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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair  
2025 - 2026 Regular

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**Bill No:** SB 907                      **Hearing Date:** April 7, 2026  
**Author:** Archuleta  
**Version:** January 22, 2026  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** SJ

**Subject:** *Driving under the influence and other driving offenses: comprehensive reform*

### HISTORY

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

**Prior Legislation:** SB 81 (Skinner), Ch. 721, Stats. of 2021  
SB 136 (Wiener), Ch. 590, Stats. of 2019  
SB 1393 (Mitchell), Ch. 1013, Stats. of 2018  
SB 620 (Bradford), Ch. 682, Stats. of 2018  
SB 180 (Mitchell), Ch. 677, Stats. of 2017  
Proposition 36, as approved by the voters on November 6, 2012  
AB 678 (Gaines), Ch. 747, Stats. of 2007  
AB 2173 (Parra), Ch. 502, Stats. of 2004  
Proposition 21, as approved by the voters on March 7, 2000  
SB 1186 (Comm. on Public Safety), Ch. 118, Stats. of 1998  
AB 1137 (Baldwin), Ch. 421, Stats. of 1996  
Proposition 184, as approved by the voters on November 8, 1994  
AB 941 (Jones), Ch. 12, Stats. of 1994

**Support:** 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 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 for All

Opposition: 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

## PURPOSE

***The purpose of this bill is to: 1) add gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, and gross vehicular manslaughter to the violent felony list; 2) allow for full, separate, and consecutive terms for each violation of gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, and gross vehicular manslaughter; 3) create 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; 4) require 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; 5) create 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 6) expand 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.***

*Existing law* enumerates the felonies considered “violent.” Provides that the following are violent felonies: murder or voluntary manslaughter; mayhem; rape, as defined; sodomy, as defined; oral copulation, as defined; lewd or lascivious act, as defined; any felony punishable by death or imprisonment in the state prison for life; any felony in which the defendant inflicts great bodily injury on a person other than an accomplice; any robbery; arson; sexual penetration, as defined; attempted murder; explosion or attempted explosion of a destructive device with the intent to commit murder; explosion or ignition of any destructive device or any explosive which causes bodily injury to any person; explosion of a destructive device which causes death or great bodily injury; kidnapping; assault with the intent to commit mayhem, rape, sodomy or oral copulation; continuous sexual abuse of a child; carjacking, as defined; rape or sexual penetration, in concert; extortion which would constitute a felony violation of the gang statute; threats to victims or witnesses which would constitute a felony violation of the gang statute; any first degree burglary; use of a firearm during the commission of specified crimes; possession, development, production, and transfers of weapons of mass destruction; and rape, wherein it is pleaded and proved that the defendant caused the intoxication by administering a controlled substance to the victim without their consent and with the intent to sexually assault the victim. (Pen. Code, § 667.5, subd. (c).)

*Existing law* requires the court to impose a three-year sentence enhancement, in addition to and consecutive to any other prison terms, for each prior separate prison term served by the defendant when the prior offense was a violent felony and if one of the new offenses is a violent felony. Prohibits an additional term from being imposed for any prison term served prior to a period of 10 years in which the defendant remained free of both prison custody and the commission of an offense that results in a felony conviction. (Pen. Code § 667.5, subd. (a).)

*Existing law* enumerates the felonies considered “serious.” Provides that the following are serious felonies: murder or voluntary manslaughter; mayhem; rape; sodomy by force, violence, duress, menace, or threat or fear of bodily injury; oral copulation by force, violence, duress, menace or threat or fear of bodily injury; lewd act with child under fourteen years of age; any felony punishable by death or life imprisonment; any felony in which defendant personally inflicts great bodily injury on any person other than an accomplice or personally uses a firearm; attempted murder; assault with intent to commit rape or robbery; assault with a deadly weapon or instrument on a peace officer; assault by a life prisoner on a non-inmate; assault with a deadly weapon by an inmate; arson; exploding a destructive device or any explosive with intent to injure; exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem; exploding a destructive device or any explosive with intent to murder; burglary of an inhabited dwelling; robbery or bank robbery; kidnapping; holding a hostage by an inmate; attempt to commit a crime punishable by life imprisonment or death; any felony where defendant personally used a dangerous or deadly weapon; sale or furnishing heroin, cocaine, PCP, or methamphetamine to a minor; forcible penetration with a foreign object; grand theft involving a firearm; any gang-related felony; assault with the intent to commit mayhem or specified sex offenses; maliciously throwing acid or flammable substances; witness intimidation; assault with a deadly weapon or firearm or assault on a peace officer or firefighter; assault with a deadly weapon on a public transit employee; criminal threats; discharge of a firearm at an inhabited dwelling, vehicle, or aircraft; commission of rape or sexual penetration in concert; continuous sexual abuse of a child; shooting from a vehicle; any attempt to commit a “serious” felony other than assault; any violation of the 10 years, 20 years, 25 years to life gun law; possession or use of any weapon of mass destruction; human trafficking of a minor, except as provided; and any conspiracy to commit a “serious” felony. (Pen. Code, § 1192.7, subd. (c).)

