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**AB-292 Violent felonies: domestic violence.** (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 292**

Introduced by Assembly Members Patterson and Alanis

January 22, 2025

An act to amend Sections 667.1, 667.5, and 1170.125 of the Penal Code, relating to violent felonies.

LEGISLATIVE COUNSEL'S DIGEST

AB 292, as introduced, Patterson. Violent felonies: domestic violence.

Existing law defines the term “violent felony” for various purposes, including, among others, enhancing the punishment for felonies pursuant to existing sentencing provisions commonly known as the three strikes law. The Legislature may directly amend the three strikes law by a statute passed in each house by a  $\frac{2}{3}$  vote, or by a statute that becomes effective only when approved by the voters.

This bill would expand the crimes that are within the definition of a violent felony for all purposes, including for purposes of the three strikes law, to include felony domestic violence, as specified. By expanding the scope of an enhancement, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 667.1 of the Penal Code is amended to read:

**667.1.** (a) Notwithstanding subdivision (h) of Section 667, for ~~all offenses~~ *an offense* committed on or after November 7, 2012, but before January 1, 2024, all references to existing statutes in subdivisions (c) to (g), inclusive, of Section 667, are to those statutes as they read on November 7, 2012.

(b) Notwithstanding subdivision (h) of Section 667, for ~~all offenses~~ *an offense* committed on or after January 1, 2024, *but before January 1, 2026*, all references to existing statutes in subdivisions (c) to (g), inclusive, of Section 667, are to those statutes as they read on January 1, 2024.

*(c) Notwithstanding subdivision (h) of Section 667, for an offense committed on or after January 1, 2026, all references to existing statutes in subdivisions (c) to (g), inclusive, of Section 667, are to those statutes as they read on January 1, 2026.*

**SEC. 2.** Section 667.5 of the Penal Code is amended to read:

**667.5.** Enhancement of prison terms for new offenses because of prior prison terms shall be imposed as follows:

(a) If one of the new offenses is one of the violent felonies specified in subdivision (c), in addition to and consecutive to any other prison terms therefor, the court shall impose a three-year term for each prior separate prison term served by the defendant ~~when~~ *if* the prior offense was one of the violent felonies specified in subdivision (c). However, an additional term shall not be imposed pursuant to this subdivision for ~~any a~~ prison term served prior to a period of 10 years in which the defendant remained free of both prison custody and the commission of an offense that results in a felony conviction.

(b) Except ~~when~~ *if* subdivision (a) applies, if the new offense is ~~any a~~ felony for which a prison sentence or a sentence of imprisonment in a county jail under subdivision (h) of Section 1170 is imposed or is not suspended, in addition and consecutive to any other sentence therefor, the court shall impose a one-year term for each prior separate prison term for a sexually violent ~~offense~~ *offense*, as defined in subdivision (b) of Section 6600 of the Welfare and Institutions Code, provided that an additional term shall not be imposed under this subdivision for ~~any a~~ prison term served prior to a period of five years in which the defendant remained free of both the commission of an offense that results in a felony ~~conviction~~ *conviction* and prison custody or the imposition of a term of jail custody imposed under subdivision (h) of Section 1170 or ~~any a~~ felony sentence that is not suspended.

(c) The Legislature finds and declares that the following specified crimes merit special consideration when imposing a sentence to display ~~society's~~ *by society* condemnation for these extraordinary crimes of violence against the person. For the purpose of this section, "violent felony" means any of the following:

(1) Murder or voluntary manslaughter.

(2) Mayhem.

(3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of former Section 262.

(4) Sodomy as defined in subdivision (c) or (d) of Section 286.

(5) Oral copulation as defined in subdivision (c) or (d) of Section 287 or of former Section 288a.

(6) ~~Lewd~~ *A lewd* or lascivious act as defined in subdivision (a) or (b) of Section 288.

(7) ~~Any A~~ felony punishable by death or imprisonment in the state prison for life.

(8) ~~Any A~~ felony in which the defendant inflicts great bodily injury on a person other than an ~~accomplice, which~~ *accomplice that* has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or ~~any a~~ felony in which the defendant uses a firearm ~~which use that~~ has been charged and proved as provided in subdivision (a) of Section 12022.3, ~~or Section 12022.5 or Section 12022.5, or Section 12022.55.~~

(9) ~~Any robbery.~~ *Robbery.*

(10) ~~Arson.~~ *Arson* in violation of subdivision (a) or (b) of Section 451.

(11) Sexual penetration as defined in subdivision (a) or (j) of Section 289.

(12) Attempted murder.

(13) A violation of Section 18745, 18750, or 18755.

(14) Kidnapping.

(15) Assault with the intent to commit a specified ~~felony~~ *felony* in violation of Section 220.

(16) Continuous sexual abuse of a ~~child~~ *child* in violation of Section 288.5.

