
THIRD READING

Bill No: AB 1134
Author: Bains (D), et al.
Amended: 4/23/25 in Assembly
Vote: 21

SENATE JUDICIARY COMMITTEE: 12-0, 6/24/25

AYES: Umberg, Niello, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern,
Wahab, Weber Pierson, Wiener

NO VOTE RECORDED: Valladares

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 7/8/25

AYES: Arreguín, Seyarto, Caballero, Gonzalez, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25

AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 79-0, 6/2/25 - See last page for vote

SUBJECT: Coerced marriage

SOURCE: Author

DIGEST: This bill permits, beginning January 1, 2027, a court to extend, upon a showing of good cause, the time in which a party who was forced into a marriage can commence a proceeding to nullify the marriage; and updates the crime of forced marriage to make it applicable to persons of all genders.

ANALYSIS:

Existing law:

- 1) Provides that a marriage is voidable and may be adjudged a nullity if any of the following conditions existed at the time of the marriage:

- a) The party who commences the proceeding or on whose behalf the proceeding is commenced was under 18 years of age, unless the party entered into the marriage pursuant to a determination by a court, as specified.
 - b) The spouse of either party was living and the marriage with that spouse was then in force and that spouse was either (1) absent and not known to the party commencing the proceeding to be living for a period of five successive years immediately preceding the subsequent marriage for which the judgment of nullity is sought, or (2) was generally reputed or believed by the party commencing the proceeding to be dead at the time the subsequent marriage was contracted.
 - c) Either party was of unsound mind, unless the party of unsound mind, after coming to reason, freely cohabited with the other as their spouse.
 - d) The consent of either party was obtained by fraud, unless the party whose consent was obtained by fraud subsequently, with full knowledge of the facts constituting the fraud, freely cohabited with the other as their spouse.
 - e) The consent of either party was obtained by force, unless the party whose consent was obtained by force subsequently freely cohabited with the other as their spouse.
 - f) Either party was, at the time of marriage, physically incapable of entering into the marriage state, and that incapacity continues, and appears to be incurable. (Family (Fam.) Code, § 2210.)
- 2) Provides that a party seeking to obtain a judgment of nullity of marriage for the causes set forth in 1) must commence the proceeding to obtain the judgment within the following periods:
- a) For a minor marriage as provided in 1)(a), the party who was under the age of legal consent must commence the proceeding within four years after arriving at the age of consent; or the parent, guardian, conservator, or any other person having charge of the minor may commence the proceeding at any time before the married minor reaches age of legal consent.
 - b) For a marriage to a person already legally married, the proceeding may be commenced by either party during the life of the other; or by the former spouse.

- c) For a marriage in which one party was of unsound mind, the party injured, or a relative or conservator of the party of unsound mind, may commence the proceeding at any time before the death of the other party.
 - d) For a marriage in which consent was obtained by fraud, the party whose consent was obtained by fraud must commence the proceeding within four years of the discovery of the facts constituting the fraud.
 - e) For a marriage in which consent was obtained by force, the party whose consent was obtained by force must commence the proceeding within four years after the marriage.
 - f) For a marriage in which a party was physically incapable of entering into the marriage state, the injured party must commence the proceeding within four years after the marriage. (Fam. Code, § 2211.)
- 3) Provides that the effect of a judgment of nullity of marriage is to restore the parties to the status of unmarried persons; however, the judgment of nullity is conclusive only as to the parties to the proceeding and those claiming under them. (Fam. Code, § 2212.)
- 4) Provides that “[e]very person who takes any woman [*sic*] unlawfully, against her [*sic*] will, and by force, menace or duress, compels her [*sic*] to marry him [*sic*], or to marry any other person, or to be defiled [*sic*], is punishable by imprisonment pursuant to subdivision (h) of Section 1170” of the Penal Code. (Penal (Pen.) Code, § 265.)

This bill:

- 1) Beginning January 1, 2027, provides that, if a petition of nullity is filed beyond the relevant period provided, a court may grant permission for a party to proceed with the petition upon a showing of good cause.
- 2) Requires the Judicial Council to modify or develop the forms necessary to implement 1).
- 3) Modifies the crime of forced marriage, set forth in 4), above, to read: “[a] person who compels another person, unlawfully, against their will, and by force, menace, or duress to marry them or to marry another person shall be punished by imprisonment pursuant to subdivision (h) of Section 1170” of the Penal Code, and expressly states that the crime applies equally regardless of the age of the victim of a forced marriage at the time of the forced marriage.

Comments

A marriage in California can end in only one of three ways: death of one of the parties, a judgment of dissolution of the marriage (colloquially known as divorce), or a judgment of nullity of marriage. Both dissolution and nullity require a petition and judgment issued by a court. When a marriage is nullified, the marriage is deemed never to have existed and the parties resume the status of unmarried persons. Certain marriages are voidable, meaning they can be nullified by a judgment of nullity issued by a court when specified circumstances exist, but otherwise will remain valid. The law provides time limits on when a petition for a judgment of nullity can be sought; for a marriage for which consent was obtained through force, the time limit is four years from the date of the marriage.

This bill recognizes that, for some victims of intimate partner violence, four years might be too short a time for the partner who was forced into a marriage to safely bring a petition for a judgment of nullity. To that end, the bill permits a court, upon a showing of good cause, to grant permission for a party to file the petition beyond the four-year period; this change will take effect on January 1, 2027. The bill also updates the language in the crime of forced language to make it applicable to persons of all genders.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

- 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. According to the Senate Appropriations Committee, the fiscal impact is as follows:

SUPPORT: (Verified 8/25/29)

California District Attorneys Association
Choose Your Path
Family Violence Law Center

OPPOSITION: (Verified 8/25/29)

None received

ARGUMENTS IN SUPPORT: According to the Family Violence Law Center:

California is one of three states/territories that *only protect women* against forced marriage. Additionally, California defines forced marriage as a prohibited marriage yet is one of only 10 states that places a statute of

limitations on annulment. A four year statute of limitations does not allow survivors of forced marriage sufficient time to file for annulment, placing the survivor in limbo instead of empowering them to break free.

AB 1134 will update Penal Code 265 which currently authorizes punishment through state imprisonment for any man who “unlawfully [takes a woman] against [her] will, and by force, menace or duress compels her to marry him, or to marry any other person, or to be defiled.”⁸ AB 1134 will remove gendered language to expand protections and rights to all individuals who are impacted by forced marriage.

Additionally, AB 1134 will amend family code 2211 to lift the current four year limit and empower survivors to seek an annulment when they are ready. This will align California with a majority of states that allow for a victim to come forth at any time to file for annulment due to force or coercion.

ASSEMBLY FLOOR: 79-0, 6/2/25

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

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
8/30/25 15:20:40

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