SB 907 – Drunk and Impaired Driving Enforcement

SUMMARY

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, close loopholes in existing law, and prevent future tragedies from occurring.

BACKGROUND

California has fallen behind the nation in addressing drunk and impaired driving, putting Californians at risk. Federal estimates indicate that alcohol related road deaths have increased by more than 50% across the state over the last decade, with over 1,300 individuals dying statewide per year in alcohol related crashes. This 50% increase is more than double the national average increase over the same period.

California has some of the weakest DUI laws in the country, allowing offenders to stay on the road with little punishment and putting lawful drivers and pedestrians in danger. In general, drivers only face felony charges for a DUI if it is their fourth DUI within 10 years.

California does not consider gross vehicular manslaughter and vehicular manslaughter while intoxicated to be violent felonies. However, a DUI that causes serious injury is considered a violent crime. In California, violent felonies under PC 667.5(c) are restricted to earning a maximum of 33.3% (1/3) in "good time" or "work time" credits. Non-violent felonies allow for up to 66.6% (2/3) credits, permitting inmates to serve less than half their sentence. This has created a contradiction, where someone sentenced for killing another person with their car while intoxicated may serve less time than if the victim survived.

Several recent cases in Southern California highlight gaps in California's DUI enforcement and sentencing. Braun Levi[1], a nationally ranked high school tennis star from Loyola High School, was struck and killed by a suspected drunk driver while walking in Manhattan Beach. Notably, while the accused killer had previously been arrested for a DUI offense, in that case, the individual pled to a hit and run and did not receive a Watson advisement.

To sustain a DUI murder charge, prosecutors need to be able to prove an offender knew the dangers of drunk driving and took the risk anyway. That means showing the defendant received a formal warning about the dangers of intoxicated driving, called a Watson advisement, which is read to DUI offenders.

Benjamin Montalvo[2] was struck and killed by a repeat hit and run driver who was believed to be impaired. Montalvo's killer was charged and sentenced with felony vehicular manslaughter with gross negligence and sentenced to 9 years in prison. However, as this is not a violent crime, the individual ultimately served under 3 years due to credits.

Anya Varfolomeev and Nicholay Osokin[3] were both killed by a drunk driver in Orange County in 2021. The offender, who was sentenced to 10 years in prison, was released after serving just over 3 years of that sentence. Sentencing in this case was limited by California's consecutive sentencing laws, which limit the ability to apply stronger punishments in cases where an impaired driver kills multiple victims.

[1] https://www.foxla.com/news/braun-levi-woman-charged-california-tennis-star-murder-arraigned

[2] https://www.cbsnews.com/losangeles/news/corona-benjamin-montalvo-hit-and-run-crash-neomi-velado-released-from-prison/

[3] https://www.ocregister.com/2026/01/23/dui-driver-who-killed-2-oc-teens-then-reentered-u-s-illegally-after-prison-is-sentenced/

SOLUTION

To address California's deficient laws surrounding impaired driving, SB 907 proposes five important fixes to improve California's DUI enforcement and sentencing laws.

- Adds gross vehicular manslaughter and vehicular manslaughter while intoxicated to the violent felony list in PC 667.5(c).
    - SB 907 closes a loophole where someone who kills another while driving drunk may serve less time than if the victim lived.
- Braun's Law: SB 907 would mandate Watson advisements in all situations where a DUI is dismissed by the court or pled down to any other charge (including a hit and run).
    - After receiving a Watson advisement, an individual who drives drunk again and kills someone may face second degree murder charges.
- Targets repeat offenders by adding a 3-year enhancement for prior felony DUI convictions.
    - In California, an individual typically only receives a felony DUI upon their fourth violation within 10 years.
- Increases punishment for hit & run and hit & run with injury if the driver has a prior DUI conviction within 10 years.
    - Repeat offenders understand that they benefit from running away from their crime. If the accused is able to delay arrest 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.
- Kolya and Anya's Law: Allows full term consecutive sentencing for multiple violations of gross vehicular manslaughter and vehicular manslaughter while intoxicated.
    - Creates an exception to the "volume discount" or 1/3 the mid-term rule for consecutive sentencing.

SUPPORT

Los Angeles County District Attorney Nathan Hochman (Co-Sponsor)
Orange County District Attorney Todd Spitzer (Co-Sponsor)
Mothers against Drunk Driving (MADD) (Co-Sponsor)
SAFE CA Roads Coalition (Co-Sponsor)
Arcadia Police Officer Association
Brea Police Officer Association
Burbank Police Officer Association
California Association of School Police Chiefs
California Narcotic Officers' Association
California Reserve Peace Officer Association
Claremont Police Officer Association
Corona Police Officer Association
Culver City Police Officer Association
Fullerton Police Officer Association
Los Angeles Schools Police Association
Murrieta Police Officer Association
Newport Beach Police Association
Novato Police Officer Association
Palos Verdes Police Officer Association
Placer County Deputy Sheriffs' Association
Pomona Police Officer Association
Riverside Police Officer Association
Riverside Sheriffs' Association

FOR MORE INFORMATION

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