(17) ~~Carjacking.~~ *Carjacking* as defined in subdivision (a) of Section 215.

(18) Rape or sexual penetration, in concert, in violation of Section 264.1.

(19) Extortion, as defined in Section 518, ~~which that~~ would constitute a felony violation of Section 186.22.

(20) Threats to victims or witnesses, as defined in Section 136.1, ~~which that~~ would constitute a felony violation of Section 186.22.

(21) ~~Any burglary~~ *Burglary* of the first degree, as defined in subdivision (a) of Section 460, ~~wherein if~~ it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.

(22) ~~Any A~~ violation of Section 12022.53.

(23) A violation of subdivision (b) or (c) of Section 11418.

(24) Rape as defined in paragraph (3) of subdivision (a) of Section 261, ~~wherein if~~ it is pleaded and proved that the defendant caused the intoxication by administering a controlled substance to the victim without their consent and with the intent to sexually assault the victim.

*(25) A felony domestic violence violation of Section 273.5.*

(d) For the purposes of this section, the defendant shall be deemed to remain in prison custody for an offense until the official discharge from custody, including ~~any a~~ period of mandatory supervision, or until release on parole or postrelease community supervision, whichever occurs first, including ~~any~~ time during which the defendant remains subject to reimprisonment or custody in county jail for escape from custody or is reimprisoned on revocation of parole or postrelease community supervision. The additional penalties provided for prior prison terms shall not be imposed unless they are charged and admitted or found true in the action for the new offense.

(e) The additional penalties provided for prior prison terms shall not be imposed for ~~any a~~ felony for which the defendant did not serve a prior separate term in state prison or in county jail under subdivision (h) of Section 1170.

(f) A prior conviction of a felony shall include a conviction in another jurisdiction for an offense ~~which, that,~~ if committed in California, is punishable by imprisonment in the state prison or in county jail under subdivision (h) of Section 1170 if the defendant served one year or more in prison for the offense in the other jurisdiction. A prior conviction of a particular felony shall include a conviction in another jurisdiction for an offense that includes all of the elements of the particular felony as defined under California law if the defendant served one year or more in prison for the offense in the other jurisdiction.

(g) A prior separate prison term for the purposes of this section shall mean a continuous completed period of prison incarceration imposed for the particular offense alone or in combination with concurrent or consecutive sentences for other crimes, including ~~any~~ reimprisonment on revocation of parole that is not accompanied by a new commitment to prison, and including ~~any~~ reimprisonment after an escape from incarceration.

(h) Serving a prison term includes ~~any~~ confinement time in ~~any a~~ state prison or federal penal institution as punishment for commission of an offense, including confinement in a hospital or other institution or facility credited as service of prison time in the jurisdiction of the confinement.

(i) For the purposes of this section, a commitment to the State Department of Mental Health, or its successor the State Department of State Hospitals, as a mentally disordered sex offender following a conviction of a felony, which commitment exceeds one year in duration, shall be deemed a prior prison term.

(j) For the purposes of this section, ~~when if~~ a person subject to the custody, control, and discipline of the Secretary of the Department of Corrections and Rehabilitation is incarcerated at a facility operated by the Division of Juvenile Justice, that incarceration shall be deemed to be a term served in state prison.

(k) (1) Notwithstanding subdivisions (d) and (g) or any other law, ~~when if~~ one of the new offenses is committed while the defendant is temporarily removed from prison pursuant to Section 2690 or while the defendant is transferred to a community facility pursuant to Section 3416, 6253, or 6263, or while the defendant is on furlough pursuant to Section 6254, the defendant shall be subject to the full enhancements provided for in this section.

(2) This subdivision does not apply ~~when if~~ a full, separate, and consecutive term is imposed pursuant to any other law.

**SEC. 3.** Section 1170.125 of the Penal Code is amended to read:

**1170.125.** (a) Notwithstanding Section 2 of Proposition 184, as adopted at the November 8, 1994, statewide general election, for ~~all offenses~~ *an offense* committed on or after November 7, 2012, but before January 1, 2024, all references to existing statutes in Sections 1170.12 and 1170.126 are to those sections as they read on November 7, 2012.

(b) Notwithstanding Section 2 of Proposition 184, as adopted at the November 8, 1994, statewide general election, for ~~all offenses~~ *an offense* committed on or after January 1, 2024, *but before January 1, 2026*, all references to existing statutes in Sections 1170.12 and 1170.126 are to those sections as they read on January 1, 2024.

*(c) Notwithstanding Section 2 of Proposition 184, as adopted at the November 8, 1994, statewide general election, for an offense committed on or after January 1, 2026, all references to existing statutes in Sections 1170.12 and 1170.126 are to those sections as they read on January 1, 2026.*

**SEC. 4.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.