

Date of Hearing: June 9, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
SB 1374 (Niello) – As Amended April 13, 2026

As Proposed to be Amended

SENATE VOTE: 38-0

SUBJECT: RESTRAINING ORDERS: EDUCATIONAL INSTITUTIONS

SYNOPSIS

The United States is devastatingly familiar with incidents of violence on college and university campuses, and California is no exception. Existing law provides for a variety of different types of protective orders, also commonly referred to as restraining orders. The purpose of a protective order is to prevent future harm to the petitioner (the protected party) by ordering the respondent (the restrained party) to refrain from doing a particular act. Petitioners may seek protective orders to be issued under a variety of circumstances to prevent various forms of harm, including civil harassment, workplace violence, domestic violence, and, of relevance to this measure, postsecondary education violence. However, under the statute today, a school administrator can only seek a restraining order against an individual threatening to harm an individual student or other similarly situated students or faculty. While this may cover some of the types of harm threatened on school campuses, it is a far cry from ensuring complete protection when threats are levied against a whole campus, regardless of any single student or individual. This bill would expand existing authorization for the chief executive officer of a postsecondary educational institution to seek a restraining order to also include orders protecting an entire institution. In response to feedback from the Judicial Council, the author has agreed to amendments to delay implementation of the measure until January 1, 2028. This amendment is incorporated into the SUMMARY section of this analysis.

This bill is sponsored by the California State University and San Diego State University. It is supported by the University of California, the San Diego County District Attorney's Office, and the Association of Independent California Colleges and Universities. There is no known opposition. Should this bill be approved by this Committee it will be referred to the Assembly Committee on Higher Education.

SUMMARY: Authorizes a chief executive officer of a postsecondary educational institution or their designee to seek a temporary restraining order and order after hearing on behalf of the institution. Specifically, **this bill:**

- 1) Authorizes a chief administrative officer of a postsecondary educational institution, or an officer or employee designated by the chief administrative officer to maintain order on the school campus or facility, which has become aware of an unlawful violence or credible threat of violence towards a campus, to seek a temporary restraining order and an order after hearing on behalf of the institution and grants the court discretion to extend the order to any property of the campus or facility which are owned by the institution.

- 2) Expands the definition of “course of conduct” to include sending correspondence, including but not limited to, email correspondence to a student; making telephone calls or sending correspondence, including, but not limited to, email correspondence to the campus or its employees; and sending correspondence to a chief administrative officer by any means, including, but not limited to, the use of public or private mails, interoffice mail, facsimile, or email.
- 3) Expands the definition of “credible threat of violence” to include course of conduct that would place a reasonable person, including a person at a school campus or facility, in reasonable fear for their safety.
- 4) Expands the definition of “temporary restraining order” and “order after hearing” to include an order enjoining a party from harassing, intimidating, attacking, striking, stalking, threatening, telephoning, emailing, including, but not limited to, making annoying telephone calls or sending annoying email correspondence as described in Section 653m of the Penal Code, destroying property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of a school campus or facility.
- 5) Revises requirements that a petitioner file a declaration that, to the satisfaction of the court, shows reasonable proof that a student or other person at a school campus or facility has suffered lawful violence or a credible threat of violence by the respondent, and that great or irreparable harm would result to the student or other person at the school campus or facility in order to obtain a temporary restraining order in accordance with Code of Civil Procedure Section 527 (a).
- 6) Delays implementation of the bill until January 1, 2028.

EXISTING LAW:

- 1) Authorizes 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 (TRO) and an order after hearing on behalf of the student, and on behalf of any other similarly situated students or faculty on the campus at the discretion of the court, if each of the following conditions are met:
 - a) The student has 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 obtains the written consent of the student. (Code of Civil Procedure Section 527.85.)
- 2) Establishes procedures and timelines for issuance of a temporary restraining order and order after hearing, including limiting a TRO to 21 days unless otherwise modified or terminated by the court, during which time the court must hold a hearing on the petition. (Code of Civil Procedure Section 527.85 (g) – (h).)
- 3) Authorizes a court to grant a preliminary injunction at any time before judgment upon a verified complaint, or upon affidavits if the complaint in the one case, or the affidavits in the other, show satisfactorily that sufficient grounds exist therefor. Prohibits a preliminary

injunction from being granted without notice to the opposing party. (Code of Civil Procedure Section 527 (a).)

- 4) Sets forth standards and procedures under which an employer or collective bargaining representative of an employee may seek a civil restraining order on behalf of an employee who has suffered harassment, unlawful violence, or a credible threat of violence that can reasonably be construed to be carried out or to have been carried out at the workplace 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. (Code of Civil Procedure Section 527.8.)
- 5) Makes every person who, with intent to annoy, telephones or makes contact by means of an electronic communication device with another and address to or about the other person any obscene language or addresses to the other person any threat to inflict injury to the person or property of the person addressed or any member of his or her family, guilty of a misdemeanor. Makes every person who, with intent to annoy or harass, makes repeated telephone calls or makes repeated contact by means of an electronic communication device, or makes any combination of calls or contact, to another person, whether or not conversation ensues from making the telephone call or contact by means of an electronic communication device, guilty of a misdemeanor. (Penal Code Section 653m (a) – (b).)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: Violence at colleges and universities can cause both physical and emotional harm to students, faculty, and staff, and can significantly disrupt the learning environment. The same is often true when a campus receives a threat of violence, whether targeted at an individual or the campus as a whole. One of the tools available to students and administrators facing actual or potential violence is to seek a restraining order prohibiting the respondent from contacting or coming within a certain distance of the protected party.

