

Date of Hearing: March 24, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1877 (Stefani) – As Amended March 17, 2026

As Proposed to be Amended in Committee

SUMMARY: Makes the willful and knowing violation of specified criminal protective orders and stay-away orders punishable as an alternate felony-misdemeanor, rather than a misdemeanor, if the person who is the subject of a protective order was charged with, or convicted of, a felony for the conduct upon which the protective order was based, unless the matter is reduced to a misdemeanor or the charge was dismissed. Specifically, **this bill:**

- 1) Provides that if there is an allegation that the violation resulted in a physical injury to the victim, the court, in considering the seriousness of the offense charged and the protection of the public, shall include consideration of the violation of the protective order or stay-away order and alleged injury to the victim in setting, reducing or denying bail.
- 2) Increases the punishment, from an alternate felony-misdemeanor to a straight felony, for a second or subsequent conviction for a violation of an order occurring within seven years of a prior conviction for a violation of any of a criminal protective orders or stay-away orders involving an act of violence or “a credible threat” of violence, as defined in existing law.

EXISTING LAW:

- 1) Authorizes the trial court in a criminal case to issue a protective order when there is a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur. (Pen. Code, § 136.2, subd. (a).)
- 2) Provides that a person violating a protective order may be punished for any substantive offense described in provisions of law related to intimidation of witnesses or victims, or for contempt of court. (Pen. Code, § 136.2, subd. (b).)
- 3) Prohibits a person who is subject to a protective order from owning, possessing, purchasing, attempting to purchase or receive a firearm while the protective order is in effect, and the court shall order a person subject to the protective order to relinquish ownership or possession of any firearms. (Pen. Code, § 136.2, subd. (d).)
- 4) Authorizes a court to issue a restraining order upon conviction of specified offenses for a period not to exceed 10 years. (Pen. Code, § 132.6, subd. (i).)
- 5) Authorizes courts to issue civil harassment restraining orders, as specified, including workplace and educational institution violence restraining orders. (Code Civ. Proc., § 527 et seq.)

- 6) Authorizes courts to issue domestic violence restraining orders, as specified. (Fam. Code, § 6300 et seq.)
- 7) Authorizes courts to issue a restraining order to protect against elder and dependent adult abuse. (Welf. & Inst. Code, §14657.03.)
- 8) States that a person is guilty of contempt of court, punishable as a misdemeanor, for a willful disobedience of terms, as written, of a process or court order or out-of-state order, lawfully issued by a court, including orders pending trial. (Pen. Code, § 166, subd. (c)(1).)
- 9) Provides that if a violation of the above paragraph 8) results in physical injury, the person shall be imprisoned in a county jail for at least 48 hours, whether a fine or imprisonment is imposed, or the sentence is suspended. (Pen. Code, § 166, subd. (c)(2).)
- 10) States that a second or subsequent conviction for a violation of an order as described in paragraph 8) occurring within 7 years of prior conviction of the same violation and involving an act of violence or “a credible threat” of violence is punishable by imprisonment in a county jail not to exceed one year, or in the state prison for 16 months, or two or three years. (Pen. Code, § 166, subd. (c)(2).)
- 11) Defines “a credible threat” to mean a threat made with the intent and the apparent ability to carry out the threat so as to cause the target of the threat to reasonably fear for his or her safety or the safety of his or her immediate family. (Pen. Code, § 139, subd. (c).)
- 12) Provides that any intentional and knowing violation of a protective order as authorized in the Family Code related to domestic violence, civil harassment, workplace violence, postsecondary education violence, or elder and dependent adult abuse is a misdemeanor punishable by a fine of not more than \$1,000, or by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment. (Pen. Code, § 273.6, subd. (a).)
- 13) States that in the event of a violation of the above provision that results in physical injury, the person shall be punished by a fine of not more than \$2,000, or by imprisonment in a county jail for not less than 30 days or more than one year, or by both that fine and imprisonment. (Pen. Code, § 273.6, subd. (b).)
- 14) Specifies that a subsequent conviction for a violation of an order as described in the above paragraph 9) occurring within seven years of a prior conviction for a violation of an order and involving an act of violence or “a credible threat” of violence, as defined, is punishable by imprisonment in a county jail not to exceed one year, or as a county jail eligible felony. (Pen. Code, § 273.6, subd. (d).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “Protective and stay away orders are one of the most important tools available to survivors of domestic violence, stalking, and sexual assault, but they are only effective if violations are taken seriously and enforced. Under current law, violations of these court orders can only be charged as misdemeanors, even

when the underlying conduct is charged as a felony or when violations occur repeatedly. This creates a dangerous gap in accountability that can allow abuse to escalate and leaves survivors vulnerable until further harm occurs. AB 1877 strengthens enforcement by allowing prosecutors to charge violations as felonies in the most serious cases, including when the underlying conduct is charged as a felony, when violations are repeated, or when a new violation occurs within one year of a prior conviction. The bill also ensures courts consider allegations of physical injury when determining pretrial release. By providing stronger tools to address serious and repeated violations, AB 1877 improves compliance with protective orders, enhances accountability, and helps protect survivors before violence escalates.”

