

SENATE THIRD READING
SB 1374 (Niello)
As Amended August 20, 2026
Majority vote

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.

Major Provisions

- 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 Penal Code Section (PEN) 653m, 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 (CCP) 527 (a).
- 6) Grants the Judicial Council of California until January 1, 2028 to develop the forms necessary to implement the bill's provisions.
- 7) *Delays implementation until July 1, 2029.*
- 8) *Incorporates chaptering amendments.*

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.

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 (CCP) 527.6(d)); workplace violence (CCP Section 527.8(e)); elder or dependent adult abuse (Welfare and Institutions Code Section (WIC) 15657.03(c)); domestic violence (Family Code Sections 241, 6220, 6300 *et seq.*); and juvenile abuse WIC 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 CCP 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.

Existing law authorizes 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), Chapter 947, Statutes of 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 CCP 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.

This bill attempts to bridge the gap in CCP Section 527.85 where a person who may intend harm against a whole campus, rather than one specific individual. The bill amends CCP 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.

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.

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.

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) One-time costs of approximately \$80,000 in the first year of implementation, up to \$1.2 million in the second year, and approximately \$400,000 ongoing annually (General Fund) to the Department of Justice (DOJ) to hire additional staff and procure IT services necessary to implement the bill, particularly to accommodate the expansion of eligible courses of conduct

for which temporary restraining order may be sought. According to DOJ, in addition to the cited costs, a delayed implementation of July 1, 2029, is needed to facilitate implementation of this bill.

- 2) Minor and absorbable costs to Judicial Council.
- 3) Minor and absorbable costs for the UC, CSU, and California Community Colleges (CCCs) to adjust existing policies as needed to reflect additional authority provided by this bill. However, to the extent the additional authority results in several campuses of the UC, CSU, and CCC having to file for restraining orders against individuals, administrative costs statewide could reach into the hundreds of thousands of dollars, cumulatively statewide (General Fund and Proposition 98 General Fund).
- 4) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts to hear and adjudicate additional applications for restraining orders and misdemeanor violations of those orders. Actual costs will depend on the number of orders sought and the number of violations prosecuted. It generally costs about \$1,000 to operate a courtroom for one hour.
- 5) Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a need for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.

VOTES

SENATE FLOOR: 38-0-2

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Durazo, 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

ABS, ABST OR NV: Dahle, Gonzalez

ASM JUDICIARY: 12-0-0

YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ASM HIGHER EDUCATION: 10-0-0

YES: Fong, DeMaio, Boerner, Jeff Gonzalez, Jackson, Muratsuchi, Patel, Celeste Rodriguez, Sharp-Collins, Tangipa

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Arambula, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

VERSION: August 20, 2026

CONSULTANT: Manuela Boucher / JUD. / (916) 319-2334

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