
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 292 **Hearing Date:** June 23, 2026
Author: Patterson
Version: January 14, 2026
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Domestic violence*

HISTORY

Source: California State Sheriff's Association

Prior Legislation: AB 2308 (Davies), Ch. 649, Stats. of 2024
AB 467 (Gabriel), Ch. 14, Stats. of 2023
SB 273 (Rubio), Ch. 546, Stats. of 2019

Support: Arcadia Police Officers' Association; Brea Police Association; Burbank Police Officers' Association; California Association of School Police Chiefs; California Coalition of School Safety Professionals; California District Attorneys Association; California Narcotic Officers' Association; California Reserve Peace Officers Association; Chief Probation Officers' of California; Claremont Police Officers Association; Corona Police Officers Association; Culver City Police Officers' Association; Fullerton Police Officers' Association; Los Angeles School Police Management Association; Los Angeles School Police Officers Association; Murrieta Police Officers' Association; Newport Beach Police Association; Palos Verdes Police Officers Association; Peace Officers Research Association of California; Placer County Deputy Sheriffs' Association; Pomona Police Officers' Association; Riverside Police Officers Association; Riverside Sheriffs' Association

Opposition: ACLU California Action; All of US or None; Alliance for Boys and Men of Color; California Attorneys for Criminal Justice; California Coalition for Women Prisoners; California Partnership to End Domestic Violence; California Public Defenders Association; Californians for Safety and Justice; Courage California; DeafHope; Ella Baker Center for Human Rights; Felony Murder Elimination Project; Friends Committee on Legislation of California; Iipay Nation of Santa Ysabel; Initiate Justice; Justice2Jobs Coalition; LA Defensa; Legal Services for Prisoners With Children; Los Angeles County Public Defender's Union, Local 148 ; Rubicon Programs; San Francisco Public Defender; Smart Justice California; StrengthUnited; Strong Hearted Native Women's Coalition; The Collective Healing and Transformation Project; Vera Institute of Justice; Youth Justice Coalition

Assembly Floor Vote:

57 - 0

PURPOSE

The purpose of this bill is to require imprisonment of 2, 4, or 5 years in state prison if a person is convicted of domestic violence within 7 years of a prior felony domestic violence conviction; and require a defendant with a conviction for felony domestic violence within the prior 7 years who is granted probation for the current domestic violence conviction to serve at least 60 days in a county jail as a condition of probation.

Existing law provides that a person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim, as described, is guilty of a felony. Provides that the punishment is imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to \$6,000, or both. (Pen. Code, § 273.5, subd. (a).)

Existing law provides that domestic violence applies if the victim is or was one or more of the following:

- The offender's spouse or former spouse.
- The offender's cohabitant or former cohabitant.
- The offender's fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined.
- The mother or father of the offender's child. (Pen. Code, § 273.5, subd. (b).)

Existing law provides that "traumatic condition" means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. (Pen. Code, § 273.5, subd. (d).)

Existing law provides that "strangulation" and "suffocation" include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck. (*Ibid.*)

Existing law provides that the punishment for domestic violence that occurs within seven years of a prior conviction for domestic violence, battery causing serious bodily injury, sexual battery, throwing acid with the intent to injure or disfigure, assault using a stun gun, or assault with a deadly weapon, is imprisonment in a county jail for not more than one year, or by imprisonment in the state prison for two, four, or five years, or by both imprisonment and a fine of up to \$10,000. (Pen. Code, § 273.5, subd. (f)(1).)

Existing law provides that the punishment for domestic violence that occurs within seven years of a prior conviction for misdemeanor domestic violence is imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to \$ 10,000, or by both. (Pen. Code, § 273.5, subd. (f)(2).)

Existing law requires the court to impose probation consistent with the provisions of Section 1203.097 if probation is granted to a person convicted of domestic violence. (Pen. Code, § 273.5, subd. (g).)

Existing law requires the court, if probation has been granted, or the execution or imposition of a sentence is suspended, to impose one of the following conditions if the defendant has a conviction for domestic violence in the prior seven years:

- If the defendant has suffered one prior conviction within the previous seven years, the defendant must be imprisoned in a county jail for not less than 15 days in addition to the provisions contained in Section 1203.097.
- If the defendant has suffered two or more prior convictions within the previous seven years, the defendant must be imprisoned in a county jail for not less than 60 days in addition to the provisions contained in Section 1203.097. (Pen. Code, § 273.5, subd. (h)(1)-(2).)

Existing law authorizes the court, upon a showing of good cause, to find that the mandatory imprisonment shall not be imposed. Requires the court to state on the record its reasons for finding good cause. (Pen. Code, § 273.5, subd. (h)(3).)