- 2) **Restraining Orders and Protective Orders Generally:** Protective orders and restraining orders are, in the outcome, very similar – both are orders issued or approved by a court that prevents a person from contacting another person under specific circumstances and may also restrict other conduct to prevent harassment, threats, or violence. (See generally, Fam. Code, § 6218, subs. (a)-(c).)

However, there are a couple of differences, at least in a practical sense. According to the California Courts, Self Help Guide, the police may ask for an emergency (which includes instances of domestic violence) protective order (EPO) to protect the victim of a crime, usually when the victim calls the police or 911 for help.

If the defendant (the person accused of committing the crime) is arrested and charged, a judge can issue a criminal protective order (CPO) to protect victims and witnesses, particularly during the pendency of the case (as with Penal Code section 136.2). EPOs and CPOs are protective orders. Protective orders and “temporary restraining orders or TROs” are often used interchangeably. A victim may also be able to file their own moving papers to request a protective or restraining order. A restraining order can include some of the same orders as an EPO or CPO, like ordering the defendant to stay away from the victim. But in restraining order cases filed by a victim (instead of law enforcement), additional protections may be available. A victim can have a restraining order and an EPO or CPO at the same time as one is issued on an emergency basis and one is issued for a longer period of time. (See Fam. Code, § 6320, subd. (a); Judicial Branch of California, California Courts Self-Help Guide, Guide to Protective Orders, p. 1-2.)¹

An EPO can include orders that the defendant: (a) not contact people protected by the order; (b) not harass, stalk, threaten or hurt people protected by the order; (c) stay a certain distance away from people protected by the order or places they live or go regularly; (d) move out from a home that is shared with the protected person; or (e) not have guns, firearms, or ammunition. An EPO only lasts a short time, usually 5-7 days. If the person protected by the EPO needs protection that lasts longer or wants to ask for other orders, they can apply for a restraining order. A protective order may be issued for a short period of time, often without service to the alleged wrongdoer (ex parte), so the victim may be protected while the court calendars a hearing on the order and the alleged wrongdoer may be served a more formalized notice. In some cases, law enforcement will seek a protective order even after the alleged wrongdoer was already arrested.

¹ Located at <https://selfhelp.courts.ca.gov/protective-orders>, last visited February 20, 2025.

In cases of a restraining order, where a person may be enjoined from contacting someone for a longer period of time, the alleged victim may seek a civil order barring a person from coming within a certain distance, but may not have resulted from any police intervention against the person being restrained. A person may be the subject of a protective order or a restraining order even if they are not facing a criminal charge and are never convicted of any criminal act.

Simple violation of a protective or restraining order is a misdemeanor. (See Pen. Code, § 166, subd. (a)(4); Pen. Code, § 273.6, subd. (a).) If a person violates a protective or restraining order issued in a domestic violence case and injury results, that person may be sentenced to a minimum of 30 days and a maximum of one year in county jail – in addition to whatever the defendant receives for any possible assaultive or threatening conduct. (See Pen. Code, § 273.6, subd. (b).) Any criminal conviction also requires proof beyond a reasonable doubt that the defendant was aware of the protective order, knew what they were not allowed to do, and violated the order anyway.

In addition to the penalties for violating a protective order, any person who violates a protective order issued pursuant to Penal Code section 136.2, may be sentenced as if the person engaged in witness intimidation—to a state prison sentence of up to four years. (Pen. Code, § 136.1, subd. (c); Pen. Code, § 136.2, subd. (b).)

- 3) **Effect of this Legislation:** This bill applies to a willful and knowing violation of specified criminal protective orders issued based on intimidation or dissuasion of a witness, term of probation for domestic violence conviction, upon a conviction for elder or dependent adult abuse, upon a conviction for a sex offense involving a minor, or upon a conviction for willful infliction of corporal injury. As discussed above, a simple violation of a protective or restraining order is a misdemeanor. (Pen. Code, § 166, subd. (c).) This bill would provide, notwithstanding the existing misdemeanor penalty, that the violation is punishable as a wobbler if the person who is the subject of the protective order was charged with, or convicted of a felony for the conduct upon which the criminal protective order was based. However, the increased punishment would not be authorized if the matter was reduced to a misdemeanor or if the charge is dismissed.

