

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1134 (Bains)
Version: April 23, 2025
Hearing Date: June 24, 2025
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Coerced marriage

DIGEST

This bill 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; and updates the crime of forced marriage to make it applicable to persons of all genders.

EXECUTIVE SUMMARY

A marriage in California can end in only one of three ways: death of one of the parties, a judgment of dissolution of the marriage (colloquially known as divorce), or a judgment of nullity of marriage. Both dissolution and nullity require a petition and judgment issued by a court. When a marriage is nullified, the marriage is deemed never to have existed and the parties resume the status of unmarried persons. Certain marriages are voidable, meaning they can be nullified by a judgment of nullity issued by a court when specified circumstances exist, but otherwise will remain valid. The law provides time limits on when a petition for a judgment of nullity can be sought; for a marriage for which consent was obtained through force, the time limit is four years from the date of the marriage.

This bill recognizes that, for some victims of intimate partner violence, four years might be too short a time for the partner who was forced into a marriage to safely bring a petition for a judgment of nullity. To that end, the bill permits a court, upon a showing of good cause, to grant permission for a party to file the petition beyond the four-year period. The bill also updates the language in the crime of forced language.

This bill is sponsored by the author and is supported by the California District Attorneys Association, the Choose Your Path Foundation, and the Family Violence Law Center. The Committee has not received timely opposition to this bill. If this

Committee passes this bill, it will then be referred to the Senate Public Safety Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides that a marriage is voidable and may be adjudged a nullity if any of the following conditions existed at the time of the marriage:
 - a) The party who commences the proceeding or on whose behalf the proceeding is commenced was under 18 years of age, unless the party entered into the marriage pursuant to a determination by a court, as specified.
 - b) The spouse of either party was living and the marriage with that spouse was then in force and that spouse was either (1) absent and not known to the party commencing the proceeding to be living for a period of five successive years immediately preceding the subsequent marriage for which the judgment of nullity is sought, or (2) was generally reputed or believed by the party commencing the proceeding to be dead at the time the subsequent marriage was contracted.
 - c) Either party was of unsound mind, unless the party of unsound mind, after coming to reason, freely cohabited with the other as their spouse.
 - d) The consent of either party was obtained by fraud, unless the party whose consent was obtained by fraud subsequently, with full knowledge of the facts constituting the fraud, freely cohabited with the other as their spouse.
 - e) The consent of either party was obtained by force, unless the party whose consent was obtained by force subsequently freely cohabited with the other as their spouse.
 - f) Either party was, at the time of marriage, physically incapable of entering into the marriage state, and that incapacity continues, and appears to be incurable. (Fam. Code, § 2210.)
- 2) Provides that a party seeking to obtain a judgment of nullity of marriage for the causes set forth in 1) must commence the proceeding to obtain the judgment within the following periods:
 - a) For a minor marriage as provided in 1)(a), the party who was under the age of legal consent must commence the proceeding within four years after arriving at the age of consent; or the parent, guardian, conservator, or any other person having charge of the minor may commence the proceeding at any time before the married minor reaches age of legal consent.
 - b) For a marriage to a person already legally married, the proceeding may be commenced by either party during the life of the other; or by the former spouse.

- c) For a marriage in which one party was of unsound mind, the party injured, or a relative or conservator of the party of unsound mind, may commence the proceeding at any time before the death of the other party.
 - d) For a marriage in which consent was obtained by fraud, the party whose consent was obtained by fraud must commence the proceeding within four years of the discovery of the facts constituting the fraud.
 - e) For a marriage in which consent was obtained by force, the party whose consent was obtained by force must commence the proceeding within four years after the marriage.
 - f) For a marriage in which a party was physically incapable of entering into the marriage state, the injured party must commence the proceeding within four years after the marriage. (Fam. Code, § 2211.)
- 3) Provides that the effect of a judgment of nullity of marriage is to restore the parties to the status of unmarried persons; however, the judgment of nullity is conclusive only as to the parties to the proceeding and those claiming under them. (Fam. Code, § 2212.)
- 4) Provides that “[e]very person who takes any woman [sic] unlawfully, against her [sic] will, and by force, menace or duress, compels her [sic] to marry him [sic], or to marry any other person, or to be defiled [sic], is punishable by imprisonment pursuant to subdivision (h) of Section 1170” of the Penal Code. (Pen. Code, § 265.)

This bill:

- 1) Beginning January 1, 2027, provides that, if a petition of nullity is filed beyond the relevant period provided, a court may grant permission for a party to proceed with the petition upon a showing of good cause.
- 2) Requires the Judicial Council to modify or develop the forms necessary to implement 1).
- 3) Modifies the crime of forced marriage, set forth in 4), above, to read: “[a] person who compels another person, unlawfully, against their will, and by force, menace, or duress to marry them or to marry another person shall be punished by imprisonment pursuant to subdivision (h) of Section 1170” of the Penal Code, and expressly states that the crime applies equally regardless of the age of the victim of a forced marriage at the time of the forced marriage.

