
THIRD READING

Bill No: AB 1961
Author: Ahrens (D)
Amended: 8/21/26 in Senate
Vote: 21

SENATE JUDICIARY COMMITTEE: 11-0, 6/16/26

AYES: Umberg, Niello, Allen, Caballero, Durazo, Laird, Reyes, Stern,
Valladares, Wahab, Wiener

NO VOTE RECORDED: Ashby, Weber Pierson

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 73-0, 5/21/26 - See last page for vote

SUBJECT: Civil actions: protective orders: workplace violence

SOURCE: Association of California School Administrators

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.

Senate Floor Amendments of 8/21/26 add language to permit the Department of Justice to enter into contracts to modify its restraining order database without going through specified contracting processes, and add language to prevent chaptering-out conflicts.

ANALYSIS:

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 of Civil Procedure (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 temporary restraining order (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).
- 4) Provides that, notwithstanding any other law, contracts entered into or amended, or changes made to existing technology systems made pursuant to 2), are exempt from specified contracting, review, and approval statutes.
- 5) Adds contingent enactment language to avoid chaptering conflicts with AB 1753 (Stefani, 2026) and AB 2179 (Patel, 2026).

Comments

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 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee, the fiscal effect is as follows:

Unknown cost pressure to the courts to hear and adjudicate new WVRO requests and misdemeanor offenses for violations of any orders. Although courts are not funded on the basis of workload, increased cost pressure on the Trial Court Trust Fund may increase demand for additional funding. The FY 2026-27 Budget contains \$70 million to backfill the Trial Court Trust Fund (Trial Court Trust Fund, General Fund).

Minor, absorbable costs to the Judicial Council to modify WVRO forms (General Fund).

SUPPORT: (Verified 8/20/26)

Association of California School Administrators (source)
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 Riverside
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
Schools Excess Liability Fund
Small School Districts' Association
Urban Counties of California

OPPOSITION: (Verified 8/20/26)

One individual

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.

ASSEMBLY FLOOR: 73-0, 5/21/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Irwin, Jackson, Johnson, Kalra, Krell, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Arambula, Chen, Garcia, Hoover, Lackey, Ramos, Celeste Rodriguez

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
8/24/26 11:57:40

**** END ****