
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1546 **Hearing Date:** June 23, 2026
Author: Schultz
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Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Vehicles: driving under the influence*

HISTORY

Source: Author

Prior Legislation: AB 366 (Petrie-Norris), Ch. 689, Stats. of 2025
SB 421 (Bradford), held in Senate Appropriations, 2021
AB 401 (Flora), failed passage Assembly Public Safety, 2020
SB 1046 (Hill), Ch. 783, Stats. of 2016
SB 61 (Hill), Ch. 350, Stats. of 2015
AB 2690 (Mullin), Ch. 590, Stats. of 2014
AB 2605 (Bogh), failed passage Assembly Public Safety, 2006
SB 1694 (Torlakson), Ch. 550, Stats. of 2004

Support: California Consortium of Addiction Programs and Professionals; California Contract Cities Association; California District Attorneys Association; California State Sheriffs' Association; City of Norwalk; League of California Cities; Los Angeles County Sheriff's Department; Peace Officers Research Association of California; Safety and Advocacy for Empowerment; Streets for All

Opposition: ACLU California Action; California Attorneys for Criminal Justice; California Public Defenders Association; Debt Free Justice California; Justice2Jobs Coalition; La Defensa; Los Angeles County Public Defender's Union, Local 148

Assembly Floor Vote: 72 - 0

PURPOSE

The purpose of this bill is to increase the punishment for a driving under the influence (DUI) conviction with two priors from a misdemeanor to a wobbler and increases the punishment for a DUI with four or more priors from a wobbler to a jail felony.

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, ignition interlock device (IID) installation, license suspension or revocation, and completion of a DUI program. (Veh. Code, §§ 13352, 13352.1, 23538, 23540, 23542, 23546, 23550, 23552, 23548, 23575.3.)

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 subds. (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 of 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.¹ (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 the prosecutor, if the prosecution agrees to a plea of guilty or no contest to reckless driving in satisfaction of, or as a substitute for, an original charge of a DUI—also known as a wet reckless—to state for the record a factual basis for the satisfaction or substitution, including whether or not there had been consumption of an alcoholic beverage or ingestion or administration of a drug, or both, by the defendant in connection with the offense. Provides that a wet reckless is punishable by imprisonment in a county jail for 5 to 90 days, or by a fine of \$145-1,000, or both. (Veh. Code, §§ 23103, subd. (c); 23103.5, subd. (a).)

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 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 increases the punishment for a person convicted of a DUI with two priors within 10 years of the current offense, from a misdemeanor to a wobbler, punishable either as a misdemeanor by imprisonment for 120 days to one year in county jail or as a jail-eligible felony by 16 months, two years, or three years, and by a fine of \$390 to \$1,000.

¹ 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).)

This bill increases the punishment and associated criminal sanctions for a person convicted of a DUI with four or more priors within 10 years of the current offense, as follows:

- Increases the punishment from a wobbler to a jail felony, punishable by 16 months, two years, or three years, and by a fine of \$390 to \$1,000.
- Extends the license revocation period from four years to five years, as specified.
- Extends the IID installation mandate from three years to four years.

This bill clarifies that the punishment and associated criminal sanctions that apply to a DUI with three or more priors apply only to a DUI with three priors.

This bill makes technical and conforming changes.

COMMENTS

1. Need For This Bill

According to the author:

Alcohol-related roadway fatalities in our state have surged more than 50% over the past decade — an increase twice as steep as the rest of the country, according to federal estimates. It's time for California to do more to prevent these tragedies.

That is why I have introduced AB 1546 to combat the prevalence of DUIs in our community. AB 1546 does two critical things. It strengthens consequences for repeat DUI offenders, and it imposes longer license revocation and ignition interlock device (IID) mandates for these repeat offenders, to deter future drinking and driving incidents.

2. Data on DUIs and 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 2021.² For DUI arrests made in 2020, 74.7% of DUI convictions were for first-time DUIs, 19.2% for second-time DUIs, 4.6% for third-time DUIs, and 1.4% for fourth or subsequent DUIs.³

Alcohol-Involved Traffic Fatalities

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

² DMV, *32nd Annual Report of the California DUI Management Information System* (Oct. 2025), summary statistics available at <<https://www.dmv.ca.gov/portal/file/32nd-annual-report-dui-management-information-system-pdf>>.

