
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1134 **Hearing Date:** July 8, 2025
Author: Bains
Version: April 23, 2025
Urgency: No **Fiscal:** Yes
Consultant: CA

Subject: *Coerced marriage.*

HISTORY

Source: Family Violence Law Center; Choose Your Path Foundation

Prior Legislation: AB 2924 (Petrie-Norris), not heard in Assembly Judiciary, 2024
SB 404 (Wahab), failed in Assembly Appropriations, 2024
ACA 5 (Low), Ch. 125, 2023

Support: California District Attorneys Association; Choose Your Path Foundation; Family Violence Center

Opposition: None known

Assembly Floor Vote: 79 - 0

PURPOSE

The purpose of this bill is to modify the crime of forced marriage to be gender neutral and without reference to age, as well as to eliminate the crime of defilement of a woman.

Existing law states every person who takes any woman unlawfully, against her will, and by force, menace or duress, compels her to marry him, or to marry any other person, or to be defiled, is punishable by imprisonment in the county jail for 16 months, two years, or three years. (Pen. Code, §§ 18 & 265.)

This bill makes the crime of forced marriage gender neutral and specifies the crime of forced marriage shall be applied equally, regardless of the age of the victim of a forced marriage at the time of the marriage. Also permits 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.

This bill eliminates the existing crime of defilement of a woman.

COMMENTS

1. Need for This Bill

According to the author:

No one should be forced into a marriage against their will. Gendered language in current law perpetuates the false belief that only women are the victims of forced marriages. The truth is that anybody can be subjected to forced marriage.

California is also one of just a handful of states that imposes a time restriction on victims seeking to annul a forced or coerced marriage. Survivors of violence on average take seven to ten years to escape from abusive relationships. Our current laws place unnecessary constraints on victims running out the clock before they can seek justice. AB 1134 rights both of these wrongs, empowering victims who have too often had their power taken from them.

2. Forced Marriage and Defilement

Penal Code section 265 states it is a felony to take “any woman unlawfully, against her will, and by force, menace or duress, compel[] her to marry him, or to marry any other person, or to be defiled.” The offense is punishable by imprisonment in the county jail for 16 months, two years, or three years. (Pen. Code, § 18.) This offense was enacted in 1872 and its elements have not been updated since then.

Decades ago, a defendant who committed a rape might also be charged with Penal Code section 265 as it pertains to “abduction for defilement.” (*People v. Palacio* (1948) 86 Cal.App.2d 778 [“The defendants were jointly charged with a violation of section 265 of the Penal Code in that ... they had unlawfully taken the complaining witness against her will and had by force, menace and duress compelled her to be defiled.”]) Today, defendants could be charged instead with aggravated kidnapping, an offense punishable by life in state prison, or assault to commit a sex crime, an offense punishable by two, four, or six years in state prison or up to nine years if the victim is a minor. (See Pen. Code, §§ 209, subd. (b) & 220, subd. (a).)

Penal Code section 265 is anachronistic and is likely never used anymore, given that this type of conduct is much more seriously punished under other statutes and without reference to gender. Moreover, using force or fear for purposes of marriage may be viewed as human trafficking. (See Pen. Code, § 236.1.)

Finally, since the U.S. Supreme Court ruled in *Obergefell v. Hodges* (2015) 574 U.S. 1118, any statute referring to marriage must be equally applied to same-sex marriage and heterosexual marriage. This ruling is currently enshrined in Article 1, section 7.5 of the California Constitution and is considered settled law.

This bill deletes language in this offense relating to defilement of a woman, makes the remaining portions of the offense gender-neutral, and clarifies that it applies to anyone regardless of their age.

3. Double Referral

This bill was double referred to the Senate Judiciary Committee. The changes to nullifying a forced marriage were addressed by that Committee.

4. Argument in Support

According to the Family Violence Law Center:

By modernizing existing law, AB 1134 will ensure that all individuals, regardless of their sex or gender, are protected from forced marriage. The law as it currently stands does not protect men, trans individuals or gender non conforming individuals against forced marriage. Additionally, this legislation updates Family Code 2211 and removes the four year statute of limitations of annulment of forced marriage and allows victims of forced marriage to safely leave a forced marriage, properly heal and secure resources in a timeframe that feels comfortable for them before having to navigate the daunting legal system.

The Family Violence Law Center (FVLC) was founded in 1978, with a mission to help diverse communities in Alameda County heal from domestic violence and sexual assault, advocating for justice and healthy relationships. We are a direct services advocacy organization providing survivor-centered legal and crisis intervention services, offering prevention education for youth and other community members, and engaging in policy work to create systemic change. **In court and in our community, every day.**

Under a forced marriage an individual may face threats of physical, verbal, or financial abuse or the use of physical force to make them agree to marriage or to remain in a marriage that they want to leave. According to data captured by the US Census Bureau and analyzed by Quantitative Analysis, LLC, between 2017-2021 the state of California has had an average of over 8,111 documented cases of forced marriage involving minors annually.

A worldwide research study found that there were 22 million people forced to marry in 2021 alone— fifteen million were women and seven million were men, with nearly 60% of victims being 18 years or older at the time the marriage took place. The United Kingdom through their Forced Marriage Protective Unit received 802 inquiries and directly supported 283 individuals, of which 31% were male identified. In line with global efforts to protect all individuals against forced marriage in the US, the following states and territories have criminal penalties that protect all individuals regardless of their gender identity or sexual orientation against forced marriage: Maryland, Minnesota, Mississippi, Nevada, Virginia, Washington D.C.

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.” **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.
[Footnotes omitted.]

-- END --