

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 1961 (Ahrens) – As Amended March 27, 2026

PROPOSED CONSENT (As Proposed to be Amended)

SUBJECT: CIVIL ACTIONS: PROTECTIVE ORDERS: WORKPLACE VIOLENCE

KEY ISSUE: SHOULD EMPLOYERS BE AUTHORIZED TO SEEK TEMPORARY WORKPLACE VIOLENCE RESTRAINING ORDERS AND ORDERS AFTER HEARING WITHOUT REQUIRING THE EMPLOYER TO NAME A SPECIFIC EMPLOYEE ENJOINING AN INDIVIDUAL FROM CONTACTING OR COMING WITHIN A CERTAIN DISTANCE OF A WORKSITE?

SYNOPSIS

Workplace violence is an unfortunately common experience in California and the United States generally. Existing California law authorizes an employer or union representative to seek a workplace violence restraining order protecting one or more employees who have suffered harassment, violence, or threats in the workplace. However, the sponsors of this measure relay anecdotal experience detailing how some employers have been unable to obtain such restraining orders in circumstances involving threats to a workplace generally because the threats have not been made against an individual employee. In these cases, the employers' petitions have been dismissed for failure to name a specific person to be protected. Acknowledging the devastating reality that a whole workplace may benefit from a protective order, this bill seeks to clearly authorize judges to issue temporary restraining orders and orders after hearing when the person to be restrained has threatened or engaged in harassing behavior towards the worksite, without requiring the petitioner to name a specific employee. As currently in print, the bill would amend the definition of "employee" to include a group of employees identified by their workplace or location where their primary job duties are performed and further authorizes an employer to seek protective orders on behalf of this new set of employees. While an understandable approach, this new definition raises a potential concern regarding the ability to provide the restrained party adequate notice as to who they may or may not contact under a valid restraining order. In order to address these concerns, the author is proposing to amend the measure to instead explicitly authorize a court to obtain a temporary restraining order and order after hearing enjoining a respondent from contacting or coming within a specific distance of a given workplace or location without requiring the petitioning employer to name any individual employee. These amendments are incorporated into the SUMMARY and discussed in the body of this analysis.

This bill is sponsored by the Association of California School Administrators, and enjoys support from local government advocates, various school districts, labor unions, and other industry-specific worker advocates. There is no known opposition. This bill was previously heard by the Committee on Labor and Employment where it was approved on consent.

SUMMARY: Authorizes an employer to seek a temporary restraining order and order after hearing on behalf of all employees at that workplace or location without naming a specific

employee that prohibits the restrained party from contacting or coming within a specific distance of the worksite. Specifically, **this bill**:

- 1) Authorizes an employer to seek a temporary restraining order and an order after hearing on behalf of all employees at that workplace or location described in 2) without naming specific employees in the petition if the harassment, unlawful violence, or credible threat of violence is directed at the employer's workplace or location where a group of employees performs their primary job duties, rather than at specific employees.
- 2) Expands the definition of "temporary restraining order" and "order after hearing" to include an order enjoining a party from telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of that workplace or location, in response to a petition made on behalf of all employees at the employer's workplace or a location where a group of employees performs their primary job duties, as well as any order enjoining a party from specified behavior that the court determines is necessary to effectuate the temporary restraining order or order after hearing.
- 3) Requires the Judicial Council to adopt or modify forms, as needed, to implement these changes by January 1, 2028.

EXISTING LAW:

- 1) Sets forth standards and procedures under which an employer or collective bargaining representative of an employee may seek a civil restraining order on behalf of an employee who has suffered harassment, unlawful violence, or a credible threat of violence that can reasonably be construed to be carried out or to have been carried out at the workplace. (Code of Civil Procedure Section 527.8.)
- 2) Defines "employer" and "employee" as persons defined in Section 350 of the Labor Code. "Employer" also includes a federal agency, the state, a state agency, a city, county, or district, a joint powers authority, or a public transit operator, whether operated directly by a public entity or through a contract or subcontract, and a private, public, or quasi-public corporation, or any public agency thereof or therein. "Employee" also includes the members of boards of directors of private, public, and quasi-public corporations and elected and appointed public officers. For purposes of this section only, "employee" also includes a volunteer or independent contractor who performs services for the employer at the employer's worksite. (Code of Civil Procedure Section 527.8 (b)(3).)
- 3) Makes every person who, with intent to annoy, telephones or makes contact by means of an electronic communication device with another and address to or about the other person any obscene language or addresses to the other person any threat to inflict injury to the person or property of the person addressed or any member of his or her family, guilty of a misdemeanor. Makes every person who, with intent to annoy or harass, makes repeated telephone calls or makes repeated contact by means of an electronic communication device, or makes any combination of calls or contact, to another person, whether or not conversation ensues from making the telephone call or contact by means of an electronic communication device, guilty of a misdemeanor. (Penal Code Section 653m (a) – (b).)