A brief summary of civil restraining orders. Existing law provides for a variety of different types of protective orders, also commonly referred to as restraining orders. The purpose of a protective order is to prevent future harm to the petitioner (the protected party) by ordering the respondent (the restrained party) to refrain from doing a particular act. Petitioners may seek protective orders to be issued under a variety of circumstances to prevent various forms of harm, including civil harassment (Code of Civil Procedure Section 527.6(d)); workplace violence (Code of Civil Procedure Section 527.8(e)); elder or dependent adult abuse (Welfare and Institutions Code Section 15657.03(c)); domestic violence (Family Code Sections 241, 6220, 6300 *et seq.*); and juvenile abuse (Welfare and Institutions Code Section 213.5(e)). Most relevant to this bill, existing law provides that a court may issue a temporary restraining order for postsecondary education violence, as specified in Section 527.85.

Depending on the type of order that is sought, a protective order may last days, weeks, years, or even permanently. In order to get immediate protection, a petitioner may seek a temporary restraining order (TRO). The TRO becomes effective upon receiving a judge's signature and being served on the respondent. TROs may be granted *ex parte*, without formal notice to, or presence of, the respondent and are issued or denied on the date of application, unless the application is filed too late to permit effective review. TROs generally expire after 21 days, or expire after the noticed motion to extend the order.

Postsecondary institutions may also be entitled to specific protective orders. As the result of SB 188 (Runner), Chap. 566, Stats. 2010, the administrator of a private postsecondary college or university in California has the ability to seek and obtain a protective order on behalf of a student or students at the college or university to protect them against a credible threat of violence made off campus that reasonably could be construed to be a threat that would be carried out on the school campus. In 2024, that statute was expanded via AB 2096 (Petrie-Norris), Chap. 947, Stats. 2024 to allow administrators of public postsecondary institutions to seek a TRO and order after hearing.

To qualify for a TRO or order after hearing under Code of Civil Procedure Section 527.85, an administrator or their designee must get the written consent of the student who suffered the harassment that can reasonably be understood to be, or was, carried out on campus. The administrator is also authorized to seek the order on behalf of the institution's similarly situated students and staff. In other words, if a single student receives harassing emails or other contact threatening to cause them and their classmates harm, an administrator could theoretically petition for a restraining order to protect that student *and* that student's class and instructors, provided the student grants written consent. However, current law appears to limit access to protective orders to circumstances where an individual is the target, and does not necessarily capture circumstances where the target is the campus more generally.

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.

This bill attempts to bridge the gap in Section 527.85 where a person who may intend harm against a whole campus, rather than one specific individual. The bill amends Code of Civil Procedure Section 527.85 to allow an administrator "which has become aware of an unlawful violence or a credible threat of violence towards a campus" to seek a TRO and order after hearing on behalf of the whole institution. Additionally, the bill grants courts the discretion to extend the order to any campus property or facility owned by the institution. The bill makes conforming changes to ensure that harassing behavior towards a campus or its employees generally clearly constitutes a credible threat of violence sufficient to justify a TRO and order after hearing.

It should be noted that employers can already seek restraining orders on behalf of employees to protect against threats that could be carried out in the workplace, and that those orders can

extend to multiple worksites. Additionally, AB 1961 (Ahrens), which explicitly authorizes employers to seek restraining orders to protect a worksite generally absent a threat against a specific employee, was heard and approved by this Committee earlier this year. It is possible that the circumstances contemplated by this bill and its author and sponsors may be covered by that legislation, as a threat to a campus generally would necessarily also threaten the employees that work there. Nevertheless, to the extent that violence in and around colleges and universities are devastatingly prevalent throughout the country, and in the event AB 1961 fails to address the specific circumstances relevant to postsecondary institutions, any effort to stem such harms is understandable and laudable.

ARGUMENTS IN SUPPORT: This bill is sponsored by the California State University (CSU), San Diego State University. It is also supported by the University of California, the San Diego County District Attorney's Office, and the Association of Independent California Colleges and Universities. In support of the measure, the CSU submits:

While current law allows institutions to seek restraining orders on behalf of students or an employee who receives threats, it does not clearly authorize institutions to seek similar protection when threats are directed at the institution itself. In a time of increasing threats and harassment aimed at universities and other institutions, the gap in current law limits the CSU's ability to respond swiftly and effectively. By authorizing chief administrative officers to seek restraining orders on behalf of the institution, SB 1374 ensures that institutions and the courts can intervene when unlawful violence or credible threats target the broader campus community. This bill serves as a critical preemptive measure by allowing institutions to intervene at the point of credible threats or escalating harassment—before conduct turns into physical violence, unlawful acts, or irreversible harm to students, staff, or campus operations.

REGISTERED SUPPORT / OPPOSITION:

Support

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

Opposition

None on file

Analysis Prepared by: Manuela Boucher-de la Cadena / JUD. / (916) 319-2334