

ASSEMBLY BILL

No. 1094

Introduced by Assembly Member Bains

February 20, 2025

An act to amend Section 206.1 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL’S DIGEST

AB 1094, as introduced, Bains. Crimes: torture of a minor: parole.

Existing law makes a person who, with the intent to cause cruel or extreme pain and suffering for the purpose of revenge, extortion, persuasion, or for any sadistic purpose, inflicts great bodily injury upon the person of another guilty of torture, and makes the crime punishable by imprisonment in the state prison for a term of life. Existing law specifies that an inmate imprisoned under a life sentence shall not be paroled until they have served a term of at least 7 years or as established pursuant to a law that establishes a minimum term.

This bill would prohibit a person imprisoned for committing the crime of torture from being eligible for parole until they have served at least 25 years, if the victim of the torture was under 14 years of age at the time of the crime. By creating a new sentencing enhancement, the 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: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 206.1 of the Penal Code is amended to
2 read:

3 206.1. (a) Torture is punishable by imprisonment in the state
4 prison for a term of life.

5 (b) (1) *Except as described in paragraph (2), a defendant*
6 *imprisoned for torture shall not be eligible for parole until they*
7 *have served at least seven years, pursuant to Section 3046.*

8 (2) *For a crime of torture committed after January 1, 2026, if*
9 *the victim is under 14 years of age, the defendant shall not be*
10 *eligible for parole until they have served at least 25 years.*

11 SEC. 2. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.