*Existing law* additionally defines the following as a “serious felony” when the offense involves the personal infliction of great bodily injury on any person other than an accomplice, or the personal use of a dangerous or deadly weapon:

- Gross vehicular manslaughter while intoxicated and vehicular manslaughter while intoxicated;
- Gross vehicular manslaughter;
- Driving under the influence causing bodily injury;
- Evading a pursuing peace officer causing serious bodily injury or death; or
- Reckless driving causing great bodily injury when the person previously has been convicted of specified driving offenses, including reckless driving and DUI. (Pen. Code, § 1192.8.)

*Existing law* defines a “strike” prior as any “serious felony” listed in Penal Code sections 1192.7, subdivision (c) and 1192.8, and any “violent felony” listed in Penal Code section 667.5, subdivision (c). (Pen. Code, §§ 667, subd. (d)(1), 1170.12, subd. (b)(1).)

*Existing law* provides that where a defendant is convicted of any felony with a prior conviction for a single serious or violent felony, the sentence imposed must be twice the term otherwise provided as punishment. (Pen. Code, §§ 667, subd. (e)(1), 1170.12, subd. (c)(1).)

*Existing law* provides that a defendant, who is convicted of a felony, with prior convictions of two or more “violent” or “serious” felonies, must receive a life sentence with a minimum term of whichever is the greatest: 1) three times the term for each current felony conviction; 2) 25 years; or 3) the term determined by the court for the underlying conviction, including any applicable enhancements or time prescribed in other statutes, such as a minimum term or period of confinement. Requires this term to be served consecutive to any other term of imprisonment for which a consecutive term may be imposed by law. (Pen. Code, §§ 667, subd. (e)(2)(A) & (e)(2)(B), 1170.12, subd. (c)(2)(A) & (c)(2)(B).)

*Existing law* provides that if a defendant who has two or more prior serious or violent felony convictions, and the current offense is not a serious or violent felony, the defendant must instead be sentenced to twice the term otherwise provided as punishment, unless one of several specified circumstances is pled and proven by the prosecution. (Pen. Code, §§ 667, subd. (e)(2)(C), 1170.12, subd. (c)(2)(C).)

*Existing law* requires a defendant affected by a prior strike to be committed to state prison, and prohibits diversion or probation. (Pen. Code, §§ 667, subd. (c), 1170.12, subd. (a).)

*Existing law* requires consecutive rather than concurrent sentencing for multiple offenses committed by a defendant affected by a prior strike, unless the current felony convictions arise out of the same set of operative facts. (Pen. Code, §§ 667, subd. (c)(6), 1170.12, subd. (a)(6).)

*Existing law* specifies that all references to existing statutes in specified portions of the Three Strikes Law are to statutes as they existed on November 7, 2012. (Pen. Code, § 667, subd. (h).)

*Existing law* provides, notwithstanding Section 667(h), for all offenses committed on or after November 7, 2012, but before January 1, 2024, all references to existing statutes in specified portions of the Three Strikes Law are to those statutes as they read on November 7, 2012. (Pen. Code, § 667.1, subd. (a).)

*Existing law* provides, notwithstanding Section 667(h), for all offenses committed on or after January 1, 2024, all references to existing statutes in specified portions of the Three Strikes Law are to those statutes as they read on January 1, 2024. (Pen. Code, § 667.1, subd. (b).)

*Existing law* specifies that for all offenses committed on or after November 7, 2012, but before January 1, 2024, all references to existing statutes in specified portions of the Three Strikes Law are to statutes as they existed on November 7, 2012. (Pen. Code, § 1170.125, subd. (a).)

*Existing law* specifies that for all offenses committed on or after January 1, 2024, all references to existing statutes in specified portions of the Three Strikes Law are to those statutes as they read on January 1, 2024. (Pen. Code, § 1170.125, subd. (b).)

*Existing law* provides that a full, separate, and consecutive term may be imposed for each conviction of voluntary manslaughter, whether or not the offenses were committed during a single transaction. (Pen. Code, § 1170.16.)

*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 (hereafter, “DUI”). (Veh. Code, § 23152, subs. (a), (b), (f), & (g).)

*Existing law* 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, 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.)

*Existing law* 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).)

*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 (hereafter, “DUI causing bodily injury.”) (Veh. Code, § 23153 subs. (a), (f), & (g).)

*Existing law* 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.)

*Existing law* 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.)

*Existing law* 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).)

*Existing law* provides that if a person is convicted for the above offense, and the underlying offense occurred within 10 years of four or more priors, there shall be an additional punishment of three years in state prison, which shall be served in addition and consecutive to the sentence imposed above. (Veh. Code, § 23566, subd. (c).)

*Existing law* 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:

- 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.<sup>1</sup> (Veh. Code, §§ 13352, subd. (a)(6)-(7); 23550.5, subds. (a), (c) & (d); 23575.3, subd. (h)(1)-(2).)

