
SENATE COMMITTEE ON EDUCATION

Senator Sasha Renée Pérez, Chair

2025 - 2026 Regular

Bill No:	SB 1374	Hearing Date:	April 22, 2026
Author:	Niello		
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Urgency:	No	Fiscal:	Yes
Consultant:	Olgalilia Ramirez		

Subject: Restraining orders: educational institutions.

SUMMARY

This bill authorizes a chief administrative officer of a postsecondary educational institution or their designee to seek a temporary restraining order or an order after hearing on behalf of the institution when the officer becomes aware of unlawful violence or a credible threat of violence directed at the campus, as specified.

BACKGROUND

Existing law:

1) Defines the following relevant terms:

- a) "Chief administrative officer" means the principal, president, or highest-ranking official of a postsecondary educational institution.
- b) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including (1) following or stalking to or from school; (2) entering the school campus or facility; (3) following a student during school hours; (4) making telephone calls to a student; and (5) sending correspondence to a student by any means.
- c) "Credible threat of violence" means 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.
- d) "Petitioner" means the chief administrative officer, or their designee, who files a petition under #2) below.
- e) "Postsecondary educational institution" means an institution of vocational, professional, or postsecondary education.
- f) "Respondent" means the person against whom the temporary restraining order and order after hearing are sought and, if the petition is granted, the restrained person.

- g) “Student” means an adult currently enrolled in or applying for admission to a postsecondary educational institution.
 - h) “Temporary restraining order” and “order after hearing” mean orders that include any of the following restraining orders, whether issued ex parte, or after notice and hearing:
 - i) An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including making annoying telephone calls as defined, destroying personal property, contacting (directly or indirectly), or coming within a specified distance of, or disturbing the peace of, the student.
 - ii) An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in (g)(i).
 - i) “Unlawful violence” means any assault or battery, or stalking as defined, but does not include lawful acts of self-defense or defense of others. (Code Civ. Proc., § 527.85(b).)
- 2) Permits a chief executive officer of a postsecondary educational institution, or an officer or employee designated by the chief executive officer, to seek a temporary restraining order and an order after hearing on behalf of the student, as follows:
- a) The student must have suffered a credible threat of violence made off the school campus or facility from any individual which can reasonably be construed to be carried out or to have been carried out at the school campus or facility.
 - b) The chief executive officer or their designee must obtain the written consent of the student.
 - c) The chief executive officer or their designee may, at the discretion of the court, seek a temporary order or order after hearing on behalf of any other students at the campus or facility who are similarly situated.
 - d) The court may not issue a temporary restraining order or order after hearing prohibiting speech or other activities that are constitutionally protected.
 - e) In the discretion of the court, for good cause shown, a temporary restraining order or order after hearing may include other named family or household members of the student, or other students at the campus or facility. (Code Civ. Proc., § 527.85(a), (c), (d).)
- 3) Establishes procedures and timelines for obtaining a temporary restraining order or order after hearing under #2) below, as follows:

- a) After filing a petition, a petitioner may obtain a temporary restraining order if they file a declaration that, to the satisfaction of the court, shows reasonable proof that a student has suffered a credible threat of violence made by the respondent, and that great or irreparable harm would result to the student.
 - b) A request for the issuance of a temporary restraining order without notice shall be granted or denied the same day the petition is submitted, unless the petition is filed too late in the day to permit effective review, in which case the order shall be granted or denied on the next day of judicial business.
 - c) A temporary restraining order shall remain in effect, at the court's discretion, for a period not to exceed 21 days, or for 25 days upon a showing of good cause, unless otherwise modified or terminated by the court.
 - d) The respondent must be personally served with a copy of the petition, temporary restraining order (if any), and notice of the hearing; service must be made at least five days before the hearing, unless the court shortens the notice period for good cause.
 - e) Within 21 (or 25) days from the date that the temporary order is granted or denied, the court shall hold a hearing on the petition; if no temporary order was requested, the court shall hold the hearing 21 (or 25) days from when the petition was filed.
 - f) The respondent may file a response that explains, excuses, justifies, or denies the alleged credible threats of violence.
 - g) The respondent is entitled to one continuance for a reasonable period to respond to the petition, and the court may grant a continuance upon the request of either party, or on its own motion, for good cause. If the hearing is continued, a temporary restraining order that has been granted shall remain in effect until the hearing unless the court provides otherwise.
 - h) At the hearing, the judge shall receive any relevant testimony and may make an independent inquiry.
 - i) If the judge finds, by clear and convincing evidence, that the respondent made a credible threat of violence off the school campus or facility, the order shall issue prohibiting further threats of violence.
 - j) An order may have a duration of not more than three years, subject to termination or modification by further order or stipulation of the parties, and may be renewed, upon the request of a party, for a duration of not more than three years. (Code Civ. Proc., § 527.85(e)-(k), (m), (o), (p))
- 4) Provides that a person who is subject to a protective order issued under 3) cannot own, possess, receive, purchase, receive, or attempt to purchase or receive a firearm or ammunition while the protective order is in effect. (Code Civ. Proc., § 527.9)

- a) The court shall order a person subject to a protective order to relinquish any firearms or ammunition they own or possess pursuant to the provisions set forth in Code of Civil Procedure Section 527.9.
- b) Any person who owns, possesses, purchases, or receives, or attempts to purchase or receive, a firearm or ammunition while the protective order is in effect is punishable as a crime. (Pen. Code § 29825.)

ANALYSIS

This bill authorizes a postsecondary educational institution to seek a temporary restraining order and an order after hearing on behalf of the institution. Specifically, it:

- 1) Authorizes a chief administrative officer of a postsecondary educational institution or their designee in order to maintain order on the school campus or facility to seek a temporary restraining order and an order after hearing on behalf of the institution and, at the discretion of the court, its property when the officer becomes aware of unlawful violence or a credible threat of violence towards a *campus*.
- 2) Expands the types of conduct that may support issuance of a restraining order, including communications such as making telephone calls or email correspondence directed to the *campus or its employees* as well as sending correspondence to the *chief administrative officer*.
- 3) Clarifies the definition of “credible threat of violence” to include a statement or course of conduct that would place a reasonable person, *including a person at a school campus or facility*, in fear for their safety or the safety of their immediate family and that serves no legitimate purpose.
- 4) Authorizes a court to issue an order enjoining a party from harassing, intimidating, attacking, stalking, threatening, telephoning, emailing, destroying property, contacting, or coming within a specified distance of a *school campus or facility*.
- 5) Modifies the temporary restraining order provision governing relief upon filing a petition by requiring a declaration showing reasonable proof that a student or *other person at a school campus or facility* has suffered unlawful violence or a credible threat of violence and that great or irreparable harm would result to that student or other person at the school campus or facility.
- 6) Makes other clarifying and conforming changes.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “SB 1374 empowers higher education institutions to provide safer communities by providing an additional preemptive measure to deter threats by permitting restraining orders on behalf of the institution itself when threats are made towards a campus. This bill will

provide a crucial tool to ensure institutions are able to maintain safe learning environments.

“When institutions are targeted with threats, the resulting lockdowns, disruptions, and fear undermine students’ ability to learn and faculty’s ability to teach. SB 1374 will help campuses maintain a safe, stable environment by allowing them to seek timely court orders that can deter or restrict dangerous conduct before it reaches the classroom, residence hall, or campus event.

“Campus leaders are responsible for safeguarding thousands of students, faculty, and staff, yet under existing law they lack clear standing to obtain civil protective orders when the institution itself is the target. SB 1374 provides a clear, court supervised mechanism to intervene early, before threats escalate into acts of violence on campus.”

- 2) **Related incident.** The CSU, the sponsors of this measure, cite a recent incident at San Diego State University (SDSU) as the motive for the bill. In March 2024, a student began posting on SDSU-restricted online platforms. These posts contained violent, sexual, and concerning content and were forwarded to the University Police Department (UPD) by a student. UPD’s Threat Management Team (TMT) was notified, and monitoring began. Additionally, coordination with local law enforcement for monitoring began. In 2025, SDSU worked with the FBI on the case, as the student was serving in the U.S. Marine Corps Reserve.

