

Date of Hearing: April 15, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1877 (Stefani) – As Amended March 26, 2026

Policy Committee: Public Safety

Vote: 8 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This bill increases penalties for the willful and knowing violation of specified criminal protective orders and stay-away orders.

Specifically, this bill:

- 1) Makes a first violation punishable as a wobbler, rather than a misdemeanor, if the person subject to the order was charged with or convicted of a felony for the underlying conduct, unless the charge was reduced to a misdemeanor or dismissed.
- 2) Increases the punishment for a second or subsequent violation within seven years involving violence or a credible threat of violence from a wobbler to a straight felony.
- 3) Requires courts to consider any alleged physical injury resulting from the violation when setting, reducing, or denying bail.

FISCAL EFFECT:

- 1) Incarceration costs (local funds, General Fund) to the counties and the California Department of Corrections and Rehabilitation. Actual incarceration costs will depend on the number of convictions, the length of each sentence, and whether each sentence must be served in county jail or state prison. The average annual cost to incarcerate one person in county jail is approximately \$29,000, though costs are higher in larger counties. The Legislative Analyst's Office estimates the average annual cost to incarcerate one person in state prison is \$128,000. CDCR estimates the annual cost is \$135,921. County incarceration costs are not subject to reimbursement by the state. However, overcrowding in county jails creates cost pressure on the General Fund because the state has historically granted new funding to counties to offset overcrowding resulting from public safety realignment. If this bill results in only a handful of new convictions per year, the resulting cost of incarceration to the state could be significant.
- 2) Minor costs to the Judicial Council and trial courts (Trial Court Trust Fund, General Fund) for updating Judicial Council forms and criminal protective order templates, and for additional judicial workload associated with felony proceedings.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

COMMENTS:

- 1) **Purpose.** According to the author, protective and stay-away orders are among the most important tools available to survivors of domestic violence, stalking, and sexual assault, but under current law, violations can only be charged as misdemeanors even when the underlying conduct is charged as a felony or violations are repeated. The bill is intended to strengthen enforcement by allowing prosecutors to charge violations as felonies in the most serious cases.
- 2) **Background.** Under existing law, a willful and knowing violation of a criminal protective order is punishable as a misdemeanor — up to one year in county jail. A second or subsequent violation within seven years involving violence or a credible threat of violence is punishable as a wobbler. The bill would add an intermediate tier: a first violation is punishable as a wobbler if the underlying conduct was charged or convicted as a felony, and a second or subsequent violation involving violence or a credible threat becomes a straight felony.

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