- 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).)

*Existing law* 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.)

*Existing law* 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).)

*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 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).)

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<sup>1</sup> If the conviction is for a DUI, it is a three-year IID term. (Veh. Code, §23575.3, subd. (h)(1)(D).) If it is for a DUI causing bodily injury, then it is a four-year IID term. (Veh. Code, §23575.3, subd. (h)(2)(D).)

*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).)

*Existing law* 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).)

*Existing law* 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. Requires that the driver also immediately either: locate and notify the owner or person in charge of that property of their name and address and present their driver's license and vehicle registration to the other driver, property owner, or person in charge of that property; or leave a written note in a conspicuous place on the vehicle or other damaged property with the driver's name, address, and a statement describing the circumstances as well as report the incident to law enforcement. 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, subds. (a), (c).)

*Existing law* 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, subds. (a), (b)(1).)

*Existing law* 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).)

*Existing law* 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).)

*Existing law* provides that any person who personally inflicts great bodily injury on any person other than an accomplice in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for three years. (Pen. Code, § 12022.7, subd. (a).)

*Existing law* defines "great bodily injury," for purposes of the enhancement statute, as a significant or substantial physical injury. (Pen. Code, § 12022.7, subd. (f)(1).)

*Existing law* prohibits the application of the great bodily injury enhancement to murder or manslaughter. Provides that the great bodily injury enhancement shall not apply if infliction of great bodily injury is an element of the offense. (Pen. Code, § 12022.7, subd. (g).)

*This bill* adds gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, and gross vehicular manslaughter to the violent felony list.

*This bill* allows full, separate, and consecutive terms for each violation of gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, and gross vehicular manslaughter. Provides that this provision is known as Kolya and Anya's Law.

*This bill* 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.

*This bill* 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.

*This bill* 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.

*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. Provides that this provision is known as Braun's Law.

*This bill* makes other technical and conforming changes.

## COMMENTS

### 1. Need For This Bill

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 5 provisions that will protect California families from drunk drivers, improve road safety, hold repeat serial offenders 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 first hand the failures of our current system and know California must stand up for families and stand up for victims.

## 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup> That percentage dropped to 41.7% in 2021—the lowest proportion of total crash fatalities since 2001.<sup>7</sup>

## 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 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

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<sup>2</sup> 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>>.

<sup>3</sup> 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](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/>>.

<sup>4</sup> OTS, *Annual Report*, *supra*, at p. 8.

<sup>5</sup> 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/>>.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

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).)

#### *DUI that causes death*

When a person is driving under the influence of alcohol, drugs, or both, and causes a death, that conduct can be charged in several ways—vehicular manslaughter while intoxicated, gross vehicular manslaughter while intoxicated, and second-degree murder—depending on the facts. 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.

Finally, a person who kills another while driving under the influence may be charged with second-degree murder. Murder is the unlawful killing of a human being or fetus with malice aforethought. (Pen. Code, § 187, subd. (a).) Malice may be express or implied. (Pen. Code, § 188, subd. (a).) Malice is implied when no considerable provocation appears, or when the circumstances attending the killing show an abandoned and malignant heart. (Pen. Code, § 188, subd. (b).) In the case of a person who kills another person while driving under the influence, the defendant may be charged with second-degree murder upon facts exhibiting wantonness and a conscious disregard for life to support a finding of implied malice, or upon facts showing malice consistent with the holding of *People v. Watson* which will be discussed in Section 5 of this analysis.

### *Felony DUI*

In general, a DUI without injury cannot be charged as a felony until the fourth DUI in a 10-year period. (Veh. Code, §§ 23550, 23550.5.) Prior convictions that apply include convictions for DUI, DUI with bodily injury, and wet reckless. (Veh. Code, § 23550.) Expunged convictions continue to count as priors. The punishment for felony DUI is imprisonment in county jail for 16 months, 2 years, or 3 years, and by a fine of \$390 to \$1,000. (*Ibid.*) The person's privilege to operate a motor vehicle must be revoked by the DMV, and the person is required to surrender their driver license to the court. (*Ibid.*)

Notably, a DUI without injury can also be charged as a felony if the defendant has a prior conviction for felony DUI within the prior 10 years. (Veh. Code, § 23550.5.) The punishment under Vehicle Code section 23550.5 is 16 months, 2 years, or 3 years in state prison.

### *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. Other Offenses

##### *Gross vehicular manslaughter*

Gross vehicular manslaughter is defined 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. (Pen. Code, § 192, subd. (c)(1).)<sup>8</sup> Gross 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, § 193, subd. (c).)

##### *Hit and run with no injury*

Vehicle Code section 20002 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. The driver must also immediately either: locate and notify the owner or person in charge of that property of their name and address and present their driver's license and vehicle registration to the other driver, property owner, or person in charge of that property; or leave a written note in a conspicuous place on the vehicle or other damaged property with the driver's name, address, and a statement describing the circumstances as well as report the incident to law enforcement. (Veh. Code, § 20002, subd. (a).) 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, subd. (c).)

