

ASSEMBLY THIRD READING

AB 2261 (Dixon)

As Amended April 20, 2026

Majority vote

SUMMARY

Authorizes the court, upon conviction of specified offenses, to consider issuing an order restraining a defendant from contact with any person who is a member of the victim's family or household.

Major Provisions**COMMENTS****According to the Author**

"This measure restores and clarifies judicial discretion by authorizing courts to issue criminal protective orders not only for the victim of the offense of conviction, but also for a victim's family members; members of the victim's household; and other individuals where competent evidence demonstrates that they were victims of qualifying offenses committed by the defendant. In doing so, and by clearly defining who may be protected and requiring competent evidence, AB 2261 ensures due process while allowing courts to respond appropriately to demonstrated risk."

Arguments in Support

According to *California District Attorneys Association*, "Current law authorizes courts to issue post-conviction protective orders restraining a defendant from contacting a "victim of the crime" for certain enumerated offenses, including domestic violence, sexual offenses, human trafficking, and gang-related crimes. However, a 2018 amendment to the statute narrowed judicial authority by limiting CPOs to only the specific victim of the count for which the defendant was convicted.

"Recent appellate decisions have confirmed the restrictive effect of this language. In *People v. Walts* (2025) 112 Cal.App.5th 127 and *People v. Pena* (2025) 113 Cal.App.5th 640, courts concluded that trial courts lack authority to issue protective orders for individuals harmed by the defendant's conduct unless they are the named victim of the offense of conviction.

"AB 2261 appropriately restores and clarifies judicial discretion. The bill authorizes courts to issue protective orders not only for the victim of the offense of conviction, but also for a victim's family members, members of the victim's household, and other individuals where competent evidence establishes that they were victims of qualifying offenses committed by the defendant.

"In practice, plea negotiations and jury verdicts can result in convictions on some counts while others are dismissed or unresolved. Under current law, this can leave clearly vulnerable individuals without protection. AB 2261 closes that gap and ensures that courts may issue protective orders consistent with the evidence before them and the safety needs of victims."

Arguments in Opposition

According to *California Public Defenders Association*, "After a person is convicted of specified crimes, a court may issue an order protecting the victim. This bill would allow a court to issue a post-conviction order protecting members of a victim's family or household. We have no objection to this provision.

"We do, however, take issue with the provision allowing a court to issue an order protecting 'any other person if there is competent evidence that the individual is a victim of an offense described in this paragraph that was committed by the defendant.'

"It is problematic that the bill uses the term 'competent evidence.' Definitionally, "competent evidence" basically means any admissible evidence. It is not a standard of proof.

"Competent evidence also generally must amount to substantial evidence. A person may provide competent evidence that is not substantial.

"Substantial evidence" is evidence that is of "ponderable legal significance. Obviously the word cannot be deemed synonymous with 'any' evidence. It must be reasonable . . . , credible, and of solid value" (*Kuhn v. Department of General Services* (1994) 22 Cal.App.4th 1627, 1633.)

"Competent evidence is also not a standard of proof. Again, speaking generally there are three standards of proof in California: preponderance of the evidence, clear and convincing evidence, and beyond a reasonable doubt. The typical civil case used the preponderance standard. Criminal cases require proof beyond a reasonable doubt. Clear and convincing is somewhere between the two and usually used in situations where important rights are at stake.

"What is the standard of proof here? Just saying 'competent evidence' is insufficient because it does not tell a judge how much proof there must be to issue an order protecting a third person. By contrast, subdivision (i)(2) of Penal Code Section 136.2 allows an order to be issued to protect a witness to a crime 'if it can be established by clear and convincing evidence that the witness has been harassed, as defined in paragraph (3) of subdivision (b) of Section 527.6 of the Code of Civil Procedure, by the defendant.'

"We suggest that the portion of the bill that allows issuing an order protecting an uninvolved third person be deleted."

FISCAL COMMENTS

According to the Assembly Appropriations Committee, "Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but likely moderate amount to the courts, as the bill may add additional hearing time onto existing hearings if anyone objects to the inclusion of various family members to the protective order. Judicial Council notes potential costs due to ambiguity with the undefined terms "family" and "household." Over 360,000 criminal protective orders were issued in the state between 2020 to 2023. It generally costs approximately \$1,000 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 from the General Fund. The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.

"The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year."

VOTES

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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