

Date of Hearing: June 30, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

SB 374 (Min) – As Amended April 20, 2021

Policy Committee: Judiciary

Vote: 9 - 1

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill expands the definition of coercive control for which a court may issue a restraining order under the Domestic Violence Prevention Act (DVPA) to include reproductive coercion. This bill defines “reproductive coercion” as interfering with the control over the reproductive autonomy of another through force, threat of force or intimidation, including unreasonably pressuring the other party to become pregnant, deliberately interfering with contraception use or access to reproductive health information or using coercive tactics to control pregnancy outcomes.

FISCAL EFFECT:

Minor and absorbable costs to the trial courts to consider whether to issue a domestic violence restraining order based on reproductive coercion. Existing law currently permits a court to issue a DVRO where there is evidence of coercive control based on other conduct that may include conduct defined as “reproductive coercion.” This bill expands what constitutes coercive control.

COMMENTS:

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

SB 374 will provide critical clarity to the Domestic Violence Prevention Act (DVPA) by adding reproductive coercion. Although the term reproductive coercion may be unfamiliar to some, this abusive behavior is far more common than many realize. Research shows us that many survivors of abuse also experience reproductive coercion, which includes, but is not limited to, interference with contraception use and pregnancy outcomes.

2) **SB 1141 (Rubio), Chapter 248, Statutes of 2020.** SB 1141 expanded the definition of “disturbing the peace” for which a court may issue a restraining order under the DVPA to include, among other things, coercive control. 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 DVRO 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 includes reproductive coercion in the definition of “disturbing the peace.” Reproductive coercion must be accomplished through force, threat of force, fear or intimidation.

3) **Argument in Support.** According to Planned Parenthood Affiliates of California:

SB 374 will ensure that judges—who have significant discretion in issuing Temporary and Permanent Domestic Violence Restraining Orders—recognize that the conduct survivors describe is legally defined as abuse. California needs to take swift action to update the DVPA to be more accurate and cover more forms of abuse—originally passed over 20 years ago in 1979.

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