##### *Hit and run causing injury or death*

Vehicle Code section 20001 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. 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. 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

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<sup>8</sup> The definition of vehicular manslaughter included in Penal Code section 192, subdivision c, includes two other types of vehicular manslaughter. However, this bill only amends existing law as it relates to gross vehicular manslaughter, defined in subdivision (c)(1) of Section 192.

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. The court may reduce or eliminate the minimum imprisonment required in the interests of justice.

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).)

## 5. Watson Advisement

In affirming a second-degree murder conviction for a DUI resulting in death, the California Supreme Court held in *People v. Watson* (1981), 30 Cal.3d 290, 298, that “when the conduct in question can be characterized as a wanton disregard for life, and the facts demonstrate a subjective awareness of the risk created, malice may be implied.” Prosecutors, however, often had a difficult time proving that a person was aware of the risk to others. AB 2173 (Parra), Chapter 502, Statutes 2004, was introduced as a result with the stated intent of aiding prosecutors in proving implied malice in second-degree murder cases that arose out of DUI cases resulting in death by “making it clear that those individuals were aware of the danger they posed to others by drinking and driving as a result of the statement required by this bill which they signed after the original DUI conviction.” (Assem. Com. on Pub. Safety, Analysis of Assem. Bill No. 2173 (2003-2004 Reg. Sess.) as introduced February 18, 2004, p. 4.)

Vehicle Code section 23593, codified by AB 2173, requires the court to provide a person convicted of a wet reckless driving offense or DUI with the following advisement:

“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.”

This bill requires the court to read the defendant the *Watson* advisement in a case in which the court dismisses an allegation of DUI with no injury, or a defendant pleads guilty or no contest to a different or lesser offense as a substitute for an alleged DUI with no injury. The effect is to make it easier for a prosecutor to obtain a conviction for second-degree murder in a subsequent case in which the defendant is accused of killing someone while driving under the influence of alcohol or drugs, and the defendant was originally charged in the current case with DUI but the charge was dismissed or the defendant pled to a lesser or different offense as a substitute for the alleged DUI.

## 6. Sentencing Laws

The basic California Determinate Sentencing Law (DSL) involves the imposition of a lower, middle, or upper term. Current law prohibits the court from imposing a sentence that exceeds the middle term unless there are aggravating circumstances that justify the upper term. (Pen. Code, § 1170, subd. (b)(1) & (2).)

Penal Code section 669 governs whether the sentences for multiple convictions are served concurrently or consecutively. Concurrent sentences are served simultaneously, and consecutive sentences are served upon completion of one another. Life sentences may be imposed to run consecutively with one another, with any term imposed for applicable enhancements, or with any other term of imprisonment for a felony conviction. (Pen. Code, § 669, subd. (a).) If a life sentence is ordered to run consecutive to a determinate term, the determinate term is served first. (*Ibid.*) If the court fails to specify how the second or subsequent sentence will run, the terms run concurrently. (Pen. Code, § 669, subd. (b).)

The Rules of Court provide guidance to judges when deciding whether to impose consecutive or concurrent sentences. In making its decision, the court considers facts relating to the crimes, including whether or not the crimes and their objectives were predominantly independent of each other; the crimes involved separate acts of violence or threats of violence; or the crimes were committed at different times or separate places, rather than being committed so closely in time and place as to indicate a single period of aberrant behavior. (Cal. Rules of Court, rule 4.425(a).) Any circumstances in aggravation or mitigation, whether or not the factors have been stipulated to by the defendant or found true beyond a reasonable doubt at trial by a jury or the judge in a court trial, may be considered in deciding whether to impose consecutive rather than concurrent sentences, except: a fact used to impose the upper term; a fact used to otherwise enhance the defendant's sentence in prison or county jail (if a realigned felony); and a fact that is an element of the crime. (Cal. Rules of Court, rule 4.425(b).)

When a consecutive term of imprisonment is imposed, the aggregate term of imprisonment for all convictions is the sum of the principal term, the subordinate term, and any additional term imposed for applicable enhancements. (Pen. Code, § 1170.1, subd. (a).) The principal term is the greatest term of imprisonment imposed by the court for any of the crimes, including any term imposed for applicable specific enhancements, and the subordinate term for each consecutive offense consists of one-third of the middle term of imprisonment prescribed for each other felony conviction for which a consecutive term of imprisonment is imposed, including one-third of the term imposed for any specific enhancements applicable to those subordinate offenses. (*Ibid.*) Current law specifies that whenever a court imposes a term of imprisonment in the state prison, whether the term is a principal or subordinate term, the aggregate term must be served in the state prison. (*Ibid.*)

