

Date of Hearing: June 23, 2026

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

SB 1374 (Niello) – As Amended June 16, 2026

SENATE VOTE: 38-0

SUBJECT: Restraining orders: educational institutions

SUMMARY: Expands authorization for a chief administrative officer of a postsecondary education institution to seek a temporary restraining order or an injunction on behalf of the campus when a credible threat to the safety of the campus is made, in order to protect the campus population from an escalation of violence on campus. Specifically, **this bill:**

- 1) Permits a chief administrative officer of a postsecondary education institution or their designee, who has become aware of either unlawful violence or a credible threat of unlawful violence towards a campus, to seek a temporary restraining order and an order after hearing on behalf of the postsecondary education institution and at the discretion of the court issuing the order, any property of the campus or facility which are owned by the postsecondary education institution.
- 2) Expands the definition of course of conduct that may be used to demonstrate a credible threat or unlawful act to include the following actions:
 - a) Making telephone calls or sending correspondence including, but not limited to emails, to a student;
 - b) Making telephone calls or sending correspondence, including emails, to the campus or its employees; and,
 - c) Sending correspondence to the chief administrative officer by any means, including, but not limited to, the use of private mails, interoffice mail, facsimile, or email.
- 3) Expands the definition of credible threat for the purpose of demonstrating a need for the temporary restraining order and an order after a hearing to include knowing and willful statements 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) Expands the definition of “temporary restraining order” and “order after hearing” to include an order that would enjoin 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 directly or indirectly by mail or otherwise or coming within a specified distance of a school campus or facility.
- 5) Permits a petitioner to obtain a temporary restraining order if the petitioner also files a declaration that shows reasonable proof, that satisfies the court, that a student or other person at a school campus or facility has suffered unlawful 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. The temporary restraining order may include any of the protective order as defined in the statute.

- 6) Requires the Judiciary Council, by January 1, 2028, to adopt or modify court forms to comply with changes as described above.
- 7) Makes technical and conforming changes, including eliminating a passed operative date clause.

EXISTING LAW:

- 1) Permits a chief administrative officer of a postsecondary education institution or their designee to seek a temporary restraining order or an injunction on behalf of a student if the following has occurred:
 - a) A student has received a credible threat that could be reasonable construed to be carried out on campus; and,
 - b) The student has provided written consent (Code of Civil Procedure (CCP) 527.85, subdivision (a)).
- 2) Defines the following for purposes of clarifying who can seek a temporary restraining order or injunction on behalf of a student at a postsecondary education institution:
 - a) “Chief administration officer” means the principal, president, or highest ranking official of the 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 and can include: following or stalking a student to or from school, entering the school campus, following a student during school hours, making telephone calls to a student, and sending correspondence to a student by any means;
 - c) “Petitioner” means the chief administrative officer or their designee who petitions for a temporary restraining order or an injunction;
 - d) “Postsecondary education institution” means a private institution of vocational, professional, or postsecondary education;
 - e) “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;
 - f) “Student” means an adult currently enrolled in or applying of admission to a postsecondary education institution;
 - g) Temporary restraining order” and “order after hearing” means orders that include defined terms that restrict the respondent from contact with the student, as defined; and,

- h) “Unlawful Violence” means any assault or battery, or stalking that is prohibited by Penal Code Section 646.9, but shall not include lawful acts of self-defense or defense of others (CCP Section 527.85, subdivision (b)).
- 3) Sets forth the terms and conditions by which a restraining order or injunction sought by the chief administrator of a postsecondary education instruction may be considered by the court including reference for how the respondent will be contacted, how the respondent may appeal the request, and the duration of the injunction once granted by the court (CCP Section 527.78 subdivision (c) – (x)).
- 4) Enacts the “Kristen Smart Campus Safety Act of 1998” which requires the governing boards of California Community Colleges (CCC), the California State University (CSU), and the University of California (UC) to adopt rules requiring each of their campuses to enter into a written agreement with local law enforcement clarifying the responsibility of investigations for Part 1 violent crimes, sexual assaults, and hate crimes that occur on campus (Education Code Section 67381).

FISCAL EFFECT: Pursuant to Senate Rule 28.8, the Senate Committee on Appropriations determined the cost to the State was not significant.

COMMENTS: *Double Referred.* This measure was heard by the Assembly Committee on the Judiciary on June 09, 2026, as a consent item, and was passed out with a vote of 12-0. Please refer to the Judiciary analysis of the measure for a full discussion of the bill as it pertains to the jurisdiction of the Judiciary Committee; including, but not limited to descriptions of restraining orders and injunctions authorized by the measure.

Author’s statement. As outlined by 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.”

The author further explains the need for the measure, because “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.”

The author contends that “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.”

Need for the measure. In 2018, the California Supreme Court determined in *Regents of the University of California v. Superior Court of Los Angeles County (Rosen)* (Cal. March 22, 2018), that colleges and universities have a duty to protect students from foreseeable violence during curricular activities.¹ Laws have been enacted to address actual acts of violence or

¹ <https://jaapl.org/content/46/4/554>

disaster on campus, questions have been raised as to how campuses are to address “threats” of violence to the campus. Existing law allows a campus to address a threat of violence to a student with a restraining order or an injunction; however, it is unclear if the university or college itself can secure a restraining order or an injunction if a broad threat to the campus community rather than an individual. SB 1374 (Niello) seeks to provide a legal avenue for colleges and universities to fulfill their duty to protect students by granting postsecondary education institutions the ability to seek temporary restraining orders and injunctions for credible threats made to campus. The measure expands the scope of “conduct” and the type of injunctions a campus may request of the court to ensure every type of threat is considered and addressed by the statute.

