
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 2122 **Hearing Date:** June 16, 2026
Author: Kalra
Version: April 16, 2026
Urgency: No **Fiscal:** Yes
Consultant: ML

Subject: *Infractions: warrants and penalties*

HISTORY

Source: All of Us or None; Corporation for Supportive Housing; Communities United for Restorative Youth Justice; Legal Services for Prisoners with Children; Maven Collaborative; San Francisco Public Defender's Office; Western Center on Law and Poverty

Prior Legislation: AB 1266 (Kalra), held in Senate Appropriations, 2024
AB 2746 (Friedman), Ch. 800, Stats. of 2022

Support: A New Way of life Reentry Project; ACLU California Action; Alliance for Boys and Men of Color; California Attorneys for Criminal Justice; California Coalition for Housing and Survivor Justice; California Coalition for Women Prisoners; California Community Foundation; California for Safety and Justice; Californians for Safety and Justice; California Public Defenders Association; California Rural Legal Assistance; CD11 Coalition Human Rights; Center on Juvenile and Criminal Justice; Community Legal Services in East Palo Alto; Congregations Organized for Prophetic Engagement; Corporation for Supportive Housing; Courage California; Debt Free Justice California; Disability Rights California; Drug Policy Alliance; Ella Baker Center for Human Rights Equal Rights for Every Neighbor; Felony Murder Elimination Project; Fresh Lifelines for Youth; Friends Committee on Legislation of California; Glide; Housing California; Housing Is a Human Right-Orange County; Initiate Justice; Inland Region Reentry Collaborative; John Burton Advocates for Youth; Justice2Jobs Coalition; La Defensa; La Raza Community Resource Center; Law Foundation of Silicon Valley; Legal Aid of Marin; Local 148 Los Angeles County Public Defender's Union; Milpa Collective; National Alliance to End Homelessness; National Consumer Law Center; Public Advocates; Rubicon Programs; Sacred Heart Community Service; Santa Cruz Fulltimers; SF Coalition on Homelessness; Smart Justice California; Starting Over; Time for Change Foundation; University of the Pacific McGeorge School of Law Homeless Advocacy Clinic; Venice Justice Committee; Vital Arts

Opposition: California State Sheriffs' Association

Assembly Floor Vote: 55 - 18

PURPOSE

The purposes of this bill are to prohibit the issuance of bench warrants for failure to appear, or failure to pay bail, for an infraction offense of the Vehicle Code; to require that any bench warrant issued for failure to appear for an infraction offense not of the Vehicle Code, or a local ordinance established under the Vehicle Code, be limited to arrest and booking at the scene followed by immediate release; and to establish that failure to appear in court, or failure to pay, for any infraction offense is not a misdemeanor.

Existing law establishes that it is the intent of the Legislature that the disposition of any criminal case use the least restrictive means available. (Pen. Code, § 17.2, subd. (a).)

Existing law states that specified offenses are wobblettes, chargeable as misdemeanors or infractions. States that such offenses are infractions in the following cases:

- The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time they are arraigned, after being informed of their rights, elects to have the case proceed as a misdemeanor.
- The court, with the consent of the defendant, determines that the offense is an infraction, in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint. (Pen. Code, § 17, subd. (d).)

Existing law provides that all provisions of law relating to misdemeanors shall apply to infractions, as specified. (Pen. Code, § 19.7.)

Existing law states that except where a lesser maximum fine is expressly provided, an infraction is punishable by a fine not exceeding \$250. (Pen. Code, § 19.8, subd. (a)(2).)

Existing law states that except for specified violations based upon failure to appear, a conviction for an offense made an infraction is not grounds for the suspension, revocation, or denial of a license or for the revocation of probation or parole of the person convicted. (Pen. Code, § 19.8, subd. (c).)

Existing law establishes that except as otherwise provided by law, in any case in which a person is arrested for an offense declared to be an infraction, the person may be released according to procedures for a misdemeanor. (Pen. Code, § 853.5, subd. (a).)

Existing law provides that any person who willfully violates his or her written promise to appear or a lawfully granted continuance of his or her promise to appear in court is guilty of a misdemeanor. (Pen. Code, § 853.7.)

Existing law requires that when a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail, the magistrate must issue and have delivered for execution a warrant for their arrest within 20 days after their failure to appear as promised or within 20 days after their failure to appear after a lawfully granted continuance. (Pen. Code, § 853.8.)

Existing law states that a bench warrant of arrest may be issued when a defendant fails to appear in court. (Pen. Code, § 978.5, subd. (a).)

Existing law states that a trial of an infraction shall be by the court, but when a defendant has been charged with an infraction and with a public offense for which there is a right to jury trial and a jury trial is not waived, the court may order that the offenses be tried together by jury or that they be tried separately. (Pen. Code, § 1042.5.)

Existing law states that any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration upon any alleged infraction, as charged by the citing officer, involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. (Veh. Code, § 40903, subd. (a).)

