

Date of Hearing: March 17, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1889 (Ramos) – As Amended March 9, 2026

SUMMARY: Authorizes a court to issue a protective order preventing a defendant from contacting a victim if convicted of witness intimidation involving domestic violence, human trafficking, specified acts of sexual assault, or any case of inflicting injury on an intimate partner, as specified, for up to two years after a person is released from state prison or county jail if released from custody after a protective order issued at sentencing has expired.

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) Requires a court to consider issuing up to a 10-year restraining order protecting victims for convictions including, but not limited to domestic violence, certain types of human trafficking, gang activity, statutory rape, pimping of a minor, and offenses requiring sex offender registration. (Pen. Code, §§ 136.2, subd. (i)(1); 273.5, subd. (j); 368, subd. (l); 646.9, subd. (k); 1201.3, subd. (a).)
- 4) Provides that a post-conviction protective order may be issued by the court regardless of whether the defendant is sentenced to the state prison, or a county jail, or subject to mandatory supervision, or whether the defendant is placed on probation. The duration of a protective order issued by the court should be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and the victim's immediate family. (Pen. Code, § 136.2, subd. (i)(1).)
- 5) Requires a court to consider issuing up to a 10-year restraining order protecting a percipient witness, upon clear and convincing evidence of witness harassment, in cases with convictions including, but not limited to domestic violence, statutory rape, gang activity, and sex registerable offenses. (Pen. Code, § 136.2, subd. (i)(2).)
- 6) Authorizes a court to place conditions on a 10-year restraining order that can include electronic monitoring for up to one year, as specified. (Pen. Code, § 136.2, subd. (i)(3).)
- 7) 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).)

- 8) Authorizes courts to issue civil harassment restraining orders, as specified. (Code Civ. Proc. § 527 et seq.)
- 9) Authorizes courts to issue domestic violence restraining orders, as specified. (Fam. Code, § 6300 et seq.)
- 10) Punishes an individual for willful disobedience of, among other things, a lawful restraining order. (Pen. Code, §§ 166 & 273.6.)
- 11) States a person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim, as specified, is guilty of a felony and may be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to \$6,000, or by both that fine and imprisonment. (Pen. Code, § 273.5, subd. (a).)
- 12) Mandates a court consider issuing a 15-year restraining order against any person convicted of domestic violence, as specified. (Pen. Code, § 275, subd. (j)(1).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "This bill aims to ensure survivors are protected from being re-victimized in situations where a protective order may be expired or about to expire. We would add at minimum a 2-year grace period from when an offender is released so that they cannot gain contact with those whom they have victimized. We want to ensure that all survivors can feel protected even when the individuals who harmed them are released from prison. Survivors should be afforded peace of mind and not have to live in fear."
- 2) **Penal Code section 136.2:** Penal Code section 136.2 authorizes the court in certain criminal trials, upon a showing of good cause, to issue specified protective orders against a defendant or third party. The purpose of Penal Code section 136.2 is to prevent a defendant in a domestic violence or sexual assault trial from: (a) engaging in witness or victim intimidation; (b) for law enforcement to provide protection to a victim, witness or a victim's or witness' immediate family members; and (c) to stay away from any victim or witness for up to 10 years. Good cause means evidence that a defendant intends to intimidate a victim or witness. It is not automatic and requires a judicial hearing and specified findings to impose. (*Babalola v. Superior Court (People)* (2011) 192 Cal.App.4th 948 ["There was no finding of good cause to believe an attempt to intimidate or dissuade a victim occurred or was *reasonably likely* to occur."].)

Penal Code section 136.2 also allows the court, in specific circumstances, to order electronic monitoring for up to one year. In cases related to domestic violence and offenses requiring sex offender registration, the case file must be clearly marked so that the court is aware of their nature for purposes of considering a protective order. (Pen. Code, § 136.2, subd. (e)(1).) The court has the authority to issue pre- and post-conviction protective orders. (Pen. Code, §

136.2.) Any person subject to a protective order pursuant to Penal Code section 136.2 may not possess a firearm. Finally, Penal Code section 136.2, subdivision (i)(1) allows the court to issue a protective order in certain cases, including domestic violence cases, for up to 10 years, regardless of whether the defendant is sentenced to state prison or county jail, or placed on probation. Penal Code section 136.2, subdivision (i)(2) authorizes the court to issue an order prohibiting a defendant from any contact with any witness to the underlying crime.