In this case the campus conducted a student conduct investigation and found the student responsible for misconduct. Following that determination using internal processes and procedures, campus leadership, including student affairs and legal counsel, imposed expulsion. As a result, the student is barred from enrolling at any CSU campus. This action was based solely on CSU’s internal disciplinary process and was not tied to any restraining order or court intervention. Once expelled, the individual is no longer subject to university authority. While enrolled, campuses may issue administrative directives, such as no-contact orders that restrict access to campus property. However, these directives are enforceable only through the student disciplinary process and do not carry legal or criminal penalties if violated.

Since the threats were not specifically directed at an individual student or employee at SDSU, CSU did not have the ability to have a long-term restraining order issued against the student. The student was suspended from SDSU, and the suspension was upheld.

- 3) **Remedies currently available.** Existing law establishes an avenue by which a campus (public and private) may seek a temporary restraining order on behalf of a student who has received a threat of violence in order to protect the student. This bill permits an institution to seek a temporary restraining order on behalf of the institution when a credible threat is directed towards the campus, not just to an individual. Existing law specifies that a court may not issue a temporary restraining order or order after hearing for prohibiting free speech or other activities that are constitutionally protected.

- 4) **Heard by the Senate Judiciary Committee.** This bill was heard by the Senate Judiciary Committee on March 24, 2026, where it passed on consent. The committee analysis notes the following with regard to First Amendment protections:

The First Amendment of the United States Constitution and the corresponding provision of the California Constitution generally guarantee the freedoms of speech and expression. “The hallmark of the protection of free speech is to allow ‘free trade in ideas’—even ideas that the overwhelming majority of people might find distasteful or discomforting.”

But “the right of free speech is not absolute at all times and under all circumstances.” Restrictions on the content of speech are permissible “in a few limited areas, which are ‘of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.’”

One such category of unprotected speech is true threats. True threats are “statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.” The “prohibition on true threats ‘protect[s] individuals from the fear of violence’ and ‘from the disruption that fear engenders,’ in addition to protecting people ‘from the possibility that the threatened violence will occur.’” Because the bill is expressly targeted at credible threats of violence, the bill does not facially proscribe any protected speech. The bill also appears to be consistent with judicially created tests for when a restriction on speech is permissible. The existing law also specifically provides that it does not permit a court to “issue a temporary restraining order or order after hearing prohibiting speech or other activities that are constitutionally protected, or otherwise protected by Section 527.3 or any other law.”

- 5) **Other campus safety requirements.** Existing federal law requires, under Title IX and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), colleges and universities, as a condition of participating in federal student aid programs, to do the following:
- a) Publish annual campus security reports, maintain crime logs, provide timely warnings of crimes that present a public safety risk, and maintain ongoing crime statistics.
 - b) Establish certain rights for victims of sexual assault, including notification to victims of legal rights, availability of counseling, the results of disciplinary proceedings, safety options for victims, and offering prevention and awareness programs.

Under state law, Cal Grant qualifying higher education institutions are required to adopt and implement written policies and procedures to ensure that any report of a Part 1 violent crime (i.e., includes willful homicide, forcible rape, robbery, or

sexual assault) or hate crime, committed on or off campus, received by a campus security authority, and made by the victim for purposes of notifying the institution or law enforcement, is forwarded to the appropriate law enforcement agency.

6) ***Prior legislation.***

AB 2096 (Petrie-Norris, Chapter 947, Statutes of 2024) is a related bill which permitted public postsecondary institutions to request a restraining order to seek a temporary restraining order and an injunction on behalf of a student who has been victim of harassment.

SUPPORT

California State University, Office of the Chancellor (sponsor)
Association of Independent California Colleges & Universities
San Diego County District Attorney's Office
San Diego State University
University of California

OPPOSITION

None received

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