This bill prohibits the issuance of bench warrants for failure to appear, or failure to pay bail for a Vehicle Code infraction.

This bill requires that for any bench warrant issued for failure to appear for an infraction not of the Vehicle Code, or a local ordinance established under the Vehicle Code, be limited to arrest and booking at the scene followed by immediate release.

This bill provides that failure to appear in court, or failure to pay, under any infraction offense is not a misdemeanor.

This bill makes findings and declarations.

COMMENTS

1. Need for This Bill

The author writes:

Infraction bench warrants have functioned as a debtor's prison, creating a system where people who have money for fines never have to appear in court, while those who cannot pay face potential for arrest for what are otherwise non-jailable, minor offenses. AB 2122 addresses the disparate punishment of low-income people that has done little to further public safety by prohibiting the issuance of a bench warrant if the underlying charge is a Vehicle Code infraction. For non-Vehicle Code infractions, [it] permits a non-custodial warrant to be issued. By limiting the use of bench warrants for non-jailable infractions, AB 2122 will save millions of dollars annually from not having to execute bench warrants or detain people in county jails, and will remove an ineffective, overly punitive punishment for what is essentially a crime of poverty.

2. Criminal Infractions

An infraction is a criminal offense that is not punishable with incarceration.¹ Because the punishment for an infraction does not implicate the same loss of liberty, the same constitutional rights that apply to other criminal offenses do not apply to infractions.² All provisions of law applicable to misdemeanors, however, also largely apply to infractions.³ Generally, a person

¹ Pen. Code, § 19.6.

² *Ibid*; see also *People v. Prince* (1976) 55 Cal.App.3d 19.

³ Pen. Code, § 19.7.

arrested for an infraction must be released upon signing a written notice to appear.⁴ After a person has been released on a promise to appear, a bench warrant for arrest can be issued if the person fails to appear in court or fails to deposit bail.⁵ A willful violation of a promise to appear is a misdemeanor, even if the original offense was an infraction.⁶

Additionally, a willful failure to pay a bail installment or a lawfully imposed fine for a Vehicle Code infraction, or an infraction of a local ordinance adopted pursuant to the Vehicle Code, is a misdemeanor.⁷ Any person who fails to appear for an infraction of the Vehicle code, or any local ordinance adopted pursuant to the Vehicle Code, may be deemed to have elected to have a trial by written declaration, as charged by the citing officer—functionally allowing the person to be convicted in absentia.⁸

Functionally, bench warrants result in people who cannot pay for their infraction tickets being incarcerated for offenses, while people who can pay are not. Thus, infraction bench warrants turn non-jailable offenses into the basis for a person's incarceration. Bench warrants have recently been used as a pretext for immigration enforcement, meaning that people may face ICE arrest and subsequent removal proceedings for a non-jailable offense.⁹

The Judicial Council's 2021 Court Statistics Report notes that in FY 2019-20, out of all criminal case filings comprised of felonies, misdemeanors, and infractions, the overwhelming majority were infractions.¹⁰ During this same time period, there were 174,553 felony case filings, 636,112 misdemeanor filings, and 3,243,819 infraction cases.¹¹ The majority of infractions were traffic infractions.¹² There were over 1,000,000 bail forfeitures for traffic infractions and over 19,000 bail forfeitures for non-traffic infractions.¹³ Infractions require a huge investment of time and resources, not just for the criminal justice system, but also for system-impacted individuals and families.

Traffic stops are a common means of getting an infraction. Police officers undertake millions of minor traffic stops annually, with many used as a pretext to investigate drivers for criminal activity, which disproportionately impacts motorists of color.¹⁴ Police officers initiated contact with nearly 29 million U.S. residents aged 16 and older in 2018.¹⁵ Traffic stops account for four-fifths of police-initiated contact.¹⁶ The Stanford Open Policing Project has found that Black drivers are disproportionately stopped relative to Latine and White drivers.¹⁷

⁴ Pen. Code, § 853.6, subd. (a).

⁵ Pen. Code, §§ 853.6, subd. (f), 853.8; see also Veh. Code, § 40514.

⁶ Pen. Code, § 853.7.

⁷ Veh. Code, § 40508, subd. (b).

⁸ Veh. Code, § 40903, subd. (a).

⁹ See Jeremy Loudonback, "Lost and arrested: How a series of disastrous events led a former LA foster youth into ICE custody," (Nov. 10, 2025), <<https://lapublicpress.org/2025/11/lost-and-arrested-part1/>>.

¹⁰ 2021 Court Statistics Report: Statewide Caseload Trends, at pp. 3-4 (2021) Judicial Council of California <<https://courts.ca.gov/sites/default/files/courts/default/2024-12/2021-court-statistics-report.pdf>>.

¹¹ *Ibid.*

¹² *Id.* at p. 55.