Essentially, the application of the increased punishment proposed by this bill would be dependent upon the prosecution of any criminal case that arises out of the conduct that is alleged to have violated the order. Based on defendant's conduct, they may be subject to two separate prosecutions – one for the violation of the protective order and one for the underlying conduct. For example, a person may have violated the order by making criminal threats against the victim or other witness, which is punishable as a wobbler.² If the subject of the protective order charged with or convicted of felony criminal threats, they would be subject to the wobbler punishment proposed by this bill.

Except in situations where the two separate offenses are charged as separate counts in one accusatory pleading, there would have to be some action to delay or trail the case alleging violation of the order. For example, the prosecutor handling the violation of the criminal

² See Pen Code, § 422.

order case may wait to see what the outcome of the felony charge is before filing the felony charge. Or, if the prosecutor moves forward with a felony charge for a violation of the protective order based on a charged felony, and not a conviction, the court would likely need to trial the case in order to allow the other underlying felony case to be resolved.

Under existing law, the court may consolidate the cases where appropriate. An accusatory pleading may charge two or more different offenses connected in their commission, or different statements of the same offense or two or more different offenses of the same class of crimes or offenses, under separate counts, or if two or more accusatory pleadings are filed in different cases, but in the same court, the court may order them to be consolidated. However, a trial court may, in the interests of justice and for good cause shown, order the different offenses or counts in the accusatory pleading be tried separately or divided into two or more groups and each of said group tried separately. (Pen. Code, § 954.)

If the cases are not consolidated, the court may also grant a continuance of the case until after the felony case is resolved pursuant to Penal Code section 1050 without a showing of good cause, however if a defendant does not waive their rights to a speedy trial, the court would be limited to the statutory period allowed under Penal Code section 1382. (*People v. Graves* (2010) 189 Cal.App.4th 619.) Thus, depending on whether the defendant has waived their speedy trial rights, the court would be limited in how long they can continue the violation of a criminal protective order case which may not be long enough for the underlying felony charge to be resolved. As written, the bill will likely require procedural action by the court in order to follow the resolution of the felony case. These actions are not guaranteed and may be limited depending on the defendant's rights and in the interests of justice, thus limiting the application of the bill.

As a practical matter, the bill as written allows for felony punishment for a violation of the order based on an arrest, charge or conviction of a felony, unless the matter is reduced to a misdemeanor or the charges are dismissed. Arrests often do not result in any charges or conviction. Thus, a person who is arrested for a felony but is never charged or convicted would not be subject to the safeguard this bill adds for persons who were charged or convicted of a misdemeanor rather than the felony originally charged. This creates an arguably unjust result for persons who were never found guilty of the underlying offense but nonetheless may receive the increased punishment proposed by this bill. Additionally, a person charged with a felony may also have the charges dismissed. This bill does not specify what is the occur if a person has their charges dismissed rather than reduced to a misdemeanor which may also lead to unjust results similar to arrests not resulting in charges or a conviction.

The proposed amendments remove the felony arrest trigger for the wobbler punishment and clarifies that it also does not apply where the charges are dismissed.

- 4) **Increased Penalties and Lack of Deterrent Effect:** This bill would increase the applicable punishment, from a misdemeanor to a wobbler, for the willing and knowing violation of a criminal protective order or stay-away court order if the person who is the subject of the order is arrested, charged or convicted of a felony for the conduct that the violation is based upon. A second or subsequent violation involving an act of violence or a credible threat of violence would be punishable as a straight felony, rather than a wobbler.

There is reason to doubt that longer terms of imprisonment will meaningfully deter future criminal conduct. The National Institute of Justice (NIJ) has looked into the concept of improving public safety through increased penalties.³ As early as 2016, the NIJ has been publishing its findings that increasing punishment for given offenses does little to deter criminals from engaging in that behavior.⁴ The NIJ has found that increasing penalties are generally ineffective and may exacerbate recidivism and actually reduce public safety.⁵ These findings are consistent with other research from national institutions of renown.⁶ Rather than penalty increases, the NIJ, advocates for policies that “increase the perception that criminals will be caught and punished” because such perception is a vastly more powerful deterrent than increasing the punishment.⁷

From a victim’s perspective, increased punishment is often not the preferred response or support most often needed. A 2025 statewide survey conducted by Blue Shield of California Foundation revealed that 63 percent of participants reported having a personal connection to domestic violence, either directly or through friends and family, and 31 percent identified as a survivor of domestic violence.⁸ Among survivors, the survey indicated that the top priorities for making survivors feel safe include the freedom to make decisions that are best for them and their families, being financially stable or having financial support while the survivor is stabilized, and having an affordable, safe place to live.⁹ Comparatively, the survey indicated that the lowest priorities included having support from local police and having their partner go to jail.¹⁰

- 5) **Argument in Support:** According to the *San Francisco Mayor Daniel Lurie*, the sponsor of this bill, “Protective orders are meant to provide survivors with tangible and enforceable safety from further harm. However, orders are far too often violated without repercussion. Under existing law, violations are treated as minor offenses, even when they are repeated. This can leave survivors vulnerable to danger and perpetuate a lack of confidence in the justice system’s ability to protect them. Repeated violations are also warning signs of escalating danger and have to be taken seriously for the safety of the survivor and their family.