This bill would require a court, when issuing a 10-year protective order against a defendant in a witness intimidation case involving domestic violence, human trafficking, and sexual assault to issue the order for up to two years after release from custody, if a defendant is sentenced to more than 10 years. This bill also states that in felony domestic violence cases where the court issues a 15-year restraining order, the court may issue the order for 15 years, or two years after release, whichever is longer. The maximum period a person may serve for felony domestic violence (assuming no other charges, enhancements, or prior strikes or prison terms) is four years. A defendant sentenced to 10, 15, or more years likely has a serious conviction history and will be closely monitored after release. A victim may also seek a protective order pursuant to Family Code section 6218. Finally, as explained below, a defendant released from state prison is either on parole or PRCS and may be returned to custody for any violation of their terms of release.

- 3) **Restraining Orders and Protective Orders:** 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

¹ Located at <https://selfhelp.courts.ca.gov/protective-orders>, last visited March 10, 2026.

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 is arrested.

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. It is not the most direct method for ensuring a parolee does not re-contact a victim or witness.

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).) It is unclear what adding an additional two years onto a protective order issued pursuant to Penal Code section 136.2 or 273.5 would do to protect victims of domestic violence, human trafficking, or sexual assault. Most certainly, if a person is willing to commit an assault or homicide two years after release from prison, it seems doubtful they would be deterred by a protective order.

- 4) **Postrelease Community Supervision (PRCS) and Parole Requirements:** Inmates sentenced to state prison are supervised upon release for a period as short as 12 months, and as long as the remainder of the person's life, depending on the offense. (Pen. Code, § 3000.1, subd. (b)(1).) Following the enactment of the Criminal Justice Realignment Act of 2011 ("Realignment") a person sentenced to state prison is placed on either PRCS or parole depending on the nature of the offense. (Pen. Code, § 1170, subd. (h); Pen. Code, § 3451, subd. (a).) Prior to Realignment, individuals released from state prison were placed on parole and supervised in the community by the California Department of Corrections and Rehabilitation (CDCR) parole agents. PRCS supervision is handled by local probation departments. Parole is still handled by CDCR.

As noted, Realignment shifted supervision of some people released from state prison from CDCR to local probation departments. CDCR Division of Adult Parole Operations (DAPO) is responsible for supervising inmates released from prison whose term of incarceration was for a serious or violent felony; was serving a sentence on a third strike; is classified upon release as high-risk sex offender; required to undergo treatment as a mentally disordered offender; or any person who, while on state prison parole, commits a new offense, as specified. All other inmates released from prison are subject to up to three years of PRCS under local supervision.

Realignment also changed where an offender is incarcerated for violating parole or PRCS. Most individuals can no longer be returned to state prison for violating a term of supervision; any person whose parole is revoked serves the revocation term in county jail. The only people who are eligible for a return to prison for violating parole are life-term inmates paroled pursuant to Penal Code section 3000.1 (e.g., homicide, manslaughter, attempted homicide, etc.).

“Domestic violence” is defined in Penal Code section 13700, subdivision (b), and is a state prison felony, in accordance with Penal Code section 273.5, subdivision (a). A defendant convicted of a felony domestic violence offense and sentenced to prison is subject to up to four years in state prison. (Pen. Code, § 273.5, subd. (a).) Supervision following release is for three years. (See Pen. Code, § 3451, subd. (b).) Rape or any offense for which a defendant is sentenced to state prison for an offense requiring sex offender registration will also be on parole for at least three years and supervised by DAPO because it is a violent felony. (See Pen. Code, §§ 667.5, subd. (c)(3-6); (c)(11); (c)(16); (c)(18); and (c)(24).) Additionally, any person released from state prison for a registerable sex offense must be placed on a global positioning system (GPS) device during the period of parole. (Pen. Code, § 3000.07, subd. (a).) It is likely that a person sentenced to 10 plus years for domestic violence or sexual assault has a prior strike conviction.