Many defendants are subject to sentencing under special sentencing schemes, such as the Three Strikes law, that were enacted after and apart from the DSL. Special sentencing schemes often overlap with sentence enhancements. For example, a defendant who has previously been convicted of two or more serious or violent felonies and who is convicted of a serious felony in the current case must be sentenced to a term of at least 25 years-to-life under the Three Strikes law. The court must also impose a five-year enhancement for each prior serious felony. (Pen. Code, §§ 667, subd. (a)(1).) Notably, enhancements may be stricken or dismissed by the court if in the furtherance of justice. (Pen. Code, § 1385.) Additionally, the court generally must impose consecutive terms in most Three Strikes cases. (Pen. Code, §§ 667, subs. (b) & (c), 1170.12, subd. (a).) If the multiple current felony convictions were committed on the same occasion or arose from the same set of operative facts, consecutive sentencing is not mandatory. (*Ibid.*)

It should be noted that the serious felonies list includes all the offenses on the violent felonies list in addition to other offenses. For purposes of prior convictions, there are offenses that are classified as both violent and serious. Each type of prior conviction—serious or violent—has associated mandatory enhancements. (Pen. Code, §§ 667, subd., (a), 667.5, subd. (a).)

However, two enhancements cannot be imposed for that same prior conviction; only the greater enhancement can be imposed. (*People v. Jones* (1993) 5 Cal.4th 1142, 1147-1153.)

This bill amends Penal Code section 1170.16 which allows for a full, separate, and consecutive term to be imposed for each violation of voluntary manslaughter whether or not the offenses were committed during a single transaction, to add gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, and gross vehicular manslaughter.

This bill also amends Vehicle Code section 20001, hit and run causing injury, to create 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. If the current offense is a hit and run causing injury, the sentence is a 2-, 3-, or 4-year prison term. If the current offense is a hit and run causing injury, and the injury results in death or permanent, serious injury, the sentence is a 2-, 4-, or 6-year prison term.

This bill additionally amends Vehicle Code section 20002, hit and run resulting only in damage to property, to require either imprisonment in the state prison or in a county jail for not more than one year, if 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.

Finally, this bill 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, the prior conviction occurred within the prior 10 years, and the current conviction is for one of those offenses.

## **7. Effect of Adding Crimes to the Violent Felony List**

### *Enhancement attaches*

The offenses that are considered a “violent” felony are enumerated in Penal Code section 667.5, subdivision c. When a person is convicted of a violent felony, the court is required to impose a three-year term for each prior separate prison term served by the defendant when the prior offense was a violent felony. (Pen. Code, § 667.5, subd. (a).) The enhancement will not be imposed if 10 years have passed since the prison term, and the person has “remained free of prison custody” or been convicted of a felony in the interim. (*Ibid.*) “Prison custody” for an offense means “until the official discharge from custody” which includes any period of mandatory supervision, or until release on parole or postrelease community supervision, whichever occurs first. (Pen. Code, § 667.5, subd. (d).) For purposes of this enhancement, a prior prison term also includes time served in a county jail upon conviction of a realigned felony and any confinement time in a federal prison. (Pen. Code, § 667.5, subds. (e), (h).) Additionally, a prior felony conviction includes a conviction in another jurisdiction for an offense which, if committed in California, is punishable by imprisonment in the state prison or as a realigned county jail felony, if the defendant served at least one year in prison for the offense in the other jurisdiction. (Pen. Code, § 667.5, subd. (f).) This enhancement must be charged and admitted or found true. (Pen. Code, § 667.5, subd. (d).)

Because this bill adds crimes to the violent felonies list, this enhancement will attach. This means that if a person is convicted of gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, or gross vehicular manslaughter, and has a prior conviction for a violent felony, the person is subject to the additional 3-year term for the prior prison term if it occurred within 10 years of the current offense.

### *Three Strikes implications*

In 1994, the Legislature passed AB 971 (Jones), Chapter 12, Statutes of 1994—which defined qualifying “strikes” as those felonies listed as “serious” or “violent” on June 30, 1993—and it was signed into law. Later that year, California voters passed Proposition 184 which was identical to AB 971. Collectively, Proposition 184 and AB 971 became known as California’s Three Strikes law which imposes longer prison sentences for certain repeat offenders. Proposition 21 of the March 2000 primary election added to the lists of serious and violent felonies and defined qualifying prior strikes as a felony classified as serious or violent as of March 8, 2000, the date that the Proposition 21 took effect.

The Three Strikes law requires a person who is convicted of a felony and who previously has been convicted of one or more violent or serious felonies, known as strikes, to be subject to enhanced penalties. Specifically, if the person has one prior strike, the sentence on any new felony conviction must be double what is specified by statute. If the person has two prior strikes, the sentence on any new felony conviction was 25 years to life, although this provision was amended by Proposition 36, approved by voters in 2012, to require that the third strike be a serious or violent felony in order to impose the life term.

The Three Strikes law contains two statutory “lock-in” dates. The effect of the lock-in dates is to provide that the listed offenses are “strikes” as of those dates. For example, the lock-in date for all offenses committed prior to January 1, 2024 is November 7, 2012. For all offenses committed on or after January 1, 2024, the lock in date is January 1, 2024. As long as an offense is deemed a strike as of the listed date, the Three Strikes sentencing provisions apply to enhance a person’s sentence even if the person was convicted of the offense prior to it being deemed a strike. (*People v. James* (2001) 91 Cal.App.4th 1147, 1150-1151.)

