

Date of Hearing: August 18, 2020

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

SB 1141 (Rubio) – As Amended August 6, 2020

Policy Committee: Judiciary

Vote: 11 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

**SUMMARY:**

This bill expands the definition of “disturbing the peace” for which a court may issue a restraining order under the Domestic Violence Prevention Act (DVPA) to include, among other things, coercive control.

**FISCAL EFFECT:**

Minor and absorbable costs to the trial courts.

**COMMENTS:**

1) **Purpose and Background.** According to the author:

This bill improves California’s domestic violence laws by bringing a range of coercive behaviors under a single statutory framework situated in the Family Code, with associated benefits in criminal proceedings.

The DVPA seeks to prevent acts of domestic violence and abuse and separate people involved in domestic violence for a period sufficient to create safety. In addition to physical abuse, domestic violence may also include psychological abuse and coercive control. The DVPA allows a court to issue a domestic violence protective order enjoining an abuser from “disturbing the peace” of the victim. Courts have defined “disturbing the peace” as destroying the other party’s mental or emotional calm, based on a totality of the evidence and circumstances.

This bill codifies language from case law defining what it means to “destroy the other party’s mental or emotional calm.” The bill also provides that disturbing the peace of another includes coercive control and provides a non-comprehensive list of examples of coercive control. Finally, the bill clarifies that disturbing the peace of the other party may be committed directly or indirectly.

2) **Arguments in Support.** According to WEAVE:

Several states across the country have already recognized coercive control as a category of domestic abuse. This trend shows the importance of aligning California law with the harm that coercive control inflicts on victims. Additionally, the impacts of the current COVID-19 pandemic

make this legislation particularly timely as greater numbers of victims face additional barriers to safety caused by economic strain, shelter in place orders and limits on ways they can access community-based supportive services.

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