“Your legislation remedies the penalty structure for protective order violations to reflect the actual risk posed to the protected person. This bill would give prosecutors greater authority to respond when violations of protective orders show a serious risk to survivor safety. By allowing felony charges in high-risk cases, AB 1877 (Stefani) makes sure that the law reflects the serious nature of repeated or dangerous violations, and ensures meaningful

³ <https://nij.ojp.gov/about-nij>.

⁴ “Five Things About Deterrence,” NIJ, May 2016, available at: <https://www.ojp.gov/pdffiles1/nij/247350.pdf>.

⁵ *Ibid.*

⁶ See Travis, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, National Research Council of the National Academies of Sciences, Engineering, and Medicine, April 2014, at pp. 130 -150 available at: https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1026&context=jj_pubs.

⁷ “Five Things About Deterrence,” *supra*.

⁸ Californians’ Needs and Experiences with Domestic Violence, Equity, and Safety, Results from a Statewide Survey, Blue Shield California Foundation (Oct. 2025) available at [Californians-Needs-Experiences-DV-Equity-Safety-PerryUndum-2025.pdf](#).

⁹ *Id.* at p. 24.

¹⁰ *Ibid.*

actions and measures can be taken when warning signs are clear.”

- 6) **Argument in Opposition:** According to *ACLU California Action*, “Under existing law, willful disobedience of a court order as contempt of court is punishable as a misdemeanor up to six months in county jail, which can be increased to one year as a gross misdemeanor if the defendant willfully and knowingly violated specified protective orders. For any second or subsequent violation of these specified protective orders within seven years of a prior conviction and involving an act of violence or credible threat of violence is punishable as either a misdemeanor or felony, otherwise known as a wobbler.

“This proposal undermines a great amount of study and evidence surrounding the efficacy behind longer criminal sentencing and its impact on crime deterrence. Evidence indicates that applying longer criminal sentences has failed to deter crime.¹ The federal Department of Justice shared a paper discouraging increasing existing punishments.² Other studies support this evidence, finding that the severity of punishment does not generally have an increased effect on deterrence.³ Rather, studies have concluded that certainty of punishment — that someone will be punished for a particular crime — has a greater deterrence effect than the severity of the punishment itself.⁴ Increasing criminal penalties of existing crimes will incur an additional \$133,100 cost per person incarcerated each additional year they are sentenced.”

- 7) **Related Legislation:** AB 292 (Patterson) would remove misdemeanor sentencing discretion for defendants who commit domestic violence within seven years of a prior felony domestic violence conviction, requiring the offense to be charged and sentenced as a felony with a two-, four-, or five-year state prison term, and increases the mandatory minimum county jail term on probation from 15 days to 60 days for those defendants. AB 292 is pending referral in the Senate.

8) **Prior Legislation:**

- a) AB 467 (Gabriel), Chapter 14, Statutes of 2023, clarified that a court that sentenced a defendant and issued a 10-year criminal protective order, may make modifications to it throughout the duration of the order.
- b) AB 2024 (Pacheco), Chapter 648, Statutes of 2024, eliminated delays in getting domestic violence restraining order protection forms to the judicial officer due to relatively minor errors or omissions.
- c) AB 1378 (Essayli), of the 2023-2024 Legislative Session, would have made the violation of a protective order issued based on victim or witness intimidation or threats punishable as a misdemeanor or state prison felony, or if the person was armed with a firearm the crime would be punishable as a state prison felony. AB 1378 failed passage in this Committee.
- d) AB 2040 (Maienschein), of the 2021-2022 Legislative Session, would have made the violation of certain domestic violence-related protective orders, which involve forcible entry into, or unlawful presence in, the protected person’s “residential dwelling,” punishable by a minimum of 30 days in the county jail, unless the sentence is not in the interest of justice. AB 2040 was held in the Assembly Appropriations Committee.

- e) SB 935 (Min), Chapter 88, Statutes of 2022, clarified that certain protective orders issued under the Domestic Violence Protection Act (DVPA) may be renewed more than once.

REGISTERED SUPPORT / OPPOSITION:

Support

City and County of San Francisco (Sponsor)
Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California District Attorneys Association
California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
LA Casa De Las Madres
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association

Opposition

ACLU California Action

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