Proponents of the Three Strikes law argued that the law would “keep[] career criminals ... behind bars where they belong.”<sup>9</sup> However, research shows that a decline in crime rates had already begun prior to the passage of the law. According to a 2005 report by the Legislative Analyst’s Office:

The overall crime rate in California, as measured by the Department of Justice’s California Crime Index, began declining before the passage of the Three Strikes law. In fact, the overall crime rate declined by 10 percent between 1991 and 1994. The crime rate continued to decline after Three Strikes, falling by 43 percent statewide between 1994 and 1999, though it has risen by about 11 percent since 1999. Similarly, the violent crime rate declined by 8 percent between 1991 and 1994 and then fell an additional 43 percent between 1994 and 2003. It is important to note that these reductions appear to be part of a national trend of falling crime rates. National crime rates—as reported by the Federal Bureau of

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<sup>9</sup> Secretary of State, *Voter Information Guide, 1994 General Election, Argument in Favor of Proposition 184*, p. 36 <[https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=2090&context=ca\\_ballot\\_props](https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=2090&context=ca_ballot_props)>.

Investigation's Uniform Crime Report-declined 31 percent between 1991 and 2003, with violent crime declining 37 percent over that period. Researchers have identified a variety of factors that likely contributed to these reductions in national crime rates during much of the 1990s including a strong economy, more effective law enforcement practices, demographic changes, and a decline in handgun use. (LAO, *A Primer: Three Strikes - The Impact After More Than a Decade* (Oct. 2005) <[https://www.lao.ca.gov/2005/3\\_strikes/3\\_strikes\\_102005.htm](https://www.lao.ca.gov/2005/3_strikes/3_strikes_102005.htm)>.)

Research also shows that the law disproportionately impacts people of color. According to the Committee on the Revision of the Penal Code's 2021 annual report:

More than 33,000 people in prison are serving a sentence lengthened by the Three Strikes law — including more than 7,400 people whose current conviction is neither serious nor violent. The population sentenced under the Three Strikes law is a third of the total prison population.

80% of people sentenced under the Three Strikes law are people of color. As with the entire prison population, the racial disparities are even more prevalent for young people sentenced under the law: 90% of those who were 25 or younger at the time of the offense and serving a sentence under the Three Strikes law are people of color.

...

Concerns that the law disproportionately impacted people of color began a few years after it was passed. People of color, particularly Black people, are arrested and prosecuted at disproportionate rates, and the Three Strikes law perpetuates these disparities by subjecting people to harsher penalties once they become justice-involved. While Black people account for less than 30% of the entire prison population, they account for 45% of people serving a third strike sentence.

(Committee on Revision of the Penal Code (CRPC), *Annual Report and Recommendations 2021*, pp. 41, 46, fn. omitted.

<[https://clrc.ca.gov/CRPC/Pub/Reports/CRPC\\_AR2021.pdf](https://clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2021.pdf)>.)

The Committee ultimately recommended eliminating or substantially limiting the use of the Three Strikes law, and applying any changes to the law retroactively. (CPRC, *Annual Report 2021, supra*, at p. 47.)

By adding offenses to the violent felony list, this bill has Three Stikes implications.

#### *Credit earning impacted*

Individuals who are serving time in prison for a non-violent felony (i.e., a felony not on the violent felony list outlined in Penal Code section 667.5) are eligible to earn credits at a rate of 50%. Effective May 1, 2021, the California Department of Corrections and Rehabilitation (CDCR) increased the rate of Good Conduct Credits earned for individuals serving time for a conviction for a violent felony from 20% to 33.3%, and from 33.3% to

50% for individuals serving time for a conviction for a non-violent second or third strike.<sup>10</sup>

By classifying certain offenses as violent felonies, individuals serving sentences for those violent felonies would earn credits at a lower rate than under current law.

### *Immigration consequences*

The Values Act, which became effective on January 1, 2018, limits the involvement of state and local law enforcement agencies in federal immigration enforcement. It prohibits law enforcement agencies from using resources to investigate, interrogate, detain, detect, or arrest people for immigration enforcement purposes. It also places limitations on the ways in which law enforcement agencies can collaborate with federal task forces that involve elements of immigration enforcement.

The Values Act was an expansion of prior state law, the TRUST Act, which prohibited law enforcement from honoring federal immigration holds unless the detainee had a criminal history involving a serious or violent felony. The Values Act contains some exceptions that allow law enforcement agencies to cooperate with immigration authorities. For example, under the Values Act, law enforcement is allowed to engage with immigration authorities under specified circumstances, including responding to notification and transfer requests when the individual has been convicted of a serious or violent felony. (Gov. Code, § 7282.5, subd. (a).) Law enforcement is additionally permitted to cooperate with immigration officials in cases in which the person is arrested and taken before a judge on a charge involving a serious or violent felony, or a felony that is punishable by imprisonment in state prison, and the judge makes a finding of probable cause as to that charge. (Gov. Code, § 7282.5, subd. (b).)

