

Date of Hearing: January 22, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 292 (Patterson) – As Amended January 14, 2026

Policy Committee: Public Safety

Vote: 8 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This bill removes misdemeanor sentencing discretion for defendants who commit domestic violence within seven years of a prior felony domestic violence conviction, requiring the offense be charged and sentenced as a felony with a two-, four-, or five-year state prison term, and increases the mandatory minimum county jail term on probation from 15 days to 60 days for those defendants.

FISCAL EFFECT:

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. CDCR data indicates that in 2024 there were 1,991 new felony admissions where domestic violence under this section was the principal or subordinate offense. There were 438 felony admissions for repeat offenses (including where the first offense was for certain specified assault or battery offenses). Even if only a small fraction involved defendants with qualifying prior felony domestic violence convictions, the resulting increase in state prison commitments and sentence lengths would translate into meaningful and ongoing incarceration costs.

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.

COMMENTS:

Under existing law, domestic violence under Penal Code section 273.5 is a “wobbler,” punishable either as a misdemeanor (up to one year in county jail) or as a felony (two, three, or four years in state prison). A second offense within seven years is subject to enhanced penalties, including a sentence of up to five years in state prison. Additional enhancements may apply where the defendant inflicts great bodily injury or has prior strike convictions, which can

substantially increase or double the term of imprisonment. Domestic violence conduct is also frequently charged alongside—or as—other serious or violent felonies depending on the facts.

Nevertheless, under existing law, section 273.5 itself preserves prosecutorial and judicial discretion even for repeat offenses. This bill narrows that discretion for repeat offenders by eliminating wobbler treatment for defendants who commit domestic violence within seven years of a prior felony domestic violence conviction. For those defendants, the offense must be charged and sentenced as a felony with a two-, four-, or five-year state prison term, and if probation is granted, the mandatory minimum county jail term increases from 15 days to 60 days.

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