
THIRD READING

Bill No: AB 2261
Author: Dixon (R)
Amended: 8/13/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/30/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 72-0, 5/28/26 - See last page for vote

SUBJECT: Protective orders

SOURCE: California District Attorneys Association;
Santa Clara County District Attorney's Office

DIGEST: This bill 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, as defined.

ANALYSIS:

Existing law:

- 1) Authorizes the trial court in a criminal case to issue protective orders 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. (Penal (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 the court, at the time of sentencing, to consider issuing an order restraining the defendant from any contact with a victim of the crime when the defendant has been convicted of a crime involving domestic violence, as specified, human trafficking, rape, statutory rape, spousal rape, pimping, pandering, a gang-related offense, elder abuse, stalking, a sexual offense involving a minor victim, or a crime that requires the defendant to register as a sex offender; existing law provides that the order may be valid for up to 10 years, as determined by the court. (Pen. Code, §§ 136.2, subd. (i)(1); 368, subd. (l); 646.9, subd. (k); 1201.3, subd. (a).)
- 4) Provides that the 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, whether the defendant is subject to mandatory supervision, or whether imposition of sentence is suspended and the defendant is placed on probation and provides that the order may be modified by the sentencing court in the county in which it was issued throughout the duration of the order. (Pen. Code, § 136.2, subd. (i)(1).)
- 5) Provides that the duration of a restraining order issued by the court be based upon the seriousness of the facts before the court, the probability of future violations, the safety of a victim and the victim's immediate family, and any information provided to the court, as specified. (Pen. Code, § 136.2, subd. (i)(1).)
- 6) Provides that a willful and knowing violation of a criminal protective order constitutes contempt of court, a misdemeanor, punishable by imprisonment in a county jail for up to one year or a fine of \$1,000, or both. (Pen. Code, §§ 166, subds. (a)(4), (c)(4); 273.6, subd. (a).)

This bill authorizes the court, when a defendant has been convicted of specified crimes, including domestic violence, human trafficking, a crime in furtherance of a criminal street gang, or a registerable sex offense, to consider issuing an order restraining the defendant from contact with any person who is a member of the victim's family or household. This bill defines "member of a victim's family" as any person related to the named victim, including through adoption, domestic partnership, or marriage or by consanguinity or affinity within the second degree.

Background

Penal Code section 136.2 was amended in 2017, adding the words "of the crime" after "victim" in subdivision (i)(1) and, subsequently, courts have read this authority to apply only to individuals who are the named victim of the offense of

conviction. (See AB 264 (Low) Chapter 270, Statutes. 2017; *People v. Pena* (2025) 113 Cal.App.5th 640.) An appellate court held that the language in Penal Code section 136.2, post legislative amendments enacted after AB 264 in 2017, no longer authorizes a court to issue a protective order for a victim of a crime for which the defendant is not convicted. (*Id.* at p. 643.) Similarly, another appellate court held that the post-conviction criminal protective order authorized in Penal Code section 136.2 does not cover family members who were harmed by the crime. (*People v. Waltz* (2025) 112 Cal.App.5th 127, 144.)

The consequences of having the court issue a protective order against a person can be severe. Depending on the facts, such an order may implicate an individual's property interests by forcing the person to vacate their own home. A protective order may also affect a person's immigration status given that a violation of a protective order is a deportable offense. (8 U.S.C. § 1127(a)(2)(E)(ii).)

Additionally, the restrained person will generally not be able to purchase, receive, own, or possess a firearm and will have to turn in, sell, or transfer any firearms the person has, and will not be able to buy, receive, own, or possess a firearm while the order is in effect. (Pen. Code, §§ 29825, 136.2, subd. (d).) Violation of a protective order is criminal contempt; criminal contempt under Penal Code section 166 is a misdemeanor, and proceedings under the statute are conducted like any other misdemeanor offense. (*In re McKinney* (1968) 70 Cal.2d 8, 10; *In re Kreitman* (1995) 40 Cal.App.4th 750, 755.)

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

According to the Senate Committee on Appropriations:

Likely moderate workload cost pressures 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. Over 360,000 criminal protective orders were issued in the state between 2020 to 2023. It generally costs approximately \$1,200 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. The FY 2026-27 Budget appropriated \$70 million to backfill revenue reductions. (Trial Court Trust Fund, General Fund)

SUPPORT: (Verified 8/13/26)

California District Attorneys Association (co-source)
Santa Clara County District Attorney's Office (co-source)

California Police Chiefs Association
California State Sheriffs' Association
Los Angeles County District Attorney's Office

OPPOSITION: (Verified 8/13/26)

ACLU California Action
California Attorneys for Criminal Justice
Local 148 Los Angeles County Public Defender's Union

ASSEMBLY FLOOR: 72-0, 5/28/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Fariás, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Kalra, Krell, Lackey, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Ramos, 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: Bryan, Elhawary, Jackson, Johnson, Lee, McKinnor, Quirk-Silva, Celeste Rodriguez

Prepared by: Natalia DaSilva Telles / PUB. S. /
8/17/26 10:13:52

**** END ****