This measure is timely as several California State University (CSU) campuses have experienced threats to the campus at large in recent years. As outlined by the author in the background document provided to the committee:

- 1) CSU Northridge received various threats during finals week in 2018; which resulted in alternative formats for final exams;
- 2) Early this year, CSU Bakersfield received an anonymous call that someone was going to shoot people at the school and threatened to blow themselves up; and,
- 3) San Diego State University has received credible threats from an individual on an SDSU-restricted online platform; however, since the threat was not directed at an individual student or employee, the campus was unable to obtain a long-term restraining order even after the poster was identified.

SB 1374 (Niello) would establish permissions for all postsecondary education institutions to seek a temporary restraining order or an injunction against a person who has made a credible threat, even if the threat is to the campus at large and not towards a specific individual.

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998. Colleges and universities have an obligation to safe and supportive educational environments for all students. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) was enacted in 1990 to address security failings that lead to the death of a 19 year old who was murdered in her campus residence hall in 1986. Jeanne Clery’s parents had publicly stated that if they had known that the university their daughter intended to attend had 38 violent crimes in three years, they would never have allowed her to attend. The Clery Act requires postsecondary institutions, who receive federal funding, to do the following:

- 1) Produce an annual security report to current and prospective students and employees;
- 2) Maintain a security log of all crimes reported to the institution’s police department or security office within the last 60 days;
- 3) Provide warnings of crimes that represent a threat to the safety of students and employees; and,
- 4) Maintain eight years of crime statistics that occur on campus, in residential facilities and on public property near the campus.

The crimes which are reported as part of the Clery Act include murder, sex offense, robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug-related violations, weapon possession, and hate crimes. The U.S. Department of Education monitors compliance with the Clery Act and has fined institutions in the past for their noncompliance with the laws. The Clery Act does not address how a campus is to respond to “threats” made to the campus; instead the Clery Act only responds to crimes that have transpired rather than threats of a crime being committed. SB 1374 (Niello) seeks to allow a campus to respond to a threat and protect the campus population prior to a crime being committed.

Campus safety on public higher education campuses. The Education Code has a section dedicated to student safety, EDC sections 67380 – 67386. Contained within those sections is the Kirsten Smart Campus Safety Act of 1998, which requires campuses to have an agreement with local law enforcement on how investigations into violent crimes, sexual assaults, and hate crimes will occur on campus. Unless the “threat” is a threat of sexual assault or a hate crime, the Education Code is silent on how threats on- or off- campus are to be handled.

The California Code of Regulations (CCR) for the CCC contains requirements for a “Public Safety Compact” to be developed by a community college and stakeholders including campus police, on how to deliver public-safety related services on campus. The regulations specifically state, “public safety services must adhere to principles of diversity, equity, and inclusion, and accessibility, and in particular advance access to education, educational equity, and opportunities for student success by creating safe, secure, peaceful, and inclusive campus environments in which all persons may fully develop their individual potential without fear or undue risk of physical or emotional harm” (CCR 59700). A cursory review of community college districts found most districts refer students to either campus or local police if a threat is made on campus.

The CSU has a zero tolerance policy with regard to violence or threats of violence on campus. The CSU is committed to protecting every member of the campus community and perceives any threat of violence as an infringement on their desire to maintain an educational environment free from violence. Every person is encouraged to report any threats of on-campus violence to the campus police or security, who will then either investigate the threat or in accordance with their agreement with local law enforcement, pass off the threat to the local authorities.

The UC Community Safety Plan specifically states that, “students, faculty, staff, patients and visitors must be secure on our campuses and confident that the University is a supportive environment that is responsive to their needs. The Community Safety Plan creates a structure for achieving that goal. It calls for transforming UC’s culture, policies and practices to ensure that all members of the community feel welcomed, respected and protected from harm.”² Each UC campus has campus police who each respond to threats made on-campus.

Arguments in support. As the sponsors of the Legislation, the California State University, Chancellor’s Office states, “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

² <https://www.ucop.edu/uc-operations/systemwide-community-safety/policies-and-guidance/community-safety-plan/uc-community-safety-plan.pdf>

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.”

Previous legislation.

- 1) SB 19 (Rubio), Chapter 594, Statutes of 2025, expanded criminal law to make it a crime to willfully threaten a person, or persons at a daycare, school, university, workplace, house of worship, or medical facility.
- 2) SB 2096 (Petrie-Norris), Chapter 947, Statutes of 2024, authorized the administrator of a public postsecondary educational institution to seek a temporary restraining order and an injunction on behalf of a student who has suffered unlawful violence or a credible threat of violence to protect them on the school campus; and allows orders to be obtained, by both public and private educational institutions, regardless of where the violence or threat of violence occurs.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of Independent California Colleges & Universities (AICCU)
California State University, Office of the Chancellor
San Diego County District Attorney's Office
San Diego State University
The California Baptist Capitol Ministry
University of California

Opposition

None on file.

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