Existing law provides, if probation is granted upon a conviction for domestic violence, that the conditions of probation may include, consistent with the terms of probation imposed pursuant to Section 1203.097, in lieu of a fine, one or both of the following requirements:

- That the defendant make payments to a domestic violence shelter-based program, up to a maximum of 5,000.
- That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense. (Pen. Code, § 273.5, subd. (i).)

This bill requires imprisonment of 2, 4, or 5 years in state prison if a person is convicted of domestic violence within 7 years of a prior felony domestic violence conviction.

This bill requires a defendant with a conviction for felony domestic violence within the prior 7 years who is granted probation for a current domestic violence conviction to serve at least 60 days in a county jail as a condition of probation.

COMMENTS

1. Need For This Bill

According to the author:

Domestic violence is a serious crime and repeat offenders should face meaningful consequences. AB 292 strengthens accountability for repeat domestic violence offenders and enhances protections for victims, helping keep families and communities safe.

2. Prevalence of Domestic Violence

Domestic violence, also known as intimate partner violence (IPV), is a significant public health issue. The Centers for Disease and Control (CDC) define IPV as “abuse or aggression that occurs

in a romantic relationship.”¹ Intimate partner refers to current and former romantic partners, including spouses, fiancés, and dating partners. It includes physical violence, sexual violence, stalking, and psychological aggression.² A child witnessing IPV or suffering direct violence is also considered IPV.³

According to the CDC:

[IPV] affects ... [m]ore than 1 in 3 women (nearly 43.5 million) and more than 1 in 6 men (20.7 million) [who] experienced contact sexual violence, physical violence, and/or stalking by an intimate partner during their lifetimes.

Among women, about 1 in 5 experienced contact sexual violence (19.7%), nearly 1 in 4 experienced physical violence (22.5%), and about 1 in 8 were stalked (12.2%). Among men, nearly 1 in 23 experienced contact sexual violence (4.4%), about 1 in 7 experienced physical violence (13.7%), and almost 1 in 24 were stalked (4.2%).

In their lifetimes, nearly 1 in 3 women and about 1 in 8 men experienced contact sexual violence, physical violence, and/or stalking and at least one related impact. Some impacts included physical injury, missing work or school, safety concerns, medical care needs, and filing a police report.

... About 16 million women and 11 million men said that they first experienced intimate partner violence before age 18.⁴

3. Existing Penalties for Domestic Violence

Domestic violence is a wobbler, meaning it can be charged as a felony or a misdemeanor. Felony domestic violence is punishable by imprisonment in the state prison for up to four years, and misdemeanor domestic violence is punishable by imprisonment in a county jail for up to one year. (Pen. Code, § 273.5, subd. (a).) A second offense within seven years of a prior conviction is punishable by up to five years in prison. (Pen. Code, § 273.5, subd. (b).) If great bodily injury is inflicted, the defendant can be sentenced to another five years if the enhancement is charged. (Pen. Code, § 12022.7, subd. (e).) Under existing law, a felony domestic violence conviction for a person with a prior strike also doubles the maximum term of incarceration. (Pen. Code, § 667, subd. (e)(1).)

Depending on the conduct involved, domestic violence includes or can be charged as other crimes, including strikeable offenses. For example, a husband who punches his wife may be charged with assault likely to produce great bodily injury, even where the victim did not suffer great bodily injury. (Pen. Code, § 245, subd. (a)(4); see *People v. Medellin* (2020) 45 Cal.App.5th 519, 528; *In re Nirran W.* (1989) 207 Cal.App.3d 1157, 1161.) A mother who causes a traumatic injury to her child’s father and prevents him from leaving her residence can be charged with kidnapping, which is classified as a “serious” and “violent” felony, and domestic violence. (See *People v. Delacerda* (2015) 236 Cal.App.4th 282; Pen. Code, § 667.5, subd. (14);

¹ CDC, *About Intimate Partner Violence* (Feb. 11, 2026), available at <<https://www.cdc.gov/intimate-partner-violence/about/index.html>>.

² *Ibid.*

³ Gonzalez-Liencres et al., *Editorial: New approaches to under domestic violence and reduce its prevalence* (2023) *Front. Psychol.*, available at <<https://pmc.ncbi.nlm.nih.gov/articles/PMC9909594/pdf/fpsyg-14-1120345.pdf>>.

⁴ CDC, *About Intimate Partner Violence*, *supra*.

Pen. Code, § 1192.7, subd. (c)(20).) A man who threatens to blow up his boyfriend's car and home can be charged and convicted of criminal threats, a serious felony. (Pen. Code, § 422, subd. (a); Pen. Code, § 1192.7, subd. (c)(38); see *People v. Martinez* (1997) 53 Cal.App.4th 1212.) A person who prevents their partner from calling the police during or after an incident involving domestic violence can be charged with a felony for dissuading or preventing a victim from making a report to law enforcement, also a serious felony. (Pen. Code, § 136.1, subd. (b)(1); Pen. Code, § 1192.7, subd. (c)(38); *People v. McElroy* (2005) 126 Cal.App.4th 874).