By adding gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, and gross vehicular manslaughter to the violent felony list, individuals arrested for these crimes and who are in the state unlawfully, would not be protected under the Values Act. This means that a person who is arrested for gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, or gross vehicular manslaughter and held in jail custody could be turned over to federal immigration officials.

### *Collateral consequences other than immigration consequences*

A conviction for a violent felony can result in other collateral consequences in addition to the immigration consequences mentioned above. According to the Committee on the Revision of the Penal Code's 2025 annual report:

The violent felony list was intended to reflect the Legislature's judgment that such offenses merited "special consideration ... to display society's condemnation for extraordinary crimes of violence"...

Over time, these classifications have expanded to cover dozens of additional offenses ... [C]onvictions for these offenses also trigger dozens of other consequences, including exclusion from automatic record expungement, restricted

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<sup>10</sup> CDCR, *In-Prison Credit-Earning Opportunity* <<https://www.cdcr.ca.gov/proposition57/>>.

access to professional licenses and employment, and negative effects in family and dependency court.

...

Given that the strike framework will continue to operate, the Committee recommends changes to restore rationality and proportionality to its application by narrowing the lists and ensuring consistency across comparable offenses (CRPC, *Annual Report and Recommendations 2025*, pp. 46-47, fn. omitted. <[https://clrc.ca.gov/CRPC/Pub/Reports/CRPC\\_AR2025.pdf](https://clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2025.pdf)>.)

Appendix C of the report outlines the interaction between a conviction for a violent felony and various sentencing laws (e.g., laws prohibiting probation from being granted on a new felony conviction if the person has a prior violent conviction, requiring that a person serve their sentence in prison when the person has a prior violent felony conviction, etc.), limitations on employment and volunteering (e.g., a person who has a conviction for a violent felony cannot obtain a teaching credential unless the person has obtained a certificate of rehabilitation or pardon, a person convicted of a violent offense is ineligible to be hired or serve as a volunteer in county or city-operated parks, playgrounds, recreational centers, or beaches if the position involves supervisory or disciplinary authority over minors, and the person was incarcerated within the last 10 years for that offense, etc.), and limitations on placements within CDCR facilities (e.g., a person convicted of a violent felony is ineligible to participate in the alternative custody program, generally ineligible for community treatment programs for mothers, etc.) (CPRC, *Annual Report 2025*, *supra*, at pp. 62-71.)

## 8. Major Provisions of This Bill

This bill has several components that are generally designed to increase criminal penalties by creating a mandatory enhancement and mandatory sentences, authorizing consecutive sentencing, and implicating the Three Strikes law.

### Expansion of the violent felony list

This bill adds gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, and gross vehicular manslaughter to the violent felony list. In doing so, this bill allows for existing enhancements outlined in Penal Code section 667.5 to attach for each prior prison term that the defendant served for a violent felony. In addition, adding these offenses to the violent felony list makes them strikeable offenses for purpose of the Three Strikes law. Finally, the addition of these crimes to the violent felony list will result in different credit earning for a person incarcerated in state prison and expose individuals with convictions for these offenses to additional or different collateral consequences than those that exist under current law.

Given the multitude of effects resulting from additions to the violent felony list, the Committee may wish to consider whether it is prudent to add to the violent felony list at this time.

### Increased penalties

This bill allows for a full, separate, and consecutive term to be imposed for each violation of gross vehicular manslaughter while intoxicated, vehicular manslaughter while intoxicated, and

gross vehicular manslaughter whether or not the offenses were committed during a single transaction.

Next, 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.

Finally, this bill 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.

Given the sentencing changes that the Legislature has enacted over the past decade (e.g., allowing courts to dismiss certain enhancements) and the effect that mandatory and consecutive sentencing has historically had on the state's prison population, the Committee may wish to consider whether creating mandatory sentences and enhancements or authorizing consecutive sentences would be prudent.

#### Watson advisement

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.

Given the purpose of the *Watson* advisement and the types of crimes for which a conviction triggers the advisement under current law, the Committee may wish to consider whether it is appropriate to expand the application of the advisement to these types of cases, particularly to "different" (and not necessarily lesser included) offenses for a DUI charge.

### **9. Argument in Support**

According to the Los Angeles County District Attorney's Office, one of the bill's co-sponsors:

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 percent 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.

SB 907 contains a provision that allows full term consecutive sentencing for multiple violations of gross vehicular manslaughter and vehicular manslaughter while intoxicated. Under existing law, when a drunk driver crashes into and kills multiple innocent victims, the second and subsequent victim's death results in only 1/3 the midterm of the sentence the defendant would receive if they only killed one victim. This is not a just outcome.

SB 907 also includes two important provisions that address repeat offenders. The bill allows for enhancements for prior felony DUI convictions upon a new felony DUI and increases sentencing for committing a hit and run if the driver has a prior DUI 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.