- 4) Defines “employer” as every person engaged in any business or enterprise in this state that has one or more persons in service under any appointment, contract of hire, or apprenticeship, express or implied, oral or written, irrespective of whether the person is the owner of the business or is operating on a concessionaire or other basis. (Labor Code Section 350 (a).)
- 5) Defines “employee” as every person, including minors and persons who are not citizens or nationals of the United States, rendering actual service in any business for an employer, whether gratuitously or for wages or pay, whether the wages or pay are measured by the standard of time, piece, task, commission, or other method of calculation, and whether the service is rendered on a commission, concessionaire, or other basis. (Labor Code Section 350 (b).)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: Workplace violence, or the threat of workplace violence, is an unfortunately common element of life throughout the United States. According to a report from the Bureau of Labor Statistics, between 2021 – 2022, there were 57,610 nonfatal cases of workplace violence across the United States. (<https://www.bls.gov/iif/factsheets/workplace-violence-2021-2022.htm>.) The United States is also devastatingly unique in the prevalence of violence at schools and places of learning. According to the American Academy of Pediatrics, as of 2024, the United States has experienced *57 times* as many school shootings as all other major industrialized nations combined. (Luke J. Rapa *School Shootings in the United States: 1997 – 2022* (March 4, 2024) American Academy of Pediatrics available at: <https://publications.aap.org/pediatrics/article/153/4/e2023064311/196816/School-Shootings-in-the-United-States-1997-2022?autologincheck=redirected>.)

Recognizing the extreme risk workplace violence poses, existing law authorizes an employer or union representative to file a petition for a restraining order on behalf of an employee who has been the target of harassment, unlawful violence, or a credible threat of violence at the worksite by the person the petition seeks to restrain. In order to obtain an order, the petitioner has to name at least one impacted employee. However, in cases where a threat is leveled at a workplace generally, such as a call made to a campus threatening violence against the entire school population, it is less clear how an employer should identify the impacted employees. According to the author:

AB 1961 addresses a critical gap in our workplace safety laws. Currently, employers can obtain workplace violence restraining orders when a specific employee is targeted. However, there has been a rise in threats directed at entire workplaces, especially schools, without naming any individual. In these cases, courts may deny protection, leaving workers and students at risk.

This bill enables restraining orders to be issued when threats are aimed at groups of employees at the workplace, rather than targeting individuals. It is a sensible solution that equips employers with the necessary tools to act swiftly, protect their workforce, and prevent violence before it occurs.

This bill seeks to clarify that a petitioner for a workplace violence restraining order need not name an individual employee in order to obtain a workplace violence restraining order in certain circumstances. As currently in print the bill would modify the definition of “employee” to

include “a reasonably identifiable group or class of employees” when “a credible threat of violence is directed at the employer’s workplace or a location where a group of employees performs their primary job duties.” It would also authorize an employer, beginning on July 1, 2027, to seek a temporary restraining order and an order after hearing on behalf of a reasonably identifiable group of employees if a credible threat of violence is directed at the employer’s workplace or at the employer’s employees generally. The bill in print also specifies that an employer seeking this new form of restraining order would not be required to name any individual employee as the protected party and directs the Judicial Council to update its forms to reflect these changes.

Proposed amendments seek to eliminate implementation issues. While certainly addressing an important goal, the current version of the bill raises a potential implementation concern regarding the issuance of orders restraining an individual from contacting or coming within a certain distance of a “reasonably identifiable group or class of employees.” Typically, a restraining order identifies a protected party, and the respondent (or person to be restrained) is provided with notice of the petition and therefore notice of who they are prohibited from contacting. AB 1961 seeks to authorize employers to *not* name any individual person. In doing so, the bill potentially creates a problem where the restrained individual does not know who makes up that “reasonably identifiable group or class of employees,” and thus cannot know who they are court-ordered to stay away from.

