



National
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June 8, 2026

Senator Jesse Arreguín
Chair, Senate Public Safety Committee
1020 N Street, Room 545
Sacramento, CA 95814

RE: AB 2122 – SUPPORT

Dear Senator Arreguín,

The National Consumer Law Center (NCLC)¹ writes to express our support for Assembly Bill 2122. This bill would amend the penal and vehicle codes to eliminate custodial bench warrants for minor infractions,² which are otherwise non-jailable offenses.

Under California law, nonpayment of an infraction fine or missing a traffic court date can result in a bench warrant, or a judge-issued order that authorizes law enforcement to arrest a person and bring them before the court.³ People who miss court dates may be jailed for offenses that could not result in jail time otherwise. This system operates as a debtor's prison, creating a two-tiered system of justice; people who can afford to pay do not have to appear in court, while those who cannot afford to pay can be arrested and jailed for the same infractions. Arresting people who cannot afford to pay can have severe negative consequences for the individual arrested and their

¹ The National Consumer Law Center (NCLC) is a nonprofit organization that engages in research, education, advocacy, and litigation to advance economic justice for low-income and other disadvantaged people, including people of color and older adults. NCLC works with nonprofit and legal services organizations, private attorneys, policymakers, federal and state governments, and courts across the nation to protect low-income people from harmful lending and debt collection practices, help financially stressed families build and retain wealth, and advance economic fairness. Through its Criminal Justice Debt & Reintegration Project, NCLC works to address fines-and-fees policies that trap low-income families and families of color in poverty and criminalize poverty.

² In response to concerns from the California District Attorney's Association (CDAA), the bill was amended in the Assembly Public Safety Committee to allow courts to issue a non-custodial bench warrant for non-vehicle code infractions. Non-custodial bench warrants empower police officers to arrest people with outstanding infractions, but those individuals must be released rather than detained. In response to these amendments, CDAA removed its opposition.

³ Cal. Penal Code § 853.8, <https://law.justia.com/codes/california/code-pen/part-2/title-3/chapter-5c/section-853-8/>;
Cal. Veh. Code § 40510.5, <https://law.justia.com/codes/california/code-veh/division-17/chapter-2/article-2/section-40510-5/>.

families, including fear, separation of parents and children, and potential job loss and increased difficulty in finding new jobs—which can in turn make payment even harder and cause larger problems. And bench warrants are issued without considering why someone did not appear in court, such as lack of transportation, the risk of losing their job, or never receiving notice.

Additionally, infraction bench warrants are disproportionately issued to people of color and low-income people. For example, although Black people make up only 5.8% of the local population in San Francisco, they make up 48.7% of those arrested for “failure to appear or pay” traffic court warrants.⁴ These bench warrants can also lead to ICE arrests and removal proceedings for non-jailable offenses.⁵

Research shows non-punitive approaches, like improved notices and text message reminders, can help ensure people appear in court.⁶

Eliminating custodial bench warrants for infractions will help end an unnecessary pipeline to incarceration that makes it harder for people to pay their debt, support their families, and achieve financial stability.

For these reasons, NCLC respectfully urges you to support AB 2122. If you have any questions please, contact Dani Kando-Kaiser at dani@kaiseradvocacy.com.

Sincerely,

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⁴ Back on the Road California et al., *Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Courts in California* 1, 8–9, 16, 18 (2016), https://lccrsf.org/wp-content/uploads/2016/06/Stopped_Fined_Arrested_BOTRCA.pdf.

⁵ See Jeremy Loudanback, *Lost and arrested: How a series of disastrous events led a former LA foster youth into ICE custody*, L.A. Public Press (Nov. 10, 2025), <https://lapublicpress.org/2025/11/lost-and-arrested-part1/>.

⁶ See, e.g., Christina Hager, *Text reminders help people get to court on time in Massachusetts*, CBS News, Feb. 10, 2023, <https://www.cbsnews.com/boston/news/text-reminders-defendants-court-on-time-massachusetts-probation/>; Alissa Fishban et al., *Behavioral nudges reduce failure to appear for court*, *Science*, Nov. 6, 2020, <https://www.science.org/doi/full/10.1126/science.abb6591> (redesigned summons form and text messages reduced failures to appear on average by 13 and 21%, respectively; estimating that these nudges helped avoid at least 30,000 arrest warrants being issued over 3 years); Brice Cook et al., *Using Behavioral Science to Improve Criminal Justice Outcomes: Preventing Failures to Appear in Court* (2018) (redesigned summons form reduced failure to appear by 13% and reminder messaging reduced failure to appear by 26%).