COMMENTS

1. Author's comment

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. Background on nullification of marriage

A marriage in California can end in only one of three ways: death of one of the parties, a judgment of dissolution of the marriage (colloquially known as divorce), or a judgment of nullity of marriage.¹ Both dissolution and nullity require a petition and judgment issued by a court.² If a marriage is dissolved, the marriage is ended and the parties return to an unmarried state;³ if a marriage is nullified, the marriage is deemed never to have existed and the parties resume the status of unmarried persons.⁴

Certain types of marriage are void, i.e., per se unlawful;⁵ in the event a party to such a marriage seeks to have the marriage annulled, the judgment of nullity will be granted automatically at any time because, legally speaking, the marriage never really existed.⁶

Other types of marriages are voidable, meaning they can be nullified by a judgment of nullity issued by a court when specified circumstances exist, but otherwise will remain valid.⁷ Reasons that a marriage is voidable include: a party to the marriage was a minor and the marriage was not entered into pursuant to California's minor marriage procedure; a party to the marriage was not competent to give consent; consent of a party to the marriage was obtained by fraud; or consent of a party to the marriage was obtained by force.⁸ The fact that consent was not knowingly and freely given does not, however, make the marriage voidable for all time. In the latter three cases, if the party

¹ Fam. Code, § 310.

² *Id.*, div. 6, §§ 2000 et seq.

³ *Id.*, § 2300.

⁴ *Id.*, § 2212; *Millar v. Millar* (1917) 175 Cal. 797, 907.

⁵ Fam. Code, §§ 2200, 2201.

⁶ *Id.*, §§ 2200, 2201.

⁷ *Id.*, § 2210.

⁸ *Ibid.*

freely cohabitates with their spouse after regaining competency, learning of the facts of the fraud, or despite the coerced marriage, the marriage is no longer voidable.⁹ This approach is similar to ratification – in essence, when the wronged party elects to freely remain with their spouse despite the initial infirmity in their consent, that choice is treated as retroactively curing the infirmity.

Because voidable marriages do not necessarily remain voidable, current law establishes time frames in which a party must commence a proceeding for a petition of nullity. The time frame is generally four years from the date of the marriage or, where a party was unable to truly give consent, four years from the date the party gained the ability to consent.¹⁰ Relevant to this analysis is the time period in which a party may bring a petition for nullity after their consent to the marriage was obtained by force: four years from the date of the marriage.¹¹

3. This bill permits a court, upon a showing of good cause, to extend the time frame in which a person whose consent to a marriage was obtained by force to commence a proceeding for a judgment of nullity

As the author and the sponsors note, there is no fixed timeline for a person to leave an abusive relationship. Intimate partner violence is generally multifaceted: many abusers are not only physically abusive, but also engage in psychological abuse, economic abuse, and coercive control.¹² These tactics can make it more difficult for the victim to even realize that they are abused, and then make it far more difficult for the victim to safely leave.

As discussed above, the time frames for commencing a proceeding for a judgment of nullity of marriage generally recognize that there may be some time between the marriage and when the person whose consent was improperly obtained realizes, or is able to realize, that their consent was not freely given – for example, a person whose consent was obtained by fraud has four years from the date they discover the facts constituting the fraud, not four years from the date of the marriage, in which to commence a nullification proceeding.¹³ But where consent to a marriage is obtained by force, the statute imposes a hard four-year limit.¹⁴

⁹ *Ibid.*

¹⁰ Fam. Code, § 2211. For example, a party who was a minor at the time of the marriage must commence a proceeding for a judgment of nullity within four years of arriving at the age of consent, and a party whose consent was obtained by fraud must commence the proceeding within four years of discovering the facts constituting the fraud. (*Ibid.*)

¹¹ *Id.*, § 2211(e).

¹² E.g., Adams & Wee, Service Provider Report: Domestic Violence and Economic Well-Being Study (Apr. 2021), p. 4, available at <https://csaj.org/resource/domestic-violence-and-economic-well-being-study/> (link current as of June 19, 2025).

¹³ Fam. Code, § 2211(d).

¹⁴ *Id.*, § 2211(e).

This bill recognizes that, for some victims of intimate partner violence, four years might be too short a time for the partner who was forced into a marriage to safely bring a petition for a judgment of nullity. To that end, the bill permits a court, upon a showing of good cause, to grant permission for a party to file the petition beyond the four-year period. This exception recognizes that an extension may not be appropriate in every case, but that, where a party can establish why they were unable to file sooner – due to factors such as continued physical, psychological, or financial coercion – the court should grant an exception. This provision will take effect in 2027, to give the Judicial Council time to adapt to the change in the law.

In addition to the above change to the Family Code, this bill modifies the crime of “abduction for marriage of defilement,” which was enacted in 1856 and not substantively amended since then.¹⁵ Incredibly, the law currently prohibits taking “a woman, against her will, and by force, menace or duress” and compelling the woman to marry a person or “to be defiled”;¹⁶ for obvious reasons, the bill replaces the gendered language and otherwise updates the statute. The Senate Public Safety Committee, which is set to hear the bill second, will consider this portion of the bill.

4. Arguments in support

According to the Family Violence Law Center:

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.”⁸ 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.

¹⁵ See Ch. 110, Stats. 1856; AB 109 (Committee on Budget, Ch. 15, Stats. 2011) (modifying the penalty as part of realignment); SB 42 (Nejedly, Ch. 1139, Stats. 1976) (adding specified penalty).

¹⁶ Pen. Code, § 265.

SUPPORT

California District Attorneys Association

Choose Your Path

Family Violence Law Center

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: None known.

Prior legislation: None known.

PRIOR VOTES:

Assembly Floor (Ayes 79, Noes 0)

Assembly Appropriations Committee (Ayes 14, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)

Assembly Public Safety Committee (Ayes 8, Noes 0)
