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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair  
2025 - 2026 Regular Session

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### AB 1134 (Bains) - Coerced marriage

**Version:** April 23, 2025

**Urgency:** No

**Hearing Date:** August 18, 2025

**Policy Vote:** JUD. 12 - 0, PUB. S. 6 - 0

**Mandate:** No

**Consultant:** Liah Burnley

**Bill Summary:** AB 1134 allows a court to accept a specified petition for annulment of a marriage if the petition is filed after the existing statute of limitations, and modifies the crime of forced marriage and defilement of a woman.

#### Fiscal Impact:

- Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate the crime expanded by this bill. Defendants are constitutionally guaranteed certain rights during criminal proceedings, including the right to a jury trial and the right to counsel (at public expense if the defendants are unable to afford the costs of representation). The fiscal impact of this bill to the courts will depend on many unknowns, including the numbers of people charged with an offense and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. This is a conservative estimate, based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.
- Unknown, potentially significant costs (local funds, General Fund) to the counties to incarcerate people for the crime expanded by this bill. The average annual cost to incarcerate one person in county jail varies by county, but likely ranges from \$70,000 to \$90,000 per year. For example, in 2021, Los Angeles County budgeted \$1.3 billion for jail spending, including \$89,580 per incarcerated person. Actual incarceration costs to counties will depend on the number of convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).
- Unknown, potentially significant costs (General Fund) to the Department of Corrections and Rehabilitation (CDCR). While most individuals incarcerated under this bill will serve their sentences in county jail, this crime expanded by this bill is punishable "pursuant to subdivision (h) of Section 1170." Under subdivision (h) of Section 1170 of the Penal Code, if the defendant has specified prior felony convictions, the sentence for a felony shall be served in the state prison. The Legislative Analyst's Office (LAO) estimates the average annual cost to incarcerate

one person in state prison is \$133,000. Even if just one person is sentenced to state prison for one year under this bill, it will add significant costs pressures to CDCR.

- 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. Expanding a felony will increase the number of defendants declared incompetent to stand trial (IST), or committed to DSH due to their being not guilty by reason of insanity.

**Background:** Antiquated Penal Code section 265 prohibits any person who “takes any woman”, unlawfully, against her will, and by force, menace, or duress, compels “her to marry him,” or “to be defiled.” The offense is currently punishable by imprisonment as an alternative felony-misdemeanor pursuant to subdivision (h) of Section 1170 of the Penal Code. The statute, undeniably rooted in patriarchal values, remains on the books as a glaring example of legal and systemic gender discrimination that haunts California’s legal codes.

Existing law provides that a marriage is voidable and may nullified if certain conditions existed at the time of the marriage, including, among others, if the consent of either party was obtained by fraud or by force. Existing law requires a proceeding to obtain a judgment of nullity of marriage by the party whose consent was obtained by fraud or by force, to be commenced within 4 years after the marriage.

**Proposed Law:**

- Revises and recasts Penal Code section 265 to instead criminalize compelling a person to marry against their will and specifies that this provision shall be applied equally regardless of the age of the victim of a forced marriage at the time of the forced marriage.
- Operative January 1, 2027, allows, if a petition for nullity of marriage brought on the grounds that consent was obtained by force is filed beyond the four-year period, a court to grant permission for the party to proceed upon a showing of good cause. Requires the Judicial Council to modify or develop the forms necessary to implement this provision.

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