

CONCURRENCE IN SENATE AMENDMENTS

AB 1094 (Bains)

As Amended August 29, 2025

Majority vote

SUMMARY

Requires any person convicted of torture where the victim is 14 years of age or younger and the person is in care or custody of the victim, to serve a minimum term of 10 years before being eligible for release.

Senate Amendments

Reduces the minimum term from 14 years to 10 years before a person convicted of torture of a child 14 years of age or younger and who has care or custody of the victim, as specified.

COMMENTS

As passed by the Assembly: This bill required any person convicted of torture where the victim is 14 years of age or younger and the person is in care or custody of the victim, to serve a minimum term of 14 years before being eligible for release.

According to the Author

"AB 1094 will increase the minimum sentence for individuals convicted of torturing a child under the age of 14. The bill recognizes the extreme harm caused to child victims and the necessity of greater deterrence and punishment for perpetrators who inflict such trauma on vulnerable children. The bill acknowledges the unique and severe impact of torture on children, aligning the penalty with the gravity of the crime and the victim's vulnerability."

Arguments in Support

According to the *Orange County District Attorney's Office*: "Under existing law, the punishment for torture does not distinguish between adult and child victims despite the inherent vulnerability of minors and the disproportionate harm children endure, usually at the hands of caretakers.

When 10-year-old Natalie F. wasn't hogtied and thrown into ice baths or burned with peppers, she was zip tied to furniture and starved for months by her stepmother, who was ultimately sentenced to 7-life for the torture. Natalie endured 17 surgeries to recover the use of her legs and is permanently disfigured. The trial judge said it was the worst case he'd ever seen and that he regretted not being able to impose more time. Parole after seven years just isn't enough. Torture involves cruelty, suffering, a sadistic intent, and severe injury, and when inflicted upon a child, the long-term physical, emotional, and psychological impact is particularly devastating.

"AB 1094 acknowledges this distinction by ensuring that those who commit such heinous acts against children face penalties that reflect the gravity of their crimes, ensuring that young victims can grow into adulthood safe from their torturer. By increasing the minimum sentence, AB 1094 serves as both a deterrent and a measure of justice for victims. Strengthening consequences for those who inflict such severe trauma on children is a necessary step toward protecting our most vulnerable and ensuring accountability for perpetrators of these egregious offenses."

Arguments in Opposition

According to *Smart Justice California*: "While not minimizing the seriousness of the crimes of torturing a minor under 14, or of the crime of torturing any individual, current law already provides sufficient punishments and safeguards on release for anyone convicted of such a crime.

"Existing law already punishes an individual that commits torture on a minor under the age of 14 with a term of life in prison. Existing law also provides sufficient safeguards to insure that a person convicted of torture of a minor under 14 is not released back into the public on parole until it is safe to do so. Existing law, while providing a mechanism to eventually review such individuals for the *possibility* of release, does not provide any guarantee or even likelihood of release back to the community. A person cannot be released back into the community without a thorough review by the Board of Parole to ensure the individual presents no danger to the community and has been fully rehabilitated. Any decision by the Parole Board is also subject to review by the Governor."

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) Unknown, potentially significant costs (General Fund) to the Department of Corrections and Rehabilitation (CDCR), likely in the millions of dollars annually, to incarcerate people for the increased sentences in this bill. The Legislative Analyst's Office (LAO) estimates the average annual cost to incarcerate one person in state prison is \$133,000. The annual cost of operating a mental health crisis bed at CDCR is around \$400,000. As part of the ongoing Coleman court case, CDCR has been incurring fines monthly since April 2023 for failing to reduce vacancy rates for five mental health classifications. The state has paid over \$200 million in fines to date, and is still accruing fines. Thus, if even if just one person is sentenced to state prison for one year under this bill, it will add significant costs pressures to CDCR. By way of illustration, if only one are incarcerated for 10 years before they are eligible for parole as a result of this bill, it would cost the state, at minimum \$1,330,000.
- 2) Potential cost pressures (General Fund) to the Department of State Hospitals (DSH), in order to adequately house, treat, and care for persons committed to DSH that otherwise would not. Cost pressures to DSH are connected with an increase in state prison sentences. DSH's proposed budget for fiscal year 2025-26 totals \$3.4 billion – an increase of \$3.4 million from the 2024 Budget Act. An increase the DSH population would result in the need for additional funding.

VOTES:**ASM PUBLIC SAFETY: 9-0-0**

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 74-0-5

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Bonta, Bryan, Hart, McKinnor, Rogers

UPDATED

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