

ASSEMBLY THIRD READING

AB 1877 (Stefani)

As Amended March 26, 2026

Majority vote

SUMMARY

Makes the willful and knowing violation of specified criminal protective orders and stay-away orders punishable as an alternate felony-misdemeanor, rather than a misdemeanor, if the person who is the subject of a protective order was charged with, or convicted of, a felony for the conduct upon which the protective order was based, unless the matter is reduced to a misdemeanor or the charge was dismissed.

Major Provisions

- 1) Provides that if there is an allegation that the violation resulted in a physical injury to the victim, the court, in considering the seriousness of the offense charged and the protection of the public, shall include consideration of the violation of the protective order or stay-away order and alleged injury to the victim in setting, reducing or denying bail.
- 2) Increases the punishment, from an alternate felony-misdemeanor to a straight felony, for a second or subsequent conviction for a violation of an order occurring within seven years of a prior conviction for a violation of any of a criminal protective orders or stay-away orders involving an act of violence or "a credible threat" of violence, as defined in existing law.

COMMENTS**According to the Author**

"Protective and stay away orders are one of the most important tools available to survivors of domestic violence, stalking, and sexual assault, but they are only effective if violations are taken seriously and enforced. Under current law, violations of these court orders can only be charged as misdemeanors, even when the underlying conduct is charged as a felony or when violations occur repeatedly. This creates a dangerous gap in accountability that can allow abuse to escalate and leaves survivors vulnerable until further harm occurs. AB 1877 strengthens enforcement by allowing prosecutors to charge violations as felonies in the most serious cases, including when the underlying conduct is charged as a felony, when violations are repeated, or when a new violation occurs within one year of a prior conviction. The bill also ensures courts consider allegations of physical injury when determining pretrial release. By providing stronger tools to address serious and repeated violations, AB 1877 improves compliance with protective orders, enhances accountability, and helps protect survivors before violence escalates."

Arguments in Support

According to the *San Francisco Mayor Daniel Lurie*, the sponsor of this bill, "Protective orders are meant to provide survivors with tangible and enforceable safety from further harm. However, orders are far too often violated without repercussion. Under existing law, violations are treated as minor offenses, even when they are repeated. This can leave survivors vulnerable to danger and perpetuate a lack of confidence in the justice system's ability to protect them. Repeated violations are also warning signs of escalating danger and have to be taken seriously for the safety of the survivor and their family."

"Your legislation remedies the penalty structure for protective order violations to reflect the actual risk posed to the protected person. This bill would give prosecutors greater authority to respond when violations of protective orders show a serious risk to survivor safety. By allowing felony charges in high-risk cases, AB 1877 (Stefani) makes sure that the law reflects the serious nature of repeated or dangerous violations, and ensures meaningful actions and measures can be taken when warning signs are clear."

Arguments in Opposition

According to *ACLU California Action*, "Under existing law, willful disobedience of a court order as contempt of court is punishable as a misdemeanor up to six months in county jail, which can be increased to one year as a gross misdemeanor if the defendant willfully and knowingly violated specified protective orders. For any second or subsequent violation of these specified protective orders within seven years of a prior conviction and involving an act of violence or credible threat of violence is punishable as either a misdemeanor or felony, otherwise known as a wobbler.

"This proposal undermines a great amount of study and evidence surrounding the efficacy behind longer criminal sentencing and its impact on crime deterrence. Evidence indicates that applying longer criminal sentences has failed to deter crime.¹ The federal Department of Justice shared a paper discouraging increasing existing punishments.² Other studies support this evidence, finding that the severity of punishment does not generally have an increased effect on deterrence.³ Rather, studies have concluded that certainty of punishment — that someone will be punished for a particular crime — has a greater deterrence effect than the severity of the punishment itself.⁴ Increasing criminal penalties of existing crimes will incur an additional \$133,100 cost per person incarcerated each additional year they are sentenced."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 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.

VOTES

ASM PUBLIC SAFETY: 8-0-1

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

ABS, ABST OR NV: Haney

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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