

## CONCURRENCE IN SENATE AMENDMENTS

AB 2261 (Dixon)

As Amended August 21, 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.

**Senate Amendments**

- 1) Define "member of the victim's family" to mean any person related to the named victim, including through adoption, domestic partnership, or marriage or by consanguinity or affinity within the second degree.
- 2) Double-joints this bill with AB 1889 (Ramos) to avoid chaptering issues.

**COMMENTS**

- 1) *As passed by the Assembly, this bill:* Authorized 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.
- 2) *Background: Post-Conviction Protective Orders:* Penal Code section 136.2 authorizes the court in certain criminal trials, upon a showing of good cause, to issue specified protective orders against a defendant or third party. The purpose of Penal Code section 136.2 is to prevent a defendant in a domestic violence or sexual assault trial from: (a) engaging in witness or victim intimidation; (b) for law enforcement to provide protection to a victim, witness or a victim's or witness' immediate family members; and (c) to stay away from any victim or witness for up to 10 years. Good cause means evidence that a defendant intends to intimate a victim or witness. It is not automatic and requires a judicial hearing and specified findings to impose. (*Babalola v. Superior Court (People)* (2011), 192 Cal. App. 4th 948 ["There was no finding of good cause to believe an attempt to intimidate or dissuade a victim occurred or was reasonably likely to occur."].)

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.)

**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 *ACLU California Action*, "This language is unnecessary as judges already have the power to issue an order restraining the defendant from a victim of the crime. If there is information that a victim's family member is a victim, the judge will include the victim's family on the list of people protected by the restraining order. Sometimes, the victims' family is the same as the defendant's family, so careful consideration must be made when considering evidence presented about who is a victim in the case. This should be done on a case-by-case basis."

## **FISCAL COMMENTS**

According to Senate Appropriations Committee, "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)"

**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

**ASSEMBLY FLOOR: 72-0-8**

**YES:** Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, 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

**ABS, ABST OR NV:** Bryan, Elhawary, Jackson, Johnson, Lee, McKinnor, Quirk-Silva, Celeste Rodriguez

**SENATE FLOOR: 40-0-0**

**YES:** Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

**UPDATED**

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