
THIRD READING

Bill No: SB 953
Author: Niello (R), et al.
Amended: 4/6/26
Vote: 21

SENATE TRANSPORTATION COMMITTEE: 12-0, 4/14/26
AYES: Cortese, Strickland, Archuleta, Arreguín, Blakespear, Dahle, Gonzalez,
Grayson, Menjivar, Richardson, Seyarto, Wiener
NO VOTE RECORDED: Valladares

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

SUBJECT: Driving record: points: vehicular manslaughter

SOURCE: Author

DIGEST: This bill requires the Department of Motor Vehicles (DMV) to assess two points on a defendant's driving record if a court dismisses a vehicular manslaughter charge after the defendant successfully completes court-ordered misdemeanor diversion.

ANALYSIS:

Existing law:

- 1) Authorizes DMV to suspend, revoke, or refuse to issue a driver's license if a person accumulates a certain number of points on their driving record, as follows:
 - a) Provides that a person whose driving record shows a violation point count of four or more points in 12 months, six or more points in 24 months, or eight or more points in 36 months shall be prima facie presumed to be a negligent operator of a motor vehicle, except as otherwise specified. (Vehicle (Veh.) Code, §12810.5, subds. (a) & (b).)

- b) Authorizes DMV to refuse to issue or renew a driver's license if DMV determines the applicant is a negligent or incompetent operator of a vehicle. (Veh. Code, § 12809, subd. (e).)
- 2) Provides a conviction of vehicular manslaughter shall be given a value of two points. (Veh. Code, § 12810, subd. (d)(1).)
- 3) Establishes Court-Initiated Misdemeanor Diversion, as follows:
- a) Authorizes a judge in the superior court in which a misdemeanor is being prosecuted to, at the judge's discretion, and over the objection of a prosecuting attorney, offer diversion to a defendant. (Penal (Pen.) Code, § 1001.95, subd. (a).)
 - b) Authorizes a judge to continue a diverted case for a period not to exceed 24 months and to order the defendant to comply with terms, conditions, or programs that the judge deems appropriate based on the defendant's specific situation. (Pen. Code, § 1001.95, subd. (b).)
 - c) Requires the judge, if the defendant has complied with the imposed terms and conditions, to dismiss the action against the defendant at the end of the period of diversion. (Pen. Code, § 1001.95, subd. (c).)
 - d) Requires the court, if it appears to the court that the defendant is not complying with the terms and conditions of diversion, after notice to the defendant, to hold a hearing to determine whether the criminal proceedings should be reinstated. (Pen. Code, § 1001.95, subd. (d).)
 - e) Authorizes the court, if it finds that the defendant has not complied with the terms and conditions of diversion, to end the diversion and order resumption of the criminal proceedings. (Pen. Code, § 1001.95, subd. (d).)
 - f) Requires a defendant who is diverted under court-initiated diversion to complete all of the following to have their action dismissed:
 - i) Complete all conditions ordered by the court.

- ii) Make full restitution, although a defendant's inability to pay restitution due to indigence shall not be grounds for denial of diversion or a finding that the defendant has failed to comply with the terms of diversion.
 - iii) Comply with a court-ordered protective order, stay-away order, or order prohibiting firearm possession, if applicable. (Pen. Code, § 1001.96.)
 - g) Provides that upon successful completion of the terms, conditions, or programs ordered by the court pursuant to court-initiated misdemeanor diversion, the arrest upon which diversion was imposed shall be deemed to have never occurred, and the defendant may indicate, in response to any question concerning their prior criminal record, that they were not arrested. (Pen. Code, § 1001.97, subds. (a).)
 - h) Prohibits a record pertaining to an arrest resulting in successful completion of the terms, conditions, or programs ordered by the court from, without the defendant's consent, being used in any way that could result in the denial of any employment, benefit, license, or certificate. (Pen. Code, § 1001.97, subd. (a).)
 - i) Requires the defendant to be advised that, regardless of their successful completion of diversion, the arrest upon which the diversion was based may be disclosed by the Department of Justice in response to a peace officer application request and that completion of diversion does not relieve them of the obligation to disclose the arrest in response to a direct question contained in a questionnaire or application for a position as a peace officer. (Pen. Code, § 1001.97, subd. (b).)
- 4) Defines vehicular manslaughter as the unlawful killing of a human being without malice under following circumstances:
- a) 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. (Pen. Code, § 192, subd. (c).)
 - b) Driving a vehicle in the commission of an unlawful act, not amounting to a felony, but without gross negligence; or driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence. (Pen. Code, § 192, subd. (c).)

- c) Knowingly causing or participating in a vehicular collision, or any other vehicular accident, for the purpose of presenting any false or fraudulent insurance claim, where the vehicular collision or vehicular accident was knowingly caused for financial gain and proximately resulted in the death of any person. (Pen. Code, § 192, subd. (c).)

This bill provides that a vehicular manslaughter violation which was dismissed because the defendant completed court-initiated misdemeanor diversion will nonetheless result in two points being imposed on the driver's license by DMV.

