

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1961 (Ahrens)
Version: April 16, 2026
Hearing Date: June 16, 2026
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Civil actions: protective orders: workplace violence

DIGEST

This bill permits an employer to seek a workplace violence restraining order on behalf of all employees at a workplace or location if harassment, unlawful violence, or a credible threat of violence is directed at that workplace or location; and requires the Judicial Council of California, on or before January 1, 2028, to adopt or modify the necessary forms, as needed for the courts to implement these provisions.

EXECUTIVE SUMMARY

Current law authorizes an employer or collective bargaining representative to petition for a civil restraining order from a court for an employee who has suffered harassment, violence, or a credible threat of violence at the workplace. The court can issue a temporary restraining order (TRO) on an ex parte basis, and then may enter a longer-term restraining order after the respondent has been given notice and an opportunity to be heard. To enter a restraining order after hearing, the court must find, by clear and convincing evidence, that the respondent engaged in harassment or unlawful violence, or made credible threats of violence; upon making this finding, the court has significant discretion to apply the order broadly, including to cover other employees at the same workplace or workplaces as the affected employee, and family members of the threatened employees. The initial order can last for up to three years, and can be renewed for up to three additional years.

Current law does not expressly authorize an employer or collective bargaining representative to seek a workplace violence restraining order on behalf of an entire workplace, or group of employees, when the threats or violence are directed at a group of employees or location rather than an individual employee. According to the author and stakeholders, this prevents employers from obtaining restraining orders when an

entire workplace or group of employees are at risk or have experienced unlawful violence, e.g., when a threat is made to an entire school.

This bill permits an employer to seek a workplace violence restraining order on behalf of all employees at a workplace when harassment, unlawful violence, or a credible threat of violence is directed at the workplace or location where a group of employees perform their jobs; and specifies that an order issued in response to such a petition may enjoin the restrained party from contacting or coming within a specified distance of that workplace or location. The bill also requires the Judicial Council of California, on or before January 1, 2028, to adopt or modify forms, as necessary, to implement these provisions. The author has agreed to a minor amendment to clarify the Judicial Council's obligations.

This bill is sponsored by the Association of California School Administrators and is supported by a number of educational entities and associations, municipal entities, and other organizations. The Committee has not received timely opposition to this bill.

PROPOSED CHANGES TO THE LAW

Existing law:

1) Defines the following relevant terms:

- a) "Course of conduct" is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an employee to or from the place of work; entering the workplace; following an employee during hours of employment; making telephone calls to an employee; or sending correspondence to an employee by any means.
- b) "Credible threat of violence" is a knowing and willful statement or course of conduct that would place a reasonable person in fear for their safety, or the safety of their immediate family, and that serves no legitimate purpose.
- c) "Employer" and "employee" have the same meaning as in Section 350 of the Labor Code"; "employer" also includes government entities; and "employee" also includes members of boards, appointed public officers, volunteers, and independent contractors performing services for the employer at the employer's worksite.
- d) "Harassment" is a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be that which would cause a reasonable person to suffer emotional distress and must actually cause substantial emotional distress.
- e) "Unlawful violence" is assault or battery, as defined, but does not include lawful acts of self-defense or defense of others. (Code Civ. Proc., § 527.8(b).)