Finally, SB 907 adds gross vehicular manslaughter and vehicular manslaughter while intoxicated to the violent felony list, closing a loophole where someone who kills someone while driving drunk can serve less time than someone who injures another person.

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.

## 10. Argument in Opposition

The California Public Defenders Association writes:

SB 907 would enact six separate amendments to sentencing law for vehicular offenses. The first, and most draconian, is that it would include three forms of vehicular manslaughter in the list of "violent offenses" contained in the State's "Three Strikes" law. ... This severe sentencing law has been reserved for our most dangerous recidivist offenders committing the most heinous, intentionally violent offenses, such as murder, voluntary manslaughter, rape, carjacking, and continuous sexual abuse of a child.

Ever since *People v. Watson* (30 Cal.3d 290) in 1980 it has been possible to prosecute a drunk driver for murder if they acted with "malice aforethought" as proven by their intentional commission of an act specifically known by them to be dangerous to human life and done deliberately and with conscious disregard for

human life. Voluntary manslaughter, which is also on the “violent felony” list, requires that the offender act with the specific intent to kill.

By contrast, the three vehicular manslaughter offenses that SB 907 would add to the list of violent offenses requiring Three Strikes treatment *do not* require malice aforethought and *do not* require an intent to kill. ...

... These offenses are not in the same heinous and violent category as the other violent offenses in the Three Strikes list. ... They do not require malice, the commission of a felony, intentional violence, or even recklessness. ...

Additionally, SB 907 would require that any sentence for the three forms of vehicular manslaughter described above would have to be full, separate, and consecutive to any other felony sentence. This would bring it into the same sentencing treatment currently allotted to voluntary manslaughter under Penal Code section 192(a). However, voluntary manslaughter has earned that treatment because it requires proof of an intent to kill thus was deemed to merit inclusion as a Three Strikes violent felony. Vehicular manslaughter is different ... Because of this lack of violent intent, disparate sentencing treatment from that of voluntary manslaughter is fully appropriate. ...

SB 907 would increase the sentence for a hit and run with injury ... in a case where the offender has been convicted of one of the three manslaughters discussed above, or a DUI or alcohol related reckless driving in the previous 10 years. ... [T]he enhancement proposed here is anomalous because it seeks to enhance a sentence for one Vehicle Code offense by virtue of a totally different and unrelated prior vehicular offense. The rational basis for such an enhancement bears careful examination, especially when it creates a new straight felony with significant state prison time.

SB 907 would create a miscarriage of justice by sending someone who was not liable for an accident to prison because they had a DUI in the last 10 years. The most frequent reasons for hit-and-run are lack of insurance and lack of a valid driver’s license ... The sole purpose of the law is to render aid if necessary and to exchange information necessary to an orderly determination of liability. There does not appear to be any evidence to support the proposition that because the offender had a DUI in the past 10 years that any subsequent hit-and-run is because they were drunk driving again thus warranting harsher punishment. Such speculation is without foundation and totally contrary to the American system of justice. ...

...

... SB 907 would require that any state prison sentence for felony DUI or vehicular manslaughter under P.C. 191.5 would be enhanced by three years for every prior conviction within 10 years for any of the same offenses. Over the past several years almost most sentence enhancements for felony priors have been repealed. ... SB 907 seems to be trying to reverse the recent direction, but for offenses that do not carry the same violence and moral culpability that might justify it. ...

The sixth and final amendment proposed by this bill would require a so-called “*Watson* advisement” under Vehicle Code section 23593 upon sentencing for any offense that started as a DUI whether or not the final sentencing charge has anything to do with DUI. ... However, if a charge starts as a DUI but ends as a charge that is not alcohol related and includes no statement on the record that it is alcohol related, requiring an advisement in that situation would be to engage in a fiction. Just because there was a DUI arrest or charge does not mean that it is true, and if the defendant is convicted of an unrelated charge he cannot be on notice that his so-called “actions” are dangerous. What if the substituted charge was speeding or illegal right turn? ...

Aside from the specific objections to individual amendments, we have more general concerns about SB 907. It is ineffective, costly and treats a mental health problem, substance/dependence, as a criminal justice issue by treating drunk drivers as violent offenders. Existing data does not correlate increased DUI penalties with reduced drunk driving fatality rates. ...

... SB 907 significantly undermines judicial discretion by mandating a “one size fits all” form of justice. ... Judicial discretion to order treatment is integral to adequately address the root cause of DUIs.

... SB 907 will exacerbate disparities in the criminal justice system. It will accelerate the disproportionate collateral consequences of California’s existing DUI enforcement, particularly for people of color, immigrants, and people experiencing poverty or economic instability. ...

...

While we share this bill’s goal of preventing future drunk driving deaths and are eager to collaborate on solutions that will meaningfully achieve that goal, for the multiple reasons stated above we do not believe SB 907, as currently framed, will be effective in that regard.

-- END --