. Alcohol-related roadway deaths have surged more than 50% in the last decade, twice the national rate. Of the 50 largest cities in the country, California has eight of the top ten highest DUI rates. We regularly see the human cost in our courtrooms, where repeat offenders cause catastrophic crashes and families lose loved ones forever.

"SB 907 aims to strengthen California's DUI and vehicular manslaughter laws, particularly for repeat offenders. The bill proposes several key fixes to existing laws. First, the "Braun's Law" portion of the bill would ensure that individuals whose DUI charges are dismissed or pled down to a lesser or different charge are advised with a Watson warning of the serious consequences of driving while impaired, which include being charged with second degree murder the next time they drive while intoxicated and kill someone...

"It also increases sentencing for committing a hit and run causing death or permanent, serious injury if the driver has a prior DUI or vehicular manslaughter conviction within 10 years.

"Under existing laws, repeat offenders understand that they benefit by running away from their crime. If the individual driving under the influence can delay apprehension until after the drug or alcohol is out of their system, it is likely that they will only be charged with a hit and run.

"SB 907 provides a timely and much needed fix to California's existing laws addressing drunk driving and vehicular manslaughter. In so doing, SB 907 aims to close loopholes in the law, save lives and make communities safer."

Arguments in Opposition

According to *Smart Justice California*, "Smart Justice California believes in effective accountability, however current law already provides significant criminal penalties to address the behavior contemplated by SB 907...

"Existing law... provides ample penalties to address hit-and-run offenses resulting in injury (up to three years in state prison for a felony, or up to one year in county jail for a misdemeanor) or death (up to four years in state prison for a felony, or up to one year in county jail for a misdemeanor), while providing appropriate discretion to prosecutors and judges to determine whether an offense should be treated as a felony or a misdemeanor. (Vehicle Code, Section 20001, subd. (b).) ...

"These and other existing penalties already provide a sufficient range of options for prosecutors and courts to hold people accountable for the offenses contemplated by SB 907. To the extent existing penalties already act as a deterrent, 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...

"Existing data does not correlate increased penalties with reduced impaired driving fatality rates. In states where DUIs can be charged as felonies, there is no significant correlation with reductions in alcohol-impaired-driving fatality. The National Judicial College supports a treatment-based approach for DUIs, stating that "punishment, unaccompanied by treatment and accountability, is an ineffective way to prevent recidivism and habilitate the offenders...The outcome for the offender is continued dependence on alcohol or drugs, and the community, continued peril." For example, states with treatment programs, such as New York's Drug Treatment Alternative-to-Prison program showed a significant and profound reduction in recidivism."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Increased state incarceration costs (General Fund) of an unknown amount, likely minor to moderate, to the California Department of Corrections and Rehabilitation to the extent longer sentencing triads result in additional time served. This bill elevates the felony triad for an injury hit-and-run with a qualifying prior conviction from 16 months, two years, or three years to two, three, or four years, and elevates the triad for a death or permanent serious injury hit-and-run with a qualifying prior from two, three, or four years to three, four, or five years — roughly one additional year of state prison exposure per affected felony admission. The number of hit-and-run felony admissions involving a qualifying prior conviction within 10 years is likely small, and both offenses remain alternate felony-misdemeanors subject to prosecutorial and judicial discretion; however, each additional person-year of incarceration costs approximately \$133,000 annually.
- 2) Minor cost pressures (Trial Court Trust Fund (TCTF), General Fund) to the courts to provide additional advisements at plea and to the extent increased felony exposure marginally increases contested proceedings. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the TCTF may create a demand for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the TCTF to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.

VOTES

SENATE FLOOR: 36-0-4

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Durazo, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNERney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Stern, Strickland, Umberg, Valladares, Wahab, Wiener

ABS, ABST OR NV: Dahle, Gonzalez, Smallwood-Cuevas, Weber Pierson

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Arambula, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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