³ DMV, *32nd Annual Report of the California DUI Management Information System*, *supra*, p. 30.

in alcohol-involved traffic crashes in 2023 in the state.⁴ 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 2023.⁵

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 2010.⁶ 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.⁷ That percentage dropped to 41.7% in 2021—the lowest proportion of total crash fatalities since 2001.⁸

3. Driving Under the Influence Offenses

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 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.)

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

⁴ 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>; OTS, *California Traffic Safety Quick Stats* available at <<https://www.ots.ca.gov/ots-and-traffic-safety/score-card/>>.

⁵ OTS, *Annual Report*, *supra*, at p. 8.

⁶ 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/>>.

⁷ *Ibid.*

⁸ *Ibid.*

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.

DUI causing bodily injury

Vehicle Code section 23153 governs DUIs when there has been an injury. A first DUI causing bodily injury is a wobbler, 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).)

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. Felony Impaired Driving Offenses

Felony DUI Crimes Due to Specified Priors or Great Bodily Injury

In addition to the crimes of DUI or a DUI causing bodily injury, where the severity of punishment increases in accordance with that person's number of priors, any DUI can be punished as a felony if that person has previously been convicted of certain impaired driving offenses or if the DUI causes certain types of injury. (Veh. Code, § 23550.5, subs. (a), (c) & (d).)

First, any DUI within 10 years of a conviction for a specified felony—a DUI with three or more priors, a DUI causing bodily injury, or gross vehicular manslaughter while intoxicated—is punishable as a wobbler misdemeanor, a \$390 to \$1,000 fine, a four- or five-year license revocation (including designation as a habitual traffic offender for three years), and a three- or four-year IID mandate. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subs. (a), (c) & (d); 23575.3, subd. (h)(1)-(2).) Accordingly, a DUI offender who was previously convicted of a felony DUI causing bodily injury can be subject to felony, rather than misdemeanor charges.

Second, a person convicted of any DUI who has previously been convicted of gross vehicular manslaughter while intoxicated or vehicular manslaughter while intoxicated can also face felony charges. This crime is punishable 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, subs. (b), (c) & (d); 23575.3, subd. (h)(1)-(2).)

Third, a DUI causing bodily injury, where the violation proximately causes great bodily injury to a person other than the driver, and the offense occurred within 10 years of two or more priors, is punishable 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).)

Impaired Driving Causing 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. All are felonies or can be charged as a felony.

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. (Pen. Code, §§ 187, 188; Veh. Code, § 23593, subd. (a).)

Sentence Enhancements

Various sentence enhancements apply depending on the conviction. A person who is convicted of a DUI causing bodily injury, which proximately causes bodily injury or death to more than one victim and results in a felony conviction, shall receive a one-year sentence enhancement in state prison for each additional victim injured (maximum of three victims). (Veh. Code, § 23558.) For example, a person who drives impaired and causes a car crash that injures three people in the other car may be charged with a felony DUI causing bodily injury, punishable by up to three years in state prison, and an enhancement of two years for the two additional injured victims. (Veh. Code, §§ 23554; 23558.)

Second, where a person is convicted of the felony crime of a DUI causing bodily injury that proximately causes great bodily injury and that occurred within 10 years of two or more priors, if the underlying offense occurred within 10 years of four or more priors that person shall be subject to an additional three-year prison enhancement, which shall be served in addition to and consecutive to the base term. (Veh. Code, § 23566, subs. (b), (c).) For example, if a person is convicted of a DUI that causes great bodily injury with four or more priors under this sentence enhancement, they may be punished by up to four years in state prison, and an additional three-year sentence enhancement. (*Ibid.*)

Third, a person convicted of a felony DUI may be subject to an additional three-year sentence enhancement if they personally inflicted great bodily injury in the commission of the felony DUI. (Pen. Code, § 12022.7, subs. (a) & (g).) For example, if a person is convicted of a felony DUI causing bodily injury, and the defendant personally inflicted great bodily injury during the

offense, that person can face up to three years for the offense, and an additional three-year enhancement. (Pen. Code, § 23554; *See e.g., People v. Wilson* (2003) 114 Cal.App.4th 953, 956; *People v. Sainz* (1999) 74 Cal.App.4th 565, 576.) This does not apply where great bodily injury is an element of the offense and is inapplicable to murder or manslaughter. (Pen. Code, § 12022.7, subds. (a), (g).)

5. Effect of This Bill

This bill changes the state's DUI laws in two ways. First, it increases the punishment for a person convicted of a DUI with two priors from a misdemeanor to wobbler, punishable either as a misdemeanor by imprisonment for 120 days to one year in county jail or as a jail felony by 16 months, two years, or three years, and by a fine of \$390 to \$1,000. Effectively, this gives prosecutors discretion to charge a person's third DUI within 10 years as a felony.