Comments

- 1) *Purpose of this bill.* According to the author, "SB 953 is a narrowly tailored bill that requires all vehicular manslaughter convictions to be reported to the Department of Motor Vehicles (DMV). This requirement applies even when a defendant is granted Mental Health Diversion. In such cases, the conviction would still be reported to the DMV and reflected on the individual's driving record as a two-point violation. Mental Health Diversion programs are intended to provide treatment and rehabilitation for individuals whose criminal conduct is linked to a mental health condition. However, under current law, when a driver receives Mental Health Diversion for a vehicular manslaughter conviction, the offense is effectively removed from both their criminal record and their driving record. As a result, serious offenses like vehicular manslaughter may never appear on a driver's record, while comparatively minor infractions, such as speeding tickets, do. This creates a significant public safety gap: drivers can commit multiple high-risk or fatal driving offenses without the DMV ever receiving notice, preventing appropriate license suspension or revocation. A speeding ticket should not carry more visible consequences on a driving record than vehicular manslaughter."
- 2) *Negligent Operator Treatment System (NOTS) points.* Negligent operator points are points that are added to a driver's record if law enforcement finds them responsible for a collision or traffic violation. If reports from law enforcement indicate that a driver contributed, was at fault, or was responsible for the collision or traffic violation, DMV then applies negligent operator points against their license. For example, a typical speeding violation is one point. Vehicular manslaughter, the focus of this bill, is two points. NOTS actions are then based on the number of points added to a driver's record within specified time periods. The first action DMV takes is to send a warning letter. If a driver

continues to accumulate points, DMV will send a notice of intent to suspend. Then, if the driver accumulates more points, their driving privilege will be suspended. For example, if a driver receives four points in 12 months, their license will be suspended for six months.

- 3) *Misdemeanor diversion.* California law authorizes a judge to divert a misdemeanor defendant, over the objection of the prosecution, except in cases of stalking, domestic violence, and any offense requiring sex offender registration. The judge has broad authority to order the defendant to comply with terms, conditions, or programs that the judge deems appropriate based on the specific situation. If the defendant has complied with the imposed terms and conditions, the judge is required to dismiss the action against the defendant at the end of the period of diversion. If the court finds that the defendant has not complied with the applicable terms and conditions, it may end the diversion and order resumption of the criminal proceedings.
- 4) *Vehicular manslaughter.* In California, vehicular manslaughter is defined as the unlawful killing of another person without malice while driving a vehicle. It generally occurs when a driver causes a death either by committing a non-felony unlawful act or by engaging in a lawful act in a dangerous or illegal manner. The offense can involve either gross negligence—meaning a reckless disregard for human life—or ordinary negligence, depending on the circumstances. It also includes situations where a person intentionally causes a vehicle collision to commit insurance fraud, and that act results in someone's death.

Ordinarily, vehicular manslaughter is a two-point violation on a driver's license. However, it is eligible for misdemeanor diversion. If a defendant completes diversion, they are technically never convicted and thus receive no points on their license.

- 5) *Impact of this bill.* If a person is arrested and charged for misdemeanor vehicular manslaughter, and completes misdemeanor diversion, this bill would require DMV to nonetheless add two points to that person's driving record in the same manner as if they had been convicted of vehicular manslaughter. This would apply even if the person was not adjudicated guilty before being granted diversion, as court-initiated diversion does not require that the defendant enter a guilty plea.

Supporters argue that NOTS points are essential for keeping a record of dangerous drivers, and eventually, keeping these drivers off the road. The California District Attorneys Associations writes, “SB 953 rightly recognizes that the devastation of a fatal accident warrants increased vigilance by the DMV for those convicted of vehicular manslaughter. By ensuring that violators cannot simply have their driving record wiped clean, SB 953 better reflects the severity of the crime, will help accelerate license suspensions for those who pose a real and present danger on the road, and will make our roads safer.”

Opponents, on the other hand, argue that it is inappropriate to impose penalties if a person is never convicted of a crime and highlight the devastating impact NOTS points can have on a person. Western Center on Law and Poverty writes, “Numerous studies have found a direct correlation between driving and employment. A task force report to the Governor of New Jersey cited a survey of suspended drivers conducted by Rutgers University researchers, which found that following a license suspension, 42% of people lost their jobs as a result of the suspension. Of those who lost their jobs, 45% could not find another job, and this effect was most pronounced for seniors and low-income people. Of those who were able to find new employment, 88% reported decreased wages.

“People who successfully complete diversion programs are legally innocent. They have not been convicted of any crime. Punishing people who complete diversion cuts against the presumption of innocence that lies at the core of the U.S. criminal legal system.”

Related/prior Legislation

AB 1662 (Wilson) – This bill provides that if a court dismisses a defendant’s case because the defendant completes court-initiated misdemeanor diversion, and the case includes a specified violation, which, ordinarily, requires points to be added to the defendant’s driving record, then the court shall nonetheless transmit that information to DMV, and DMV shall assess points on the defendant’s driving record. *This bill is currently in the Assembly Appropriations Committee.*

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

According to the Senate Appropriations Committee:

- DMV would incur unknown significant costs, at least in the low hundreds of thousands of dollars, to implement this bill by January 1, 2027. Specifically, DMV would incur significant one-time costs to modify its core legacy IT

systems, or build a separate stand-alone temporary solution to receive, maintain, and disclose dismissed vehicular manslaughter violations. DMV may also incur additional ongoing costs to the extent it may be required to hold hearings for drivers prior to the assessment of violation points, and to take subsequent licensing actions based on points assessed from a dismissed violation.

SUPPORT: (Verified 5/14/26)

AAA Northern California, Nevada & Utah
Arcadia Police Officers' Association
Auto Club of Southern California (AAA)
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 District Attorneys Association
California Narcotic Officers' Association
California Reserve Peace Officers Association
California State Sheriffs' Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Novato Police Officers Association
Palos Verdes Police Officers Association
Peace Officers Research Association of California
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Safety and Advocacy for Empowerment
San Francisco Bay Area Families for Safe Streets
Streets are for Everyone
Streets for All
Walk San Francisco Foundation

OPPOSITION: (Verified 5/14/26)

ACLU California Action
Western Center on Law & Poverty, INC.

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