¹³ *Id.* at p. 84.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

Criminal justice involvement often begins with system contact stemming, at least initially, from an infraction. Under current law, infractions can produce unpayable fees for some that can then balloon into crippling, life-altering debt. The Consumer Financial Protection Bureau (CFPB) found predatory monetary practices exist in every phase of the criminal legal process.¹⁸ Moreover, system contact can quickly turn into a misdemeanor if the charged individual is unable to comply with established legal processes. While some individuals may be negligent or unwilling to abide by these processes, many justice-involved individuals may be unable to attend court for legitimate reasons. Many do not receive notice, cannot afford to pay the ticket, are not able to get off work or get childcare, are experiencing mental or physical health issues, or are fearful of appearing in court for a variety of reasons, such as, for example, potential immigration enforcement.

Existing law provides courts with other tools to address nonpayment of infraction tickets, like civil collections. In 2017, the Commission on the Future of California's Court System recommended implementing a “civil model of adjudication for minor vehicle infractions.”¹⁹ Research has shown that alternatives such as improved notices, reminders, and commonsense collection practices are more effective than warrants at generating timely court appearances and payments.²⁰ For example, in New York City, researchers found that changes to the court summons form reduced failures to appear by 13 percent, and that text message reminders reduced failures to appear by 26 percent. Additionally, as of 2024, 12 counties are reportedly not issuing bench warrants in infraction cases, and San Francisco has eliminated the use of infraction bench warrants.

3. Effect of This Bill

This bill prohibits the issuance of bench warrants for failure to appear, or failure to pay bail, under an infraction offense of the Vehicle Code. Furthermore, for any bench warrant issued for failure to appear for an infraction offense not of the Vehicle Code, the bench warrant must be limited to arrest and booking at the scene followed by immediate release. The bill also provides that failure to appear in court, or failure to pay, under any infraction offense is not a misdemeanor.

There are some concerns that prohibiting the issuance of bench warrants in infraction cases will incentivize prosecutors to charge wobblettes as misdemeanors. However, in those cases, a person would be appointed a public defender to adjudicate whether the case would be charged as an infraction or misdemeanor. Furthermore, this concern may be overstated because prosecutors are already likely to charge wobblette offenses as misdemeanors when they have probable cause to do so.

Additionally, the opposition has raised concerns that prohibiting bench warrants for infractions will result in individuals disregarding infraction offenses because they will not face any consequences. However, individuals charged with infractions are still civilly liable for the offenses, which can result in wage garnishment, bank levies, and other collection methods.

¹⁸ *Ibid.*

¹⁹ Judicial Council of Cal., Com. on the Future of Cal.'s Court System, *Report to the Chief Justice* (2017), p. 85 <<https://courts.ca.gov/system/files?file=file/futures-commission-final-report.pdf>>.

²⁰ Cook et al., *Using Behavioral Science to Improve Criminal Justice Outcomes: Preventing Failures to Appear in Court* (2018) pp. 15–16 <<https://www.courthousenews.com/wp-content/uploads/2018/01/crim-just-report.pdf>>.

4. Argument in Support

Debt Free Justice California writes:

Infraction bench warrants are disproportionately issued to communities of color and low-income individuals. Before San Francisco eliminated its use of infraction bench warrants in 2016, Black people only made up 5.8% of the local population, but 48.7% of those arrested for “failure to appear or pay” traffic court warrants. Bench warrants have recently been used as a pretext for immigration enforcement, meaning that people may face ICE arrest and subsequent removal proceedings for a non-jailable offense.

Research shows that punitive measures are ineffective in compelling people to pay or appear in court. Common sense, non-punitive practices like text message reminders and follow-ups help get people to appear in court. Furthermore, courts have other, less punitive means to address failure to pay an infraction, like bank levies, wage garnishment, and tax intercepts. Finally, the MyCitations tool allows individuals to pay their infractions online and permits those individuals to request an infraction reduction in cases of financial need from the safety of their home, substantially decreasing the need to resolve unpaid court debt in person.

Eliminating custodial bench warrants for infractions will help end an unnecessary pipeline to incarceration and allow families to focus on what matters—devoting their already limited time and resources to meeting their critical needs.

5. Argument in Opposition

The California State Sheriffs’ Association writes:

If a person fails to appear in court, existing law generally allows a warrant to issue for the person’s arrest. AB 2122 would eliminate the authority to hold a person arrested in compliance with such a warrant if the underlying offense is an infraction. This bill would remove an important tool that encourages people who have been cited for infraction violations to appear in court or otherwise resolve their cases.

AB 2122 sends the message that it is acceptable to fail to appear in court, even after having promised to do so. We understand there may be valid reasons why a particular person may not be able to pay the fine on a particular violation, but the answer is not to eliminate the ability of a court to compel the person’s attendance in every case. California has enacted numerous amnesty programs over the last several years and this bill goes too far in trying to address the stated problem.

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