Assemblyman Tom Lackey 34th District

AB 1686: Wobbler for Second DUI Offense

Summary
AB 1686 will allow for a person who receives their second DUI within 10 years to be charged with a felony or misdemeanor.

Background
A DUI (Driving Under the Influence) offense occurs when a person operates a motor vehicle while impaired by alcohol, drugs or both.

Under existing law, an individual who receives their first and second DUI can be charged with a misdemeanor while the third DUI can be charged as either a misdemeanor or felony, however, a felony charge is rare. It is not until a person receives their fourth DUI within 10 years that they can be charged with a strict felony.

The Problem
Drunk driving continues to be a major cause of preventable accidents and fatalities in California. Each year over 1,300 people die in the state from drunk driving collisions and DUI arrests have dropped from nearly 200,000 in 2010 to 100,000 in 2020.

A recent DMV analysis followed drivers who received a DUI in 2005. Over the next 15 years, over 25% of those same drivers were arrested again for another DUI. Among those drivers, 40% already had three or more DUIs at the time of the 2005 arrest.

Despite California's early leadership in the anti-drunk driving movement in the 1980s, the state now has some of the weakest DUI laws in the country. Approximately, one-third of drivers convicted of one or more DUIs will reoffend and can continue to add additional DUIs to their record before they are even convicted. There have been instances of offenders racking up four, five, six DUIs, with one woman in Fresno who recently received her 16th.

Given the tragedy that can be caused by these horrific moments, other states have imposed stricter charges. Oklahoma allows for the second DUI offense to be charged as a felony, while New York allows for a felony charge if a person is convicted of their second within 10 years.

In many other states, a second DUI becomes a felony if it causes severe bodily injury, death, or involves a child passenger.

Solution
AB 1686 will allow for a person who receives their second DUI within 10 years to be charged with a felony or misdemeanor. By making the second DUI a wobbler, it will help prevent repeat offenders from being on the road and spares another life from this horrific incident.

Staff Contact

Taylor Bartucca
Legislative Director
Taylor.Bartucca@asm.ca.gov
(916) 319-2034