
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1877 (Stefani) - Domestic violence: protective orders

Version: June 8, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: PUB. S. 6 - 0

Mandate: Yes

Consultant: Bob Franzoia

Bill Summary: AB 1877 would make a willful and knowing violation of a specified criminal orders or stay away orders punishable as either a misdemeanor or a felony if the subject of the order as charged with or convicted of a felony for the conduct upon which the criminal protective order was based.

Fiscal Impact: Unknown costs to the counties to incarcerate if the felony sentence, punishable by 16 months, 2 years or 3 years, is imposed. The average annual cost to incarcerate one person in county jail is approximately \$80,000. In 2021 Los Angeles County budgeted \$1.3 billion for jail costs with \$90,000 per incarcerated person. Actual incarceration costs to counties will depend on the number of convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).

Cost pressures of an unknown amount to the courts, likely in excess of \$150,000, to adjudicate enforcement actions authorized by this bill. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,500 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts. The FY 2026-27 Budget appropriated \$70 million General Fund for this purpose (Trial Court Trust Fund, General Fund).

Background: Protective orders and restraining orders are, in 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.

In practice, there are some differences. For example, law enforcement may ask for an emergency protective order (EPO) (which includes instances of domestic violence) to protect the victim of a crime, usually when the victim calls the police or 911 for help. If the defendant 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.

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, 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.

Existing law 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.

Proposed Law: This bill requires a willful and knowing violation of a criminal protective order or stay-away court order to be punished as either a misdemeanor or a jail felony when the underlying case contained certain violations, including threatening a witness, elder abuse, domestic violence, and certain acts of violence, threats, stalking, sexual abuse, and harassment, particularly against a minor.

This bill 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 (Penal Code 166 (c) (4)).