- 2) Permits an employer or collective bargaining unit 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, to seek a TRO or 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.
 - a) A TRO or order after hearing may not be issued to prohibit speech or other activities that are constitutionally protected or otherwise protected by law.
 - b) The TRO or order after hearing may, on a showing of good cause, include other named family or household members, or other persons employed at the employee's workplace or workplaces. (Code Civ. Proc., § 527.8(a), (c), (d).)
- 3) Permits a petitioner to obtain a TRO under 2) if the petitioner files a declaration that establishes, to the satisfaction of the court, one of the following:
 - a) Reasonable proof that an employee has suffered unlawful violence or a credible threat of violence by the respondent, and that great or irreparable harm would result to an employee.
 - b) Clear and convincing evidence that: (1) the employee has suffered harassment by the respondent; (2) that great or irreparable harm would result to an employee; (3) that the course of conduct at issue serves no legitimate purpose; and (4) that the issuance of the order is not prohibited by 2)(a). (Code Civ. Proc., § 527.8(f).)
- 4) Requires a request for a TRO under 2) to be granted or denied on the same day that the petition is submitted to the court, unless the petition is filed too late to permit effective review, in which case the order shall be granted or denied on the next day of judicial business in sufficient time for the order to be filed that day with the clerk of the court. (Code Civ. Proc., § 527.8(g).)
- 5) Requires the respondent to be personally served with a copy of the petition, TRO, if any, and notice of hearing on the petition, at least five days before the hearing in 7), below. If, however, the respondent has not been served personally but has received actual notice of the existence and substance of the order through personal appearance, no additional proof of service is required. (Code Civ. Proc., § 527.8(n), (r).)
- 6) Provides that a TRO granted under 2) shall remain in effect, at the court's discretion, for a period not to exceed 21 days, and that the court must hold a hearing on the petition before the expiration of the TRO.
 - a) The court may, for good cause, extend the time for hearing to 25 days.
 - b) The respondent may file a response to the petition prior to the hearing.
 - c) The respondent is entitled, as a matter of course, to one continuance, for a reasonable period, to respond to the petition.

- d) Either party may request a continuance of the hearing, which the court shall grant on a showing of good cause; the TRO shall be extended for the duration of the continuance.
 - e) At the hearing, the judge shall receive any testimony that is relevant and may make an independent inquiry. (Code Civ. Proc., § 527.8(h)-(k), (p), (q).)
- 7) Requires the court, if the hearing under 7) establishes clear and convincing evidence that the respondent engaged in harassment, engaged in unlawful violence, or made a credible threat of violence, to issue an order prohibiting further harassment, unlawful violence, or threats of violence.
- a) The order may have a duration of not more than three years, subject to termination or modification by the court either on written stipulation or on the motion of a party.
 - b) The order may be renewed for a duration of not more than three years, without a showing of further harassment, unlawful, or credible threats of violence since the issuance of the order. (Code Civ. Proc., § 528.7(k), (l).)
- 8) Prohibits the subject of a protective order issued under 2) from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm or ammunition while the order is in effect, as specified. (Code Civ. Proc., § 528.7(t).)

This bill:

- 1) Permits an employer to seek a workplace violence restraining order on behalf of all employees at a workplace or location if harassment, unlawful violence, or a credible threat of violence is directed at an employer' workplace or location where a group of employees perform their primary job duties.
- 2) Provides that a workplace violence restraining order entered on behalf of all employees at a specific location or workplace under 1) may enjoin the restrained party from telephoning, contacting, or coming within a specified distance of that workplace or location.
- 3) Requires the Judicial Council of California, on or before January 1, 2028, to adopt or modify forms, as needed, for the court to implementation of 1).

COMMENTS

1. Author's comment

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.

2. Background on workplace violence restraining orders

California permits a person's employer, or their collective bargaining representative, to seek a restraining order against a person who has committed violence against, threatened, or harassed an employee at the workplace.¹ A TRO may be issued on an ex parte basis following the filing of a petition, and an order after hearing may be issued after the respondent has been given a notice or opportunity to be heard.² The standard of proof is generally high: a TRO may issue on "reasonable proof" that an employee has suffered unlawful violence or a credible threat of violence at the hands of the respondent, but clear and convincing evidence is required if the petition is based on harassment; for an order issued after hearing, the violence, threat of violence, or harassment must be established by clear and convincing evidence.³

A workplace violence TRO or order after hearing bars the respondent from the location where the targeted employee works.⁴ At the discretion of the court, upon a showing of good cause, the order can also protect additional employees at the work site and/or employees at other of the employer's workplaces, and a TRO may also protect other named family or household members of the targeted employee.⁵ A TRO generally lasts for up to 21 days, by which point the court must hold the hearing on the petition.⁶ An order issued after hearing can last for up to three years and can be extended, modified, or terminated through the stipulation of the parties or by motion of either party.⁷

¹ Code Civ. Proc., § 527.8. The statute also applies to members of certain boards, volunteers, and independent contractors, as specified; this analysis uses "employee" to cover all of these categories. (*See id.*, § 527.8(b)(3).)