Parole or PRCS violations only need to be proven by a preponderance of evidence – not beyond a reasonable doubt unlike a new crime. (*Morrissey v. Brewer* (1972) 408 U.S. 471; *People v. Rodriguez* (1990) 51 Cal.3d 437, 441.) People pending a parole or PRCS revocation may also be held in custody with no bond, and a parole or probation officer may re-incarcerate a person without prior judicial review. (See Pen. Code, § 3000.08, subd. (c).) A state prison commitment also allows a victim the opportunity to request victim services before a defendant is released from prison.² Victim services include the right to receive notice of when the custody status changes and when a victim desires a no-contact condition of parole. If a victim desires a protective order, they may receive notice of the defendant’s possible release date in time to seek a restraining order for a period of five years. (See Code of Civ. Proc., § 527.6, subd. (j).)

Given that defendants will be on parole when released from state prison, it seems it would be easier to simply violate their parole if they are harassing or contacting a victim. There would be no need to prove beyond a reasonable doubt that a defendant violated a long dormant protective order from more than 10 or 15 years ago. Also, as noted above, Penal Code section

² See Office of Victim and Survivor Rights and Services form 1707 <https://www.cdcr.ca.gov/victim-services/> (last visited February 20, 2025.)

136.2 requires a detailed showing of good cause to believe the defendant will intimidate a witness or victim. In most domestic violence cases, there is likely not enough evidence of victim intimidation to order a Penal Code section 136.2 protective order. A parole violation would likely protect more victims and witnesses than the proposed bill.

- 5) **Argument in Support:** According to the *Riverside County District Attorney's Office*, "Criminal protective orders serve as a vital safeguard for victims facing threats, intimidation, and violence. Unfortunately, criminal protective orders often expire prior to the release of a defendant from prison, placing victims (the protected party) in a vulnerable and likely dangerous situation. According to the National Domestic Violence Hotline, "most female victims of intimate partner violence were previously victimized by the same offender at rates of 77% for women ages 18 to 24, 76% for ages 25 to 34, and 81% for ages 35 to 49."

"AB 1889 seeks to remedy this alarming reality by authorizing courts to issue post-conviction criminal protective orders for domestic violence and sex offenses to be valid for up to 10 years, or 2 years after the perpetrator's release from prison, whichever is later. This critical change would provide victims with valuable time to pursue additional protective orders or assess additional options for continued safety. Strengthening criminal protective orders through this legislation will provide law enforcement, courts, and victims with the necessary tools to prevent further harm and enhance public safety."

- 6) **Argument in Opposition:** None on file.

7) **Related Legislation:**

- a) AB 292 (Patterson), removes misdemeanor sentencing discretion for defendants who commit domestic violence within seven years of a prior felony domestic violence conviction, requiring the offense 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.
- b) SB 421 (Valladares), would allow a court to issue a permanent protective order restraining a defendant from any contact with the victim if the defendant has been convicted of any serious or violent felony, as defined, or any felony requiring registration as a sex offender. SB 421 failed passage in the Senate Committee on Public Safety.

8) **Prior Legislation:**

- a) AB 2024 (Pacheco), Chapter 648, Statutes of 2024, eliminates delays in getting domestic violence restraining order protection forms to the judicial officer due to relatively minor errors or omissions.
- b) AB 1143 (Berman), Chapter 156, Statutes of 2021, provides that in lieu of personal service of a petition for a civil harassment restraining order, if a respondent's address is unknown, the court may authorize another method of service that is reasonably calculated to give actual notice to the respondent, if the court determines that a petitioner made a diligent effort to accomplish service, and may prescribe the manner in which proof of

service must be made.

- c) SB 538 (Rubio), Chapter 686, Statutes of 2021, facilitates the filing of a DVRO and gun violence restraining order (GVRO) by allowing petitions to be submitted electronically and hearings to be held remotely.

REGISTERED SUPPORT / OPPOSITION:

Support

Riverside County District Attorney (Sponsor)
San Bernardino County District Attorney's Office (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
California State Sheriffs' Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
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
San Francisco District Attorney Brooke Jenkins

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