Second, it increases the punishment and associated sanctions for a DUI with four or more priors. As previously noted, a DUI with three or more priors currently may be punished as wobbler. (Veh. Code, §§ 23550, subds. (a), (b).) This means that a person convicted of their fourth, fifth, or sixth DUI in ten years can still be charged with a misdemeanor. This bill makes a DUI with four or more priors a jail felony, punishable by imprisonment for 16 months, two years, or three years, and by a fine of \$390 to \$1,000. In other words, this change eliminates the misdemeanor option for the most serious category of repeat DUI offenders.

Additionally, this bill increases the associated license revocation term and IID installation term for a DUI with four or more priors. As previously noted, a conviction for a DUI with three or more priors results in four-year license revocation and a three-year IID mandate. (Veh. Code, §§ 13352, subd. (a)(7); 23550; 23575.3, subd. (h)(1)(D).) This bill extends the license revocation period for a DUI with four or more priors from four years to five years, as specified, and extends the IID installation mandate for this offense from three years to four years.

6. Argument in Support

According to the California District Attorneys Association:

AB 1546, which would increase the punishment for offenders who commit DUI offenses three or more times within 10 years, imposes additional driving suspensions on these offenders and increases the length of time that repeat offenders must install Ignition Interlock Devices.

California has some of the weakest DUI laws in the country, especially as it relates to repeat offenders. California fails to punish repeat non-injury offenders as potential felons until their fourth DUI and never requires felony classification at all. 28 other states mandate felony classification before the fourth non-injury DUI and nearly every state mandates felony classification by the fourth conviction within 10 years. Approximately one-third of all non-injury DUI convictions are by repeat offenders but repeat offenders account for two-third of DUIs causing injuries or deaths.

These repeat DUI offenders are killing innocent California citizens at an increasingly alarming rate. In 2023, 1,355 people were killed in alcohol-involved crashes, a nearly 55% increase from 2014. This increase is more than double the national average over the same time period.

AB 1546 aligns California with the punishment schemes of many other states, and only increases punishments on repeat offenders, those most likely to cause fatal collisions and those who have proven unreceptive to milder forms of deterrence.

7. Argument in Opposition

The ACLU California Action writes:

AB 1546 ... chooses to confront the complicated DUI problem in this state through the narrow traditional lens of ever-increasing punishments. For over fifty years we have seen repeated attempts to get the attention of drunk drivers by imposing more and more serious criminal penalties. It hasn't worked before and it won't work now.

This legislative session there are numerous efforts to reform and update DUI laws in California. We strongly believe that a broader discussion on existing DUI statutes should take place among key legislators and a wide array of stakeholders in order to possibly identify a more comprehensive and balanced approach to the larger policy issue. We encourage this author and others to help bring us together for this convening.

Strong evidence indicates that the application of longer criminal sentences has failed to promote either deterrence or incapacitation. This notion is supported by the federal Department of Justice, which discourages increasing existing punishment, noting that longer sentencing does little to deter crime. Other studies have come to the conclusion that the severity of punishment does not generally have an increased effect on deterrence. Rather, studies have concluded that certainty of punishment – that someone will be punished for a particular crime – has a greater deterrence effect than the severity of the punishment itself.

When ignition interlock devices (IIDs) are implemented in a way that is evidence based, equitable, and narrowly tailored, California research shows DUI recidivism rates for first time convictions are relatively low, with a one year recidivism rate of 3.7 percent and only 4.3 percent involving a crash. That data shows why a one size fits all mandate is not sound policy. IIDs should be available and encouraged where there are clear indicators of elevated risk, guided by judicial discretion and informed criteria. The state must pair any program with strong oversight of IID installers, transparent complaint processes, safeguards against device malfunctions and dangerous rolling rechecks, and strict privacy limits on data collection, retention, and use.

IIDs must also be free for people who cannot afford them. Current programs can cost more than one thousand dollars per year in installation, maintenance, and removal fees. For low-income Californians, even reduced payments can trigger missed bills, food insecurity, and license suspensions tied to nonpayment. A

public safety tool should not extract wealth from people in poverty. If the state requires IIDs, it should fully fund the cost, enforce clear vendor standards, and ensure that inability to pay never leads to extended sanctions or loss of driving privileges.

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