² *Id.*, § 527.8.

³ *Ibid.*

⁴ *Id.*, § 527.8(a).

⁵ *Id.*, § 527.8(a), (d).

⁶ *Id.*, § 527.8(h). The time period for the hearing may be continued, including granting the respondent one continuance as a matter of right if they request more time to respond to the petition, during which period the TRO will also be extended. (*Id.*, §§ (h), (i).)

⁷ *Id.*, § 527.8(l).

3. This bill permits an employer to seek a workplace violence restraining order on behalf of an entire location or workplace

As noted above, current law permits an employer or collective bargaining representative to obtain a workplace violence restraining order when there has been harassment, unlawful violence, or credible threats targeted at a specific employee. As the author and stakeholders explain, this requirement leaves workplaces without an option when a threat is targeted at a specific *workplace* – an occurrence which is, unfortunately, all too common. For example, the California State Association of Counties, Rural County Representatives of California, Urban Counties of California, Association of Joint Powers Authorities, and League of California Cities write:

Public agencies have seen an unfortunate rise in hostility and threats from the public. In recent years, county registrars have faced bomb threats and mailing of substances that are either harmful or designed to appear harmful. These incidents have a real impact on employees' sense of safety and security even when an individual is not named.

This bill closes that gap by permitting an employer to seek a workplace violence restraining order on behalf of all employees at a workplace when the harassment, unlawful violence, or credible threat of violence is directed at the workplace or location where a group of employees perform their jobs. An order issued in response to such a location may enjoin the restrained party from contacting or coming within a specified distance of that workplace or location. The bill also requires the Judicial Council of California to adopt or modify forms, as necessary, on which the court shall issue location- or worksite-specific orders by January 1, 2028. The author has agreed to minor amendments to clarify the Judicial Council's obligations.

4. Arguments in support

According to the Association of California School Administrators:

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 employees identified by their worksite or location where primary 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 January 1, 2028, 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 simply 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.

SUPPORT

Association of California School Administrators (sponsor)
Alameda County Office of Education
Association of Joint Powers Authorities
California Chamber of Commerce
California Association of School Business Officials
California State Association of Counties
County of Santa Clara
League of California Cities
Los Angeles Unified School District
Public Risk, Innovation, Solutions, and Management
Riverside County Superintendent of Schools
Rural County Representatives of California
School Employees Association of California
Small School Districts' Association
Urban Counties of California

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation:

AB 2179 (Patel, 2026) requires a court, beginning July 1, 2027, to permit electronic filings and remote appearances in proceedings for a workplace violence restraining order, and requires the Judicial Council of California to develop the necessary forms and rules to implement those requirements on or before January 1, 2028. AB 2179 is pending before the Senate Appropriations Committee.

AB 1753 (Stefani, 2026) among other things, provides that a party, support person, or witness may appear remotely at a hearing on a petition for a workplace violence restraining order; that no fee may be charged for a remote appearance; and that the superior court of each county must develop local rules and instructions for such remote appearances. AB 1753 is pending before the Public Safety Committee.

AB 824 (Stefani, 2025) among other things, makes the same changes to the workplace violence restraining order statute as AB 1753 (Stefani, 2026). AB 824 is pending before the Senate Appropriations Committee.

Prior legislation:

AB 394 (Wilson, Ch. 147, Stats. 2025) clarified that a court, when issuing a workplace violence restraining order to protect a public transit system employee from violence in the workplace, may make the order enforceable across the entirety of the public transit system where the underlying act of violence occurred, as specified.

SB 553 (Cortese, Ch. 289, Stats. 2023) authorized collective bargaining representatives to seek workplace violence restraining orders on behalf of employees.

PRIOR VOTES:

Assembly Floor (Ayes 73, Noes 0)
Assembly Appropriations Committee (Ayes 15, Noes 0)
Assembly Judiciary Committee (Ayes 12, Noes 0)
Assembly Labor and Employment Committee (Ayes 7, Noes 0)