4. Effect of This Bill

This bill requires imprisonment of 2, 4, or 5 years in state prison if a person is convicted of domestic violence within 7 years of a prior felony domestic violence conviction. It also requires a defendant with a conviction for felony domestic violence within the prior 7 years who is granted probation for a current domestic violence conviction to serve at least 60 days in a county jail as a condition of probation.

The opponents of this bill argue that increasing criminal penalties for felony domestic violence is a misguided approach. Instead, they argue that the state should properly implement existing laws, such as the California Healthy Youth Act, the state's comprehensive sex education curriculum which contains a component designed to prevent domestic violence by teaching adolescents about healthy relationships, as well as provide robust funding to organizations that provide direct services to domestic violence survivors, including for temporary housing. The ongoing plea for increased state funding to organizations that serve domestic violence survivors follows federal funding cuts to the Victims of Crime Act (VOCA) in the past few years. This action by the federal government resulted in a one-time \$100 million appropriation in the 2025-26 Budget to backfill those funding cuts.⁵ Earlier this month, the Senate and Assembly agreed to appropriate another \$50 million to supplement VOCA funding in the 2026-2027 Budget.⁶

5. Argument in Support

According to the California State Sheriffs' Association:

Under existing law, domestic violence can be punished as either a misdemeanor or a felony, depending on the circumstances, including a situation in which a domestic violence conviction occurs within seven years of a previous domestic violence conviction. Existing law does not provide sufficient differentiation among the possible penalties for domestic violence offenses and their varying characteristics.

Domestic violence continues to create victims across our state. This crime has long-term effects on abused persons, their families, and their communities. It is time that the California criminal justice system re-examine and modify its response to this abhorrent behavior, especially when it comes to repeat offenders. Mandating felony punishment helps to appropriately recognize the severity of repeat domestic violence offenses.

⁵ Although recipients of VOCA funds have been organizations that serve domestic violence survivors, VOCA funding is available to organizations that serve a variety of crime victims.

⁶ Legislative Version of the Budget, 2026-2027 Budget (Jun. 11, 2026), p. 4 available at <<https://sbud.senate.ca.gov/system/files/2026-06/legislatures-version-of-the-budget-summary.pdf>>.

6. Argument in Opposition

The California Partnership to End Domestic Violence writes:

While this bill is intended to hold individuals accountable and is framed as preventing domestic violence, in reality, this bill does neither of those things. California will see an increase in survivors of domestic violence and sexual assault being incarcerated should AB 292 be signed into law. ... Whether it's for self-defense or because abusive partners manipulate the systems designed to protect survivors, many are unjustly accused and incarcerated for domestic violence. In a 2015 survey conducted by the National Domestic Violence Hotline, 2 in 5 survivor respondents who had called the police after experiencing domestic violence reported that they felt that police had discriminated against them, and 1 in 4 reported being arrested or threatened with arrest by police responding to their reports. These surveys show that a criminal legal response to survivors of domestic violence, on its own, can be harmful and California's criminal legal system already has escalating punishments for domestic violence to help ensure that the charge or penalty is proportionate to the alleged conduct. Lastly, research has shown that lengthy prison terms and increasing severity of punishments do not have a deterrent effect. A 2021 meta analysis showed that not only does custodial sentencing not prevent reoffending, but it actually increases it.

Domestic violence is preventable, multifaceted, and widespread. More than 30% of Californians identify as survivors. This public health crisis can be prevented by teaching safe and healthy relationship skills; engaging influential adults and peers; disrupting developmental pathways towards violence; creating protective environments, strengthening economic supports for families, and supporting survivors to increase safety and lessen harms. Despite what is known to reduce rates of domestic violence, California does not allocate any funding for domestic violence prevention and has invested minimal resources in intervention services. The financial resources required for the state to increase incarceration for domestic violence would be far better spent by addressing the root causes of violence and supporting community and statewide prevention work.

...

This bill will not meaningfully prevent domestic violence or contribute to survivor wellbeing. There are alternatives that we would urge the Legislature to consider in lieu of this bill that we know will support survivors and prevent violence and abuse from occurring. Alternative approaches include:

1. Supporting \$100 million for victim services this year, ensuring that survivors continue to be able to access shelter, counseling, emergency housing, and other supports.
2. Prioritizing domestic and sexual violence prevention by allocating funds to programs that work with youth and families to stop violence before it occurs.