The sponsors identify circumstances that appear to involve patterns of threatening behaviors levied at a worksite rather than an individual worker. It therefore appears that the ultimate goal of the bill is to clearly authorize courts to issue temporary restraining orders and orders after hearing prohibiting the restrained person from contacting or coming within a certain distance of a *worksite* without having to name a specific employee. While it may be challenging to ensure that respondents receive notice sufficient to justify a restraining order protecting a “class” of employees, it seems more feasible to authorize courts to issue orders prohibiting contact with a discrete workplace. In order to address this concern and still achieve the bill’s intent, the author proposes to strike the existing language of the bill and replace it with the following:

527.8. (a) Any employer or collective bargaining representative of an employee who has suffered harassment, unlawful violence, or a credible threat of violence from any individual, that can reasonably be construed to be carried out or to have been carried out at the workplace, may seek a temporary restraining order and an order after hearing on behalf of the employee and, at the discretion of the court, any number of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer. For purposes of this section only, a person may bring a petition for a temporary restraining order and an order after hearing on behalf of an employee as their collective bargaining representative only if the person serves as a collective bargaining representative for that employee in employment or labor matters at the employee’s workplace.

(1) If the harassment, unlawful violence, or credible threat of violence is directed at the employer’s workplace or location where a group of employees performs their primary job duties, rather than at specific employees, the employer may seek a temporary restraining order and an order after hearing described in subparagraph (B) of paragraph (7) of subdivision (b) on behalf of all employees at that workplace or location without naming specific employees in the petition.

[...]

(A) An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of, the employee.

(B) In response to a petition made on behalf of all employees at the employer's workplace or a location where a group of employees performs their primary job duties, an order enjoining a party from telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of that workplace or location.

(B C) An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in subparagraph (A) **or (B)**.

Additionally, the author proposes the following amendment to give the Judicial Council additional time to appropriately modify their existing forms to reflect the bill's changes:

(D) By January 1, 2028, the Judicial Council shall adopt or modify forms, as needed, to implement subparagraph (B).

ARGUMENTS IN SUPPORT: This bill is sponsored by the Association of California School Administrators (ACSA). It is supported by local government advocates, various school districts, labor unions, and other industry-specific worker advocates. In support of the measure the sponsors submit:

Regrettably, school employees throughout California are the target of credible threats of violence through verbal exchanges, physical interactions, and written communication including emails and online postings. This may come from parents, students, other employees or members of the community who are not associated with the school. Under current law, employers may petition for a temporary restraining order, but a specific individual must be named in that process. This creates a challenge when the threat speaks to a location (such as a school campus or district office) where groups of employees are present and not an individual.

Local educational agencies have tried alternative methods in their petitions to the courts to match their circumstances to the existing forms, but those are not always successful, leaving the presence of potential danger unchecked. AB 1961 would address this problem by allowing employers to seek a temporary restraining order for groups of employees identified by their worksite or location where job duties are performed. It also directs the Judicial Council to update the associated forms required to seek a temporary restraining order with a delayed implementation date of July 1, 2027, to provide time for those changes to be made.

Recent state laws have acknowledged the need for intervention when threats target not an individual but rather groups of employees based on the location, types of programs offered, services provided, standards of practice, or mission and values of the worksite, be it actual or perceived by the source of the threat. AB 1961 offers an additional tool to mitigate additional

or advanced threats, and in doing so, help prevent the scenario when threats of violence turn into actions. For these reasons, ACSA is pleased to support AB 1961 as its sponsor.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of California School Administrators (sponsor)
Alameda County Office of Education
California Ambulance Association
California Association of Joint Powers Authorities (CAJPA)
California Hospital Association
California State Association of Counties (CSAC)
CFT – a Union of Educators & Classified Professionals, AFT, AFL-CIO
Engineers and Scientists of California, IFPTE Local 20, AFL-CIO
League of California Cities
Los Angeles Unified School District
Rural County Representatives of California (RCRC)
School Employers Association of California
Schools Excess Liability Fund (SELF)
Small School Districts Association
Urban Counties of California (UCC)
Utility Workers Union of America

Opposition

None on file

Analysis Prepared by: Manuela Boucher-de la Cadena / JUD. / (916) 319-2334