



## AB 910 (Bonta) The Survivors Act of 2026

### SUMMARY

Assembly Bill 910, the Survivors Act of 2026, supports survivors of human trafficking, intimate partner violence, and sexual violence by providing processes to address arrests and convictions that resulted directly from their victimization.

**Vacatur Relief:** The bill ensures survivors can petition the court to vacate (remove) arrests and convictions that were a direct result of their victimization. This process involves a proceeding where the prosecuting agency has the opportunity to contest the petition. To be eligible, the survivor must demonstrate to the court that the offense was directly related to their experience as a victim. If the court finds that the application has met the legal standard, the judge may grant vacatur relief. This ensures a thorough and fair evaluation, balancing justice for survivors with public safety considerations.

**Affirmative Defense:** AB 910 also expands the use of affirmative defenses for survivors. It provides survivors the opportunity to prove that their involvement in certain offenses was a direct result of coercion stemming from their experiences of human trafficking, intimate partner violence, or sexual violence. This affirmative defense must be asserted before the entry of a plea or conclusion of a trial, so the prosecuting agency will have an opportunity to oppose it. Because affirmative defenses operate within existing court proceedings, they do not create additional fiscal costs.

### BACKGROUND AND PROBLEM

In California, 34% of women will experience domestic violence in their lifetime<sup>1</sup>. Gender-based violence is a widespread and deeply inequitable crisis. National data show that nearly 1 in 2 women in the U.S. have experienced physical violence, sexual violence, or stalking by an intimate partner in their lifetime. However, these harms are not experienced equally across

<sup>1</sup> Smith, S.G., Chen, J., Basile, K.C., et al. (2017). *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 State Report*. National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. <https://stacks.cdc.gov/view/cdc/46305>

communities. Native and Indigenous women face a 57.7% lifetime risk of such violence, and Black women experience the highest risk of being killed by a current or former intimate partner<sup>2</sup>.

A significant proportion of incarcerated women in California have experienced intimate partner violence (IPV). Recent studies estimate that between 75% and 90% of incarcerated women report histories of emotional, physical, and/or sexual abuse<sup>3</sup>.

A National Survivor Survey conducted by the Polaris Institute in January 2023 showed a horrifying reality of our current legal system. Over 90% of surveyed human trafficking victims are criminalized while being trafficked and survivors are often arrested and punished simply for being unable to leave their abuser or protecting their or their family's lives<sup>4</sup>.

For noncitizen survivors, the consequences are even more severe. Arrests and convictions—even when directly tied to victimization—can trigger indefinite civil immigration detention, denial or loss of legal status, and deportation, leading to permanent family separation and placing survivors at risk of further harm.

The criminalization of victims by California's legal system leaves survivors without access to resources for survival, like housing, employment, education, and financial independence. It subjects them to continued cycles of violence, homelessness, and poverty. It also imposes significant costs on the state. California spends nearly \$130,000 per year to incarcerate one person<sup>5</sup>, making it fiscally irresponsible to incarcerate survivors for acts that are the direct result of coercion, abuse, and exploitation.

## EXISTING LAW

Across the nation, many states along the political spectrum have adopted laws allowing survivors of human trafficking to seek vacatur relief (Georgia, Louisiana, Nebraska, Wyoming, and New York) or raise affirmative defenses (Oklahoma, South Carolina, Wyoming, and Wisconsin) when crimes occur as a direct result of their victimization.

California currently allows limited vacatur relief for certain nonviolent offenses under Penal Code §§ 236.14 -- 236.15 and provides narrow affirmative defenses under §§ 236.23 -- 236.24. However, these protections remain limited and do not cover many situations where survivors are criminalized as a direct result of abuse or coercion.

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<sup>2</sup> Stanford Law School. (2024) *Unheard Stories From the IPV-To-Prison Pipeline*. [Fatal-Peril-Final.pdf](#)

<sup>3</sup> Messina N, Grella C. Childhood trauma and women's health outcomes in a California prison population. *Am J Public Health*. 2006 Oct;96(10):1842-8. doi: 10.2105/AJPH.2005.082016. PMID: 17008581; PMCID: PMC1586137.

<sup>4</sup> Polaris. (2023). *In Harm's Way: How Systems Fail Human Trafficking Survivors: Survey Results from the First National Survivor Study*. <https://polarisproject.org/wp-content/uploads/2023/07/In-Harms-Way-How-Systems-Fail-Human-Trafficking-Survivors-by-Polaris-modified-June-2023.pdf>.

<sup>5</sup> <https://lao.ca.gov/handouts/crimjust/2026/Population-Spending-Trends-Overview-031826.pdf>

## **SOLUTION**

AB 910 ensures that California's justice system can correct convictions that result from coercion, abuse, or exploitation. By expanding access to vacatur relief and affirmative defenses, the bill allows courts to review cases where survivors were criminalized for acts directly tied to their victimization. The bill maintains strong safeguards, including high evidentiary standards, prosecutorial review, and judicial discretion. Correcting these legal errors promotes justice, improves survivor stability, and reduces the long-term costs associated with wrongful incarceration and criminalization.

## **Support**

- California Coalition for Women Prisoners (Co-Sponsor)
- California Partnership to End Domestic Violence (Co-Sponsor)
- Californians for Safety and Justice (Co-Sponsor)
- Coalition to Abolish Slavery and Trafficking (Co-Sponsor)
- Crime Survivors Speak (Co-Sponsor)
- Immigrant Legal Resource Center (Co-Sponsor)
- San Francisco Public Defender's Office (Co-Sponsor)
- Survivor Justice Center (Co-Sponsor)
- VALOR US
- Loyola Law School, The Sunita Jain Anti-Trafficking Initiative
- The Religious Sisters of Charity
- Interface Children and Family Services
- Felony Murder Elimination Project
- ACLU California Action
- California Attorneys for Criminal Justice
- California Public Defenders Association (CPDA)
- Californians United for a Responsible Budget
- Ella Baker Center for Human Rights
- Friends Committee on Legislation of California
- Initiate Justice
- Initiate Justice Action
- Justice2Jobs Coalition
- La Defensa
- Legal Services for Prisoners with Children
- National Center for Youth Law
- Public Counsel
- Rubicon Programs
- Sister Warriors Freedom Coalition
- Smart Justice California, a Project of Tides Advocacy
- Southern California Partners for Global Justice
- The Change Parallel Project
- Vera Institute of Justice

**For More Information**

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