
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: SB 1395 **Hearing Date:** April 21, 2026
Author: Valladares
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Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Criminal procedure: protective orders*

HISTORY

Source: Kayleigh Kozack

Prior Legislation: SB 421 (Valladares), failed passage in Senate Public Safety, 2025
AB 2308 (Davies), Ch. 649, Stats. of 2024
AB 2907 (Zbur), Ch. 583, Stats. of 2024
AB 1931 (Dixon), failed passage in Assembly Public Safety, 2024
AB 467 (Gabriel), Ch. 14, Stats. of 2023
AB 818 (Petrie-Norris), Ch. 242, Stats. of 2023
SB 382 (Caballero), Ch. 87, Stats. of 2022
SB 853 (Hurtado), failed passage in Senate Public Safety, 2020
AB 264 (Low), Ch. 270, Stats. of 2017
SB 352 (Block), Ch. 279, Stats. of 2015
AB 307 (Campos), Ch. 291, Stats. of 2013
SB 723 (Pavley), Ch. 155, Stats. of 2011
SB 834 (Florez), Ch. 627, Stats. of 2010
AB 289 (Spitzer), Ch. 582, Stats. of 2007

Support: Arcadia Police Officers' Association; Brea Police Association; Burbank Police Officers' Association; CA Commission on the Status of Women and Girls; California Association of School Police Chiefs; California Coalition of School Safety Professionals; California Narcotic Officers' Association; California Police Chiefs Association; California Reserve Peace Officers Association; California State Sheriffs' Association; Claremont Police Officers Association; Corona Police Officers Association; Culver City Police Officers' Association; Fullerton Police Officers' Association; Los Angeles School Police Management Association; Los Angeles School Police Officers Association; Murrieta Police Officers' Association; Newport Beach Police Association; Palos Verdes Police Officers Association; Placer County Deputy Sheriffs' Association; Pomona Police Officers' Association; Riverside Police Officers Association; Riverside Sheriffs' Association

Opposition: ACLU California Action; California Attorneys for Criminal Justice; California Public Defenders Association; Ella Baker Center for Human Rights; Los Angeles County Public Defender's Union, Local 148

PURPOSE

The purpose of this bill is to require a court to consider issuing a permanent protective order when a defendant has been convicted of a sexual offense involving a minor victim that requires sex offender registration, and to authorize the extension, including permanently, of a post-conviction protective order that was issued before January 1, 2025, and that is still in effect, as specified.

Existing law establishes the Sex Offender Registration Act. Specifies the offenses for which conviction requires registration as a sex offender and the duration for which a person is subject to registration. (Pen. Code, § 290, subs. (a), (c), (d).)

Existing law authorizes the trial court in a criminal case to issue protective orders when there is a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur. (Pen. Code, § 136.2, subd. (a).)

Existing law provides that a person violating a protective order may be punished for any substantive offense described in provisions of law related to intimidation of witnesses or victims, or for contempt of court. (Pen. Code, § 136.2, subd. (b).)

Existing law requires the court to consider issuing a protective or restraining order when the defendant is charged with a crime involving domestic violence, rape, statutory rape, spousal rape, or a crime that requires the defendant to register as a sex offender, while the matter is pending. (Pen. Code, § 136.2, subd. (e)(1).)

Existing law requires the court, at the time of sentencing, to consider issuing an order restraining the defendant from any contact with a victim of the crime when the defendant has been convicted of a crime involving domestic violence, as specified, human trafficking, rape, statutory rape, spousal rape, pimping, pandering, a gang-related offense, elder abuse, stalking, a sexual offense involving a minor victim, or a crime that requires the defendant to register as a sex offender. Provides that the order may be valid for up to 10 years, as determined by the court. (Pen. Code, §§ 136.2, subd. (i)(1); 368, subd. (l); 646.9, subd. (k); 1201.3, subd. (a).)

Existing law provides that the post-conviction protective order may be issued by the court regardless of whether the defendant is sentenced to the state prison or a county jail, whether the defendant is subject to mandatory supervision, or whether imposition of sentence is suspended and the defendant is placed on probation. Provides that the order may be modified by the sentencing court in the county in which it was issued throughout the duration of the order. (Pen. Code, § 136.2, subd. (i)(1).)

Existing law provides that the duration of a restraining order issued by the court be based upon the seriousness of the facts before the court, the probability of future violations, the safety of a victim and the victim's immediate family, and any information provided to the court, as specified. (Pen. Code, § 136.2, subd. (i)(1).)

Existing law authorizes a post-conviction restraining order to include provisions for electronic monitoring for up to one year from the date of the order. (Pen. Code, § 136.2, subd. (i)(3).)

Existing law requires the court, at the time of sentencing, to consider issuing an order restraining the defendant from any contact with a percipient witness to a crime, upon clear and convincing

evidence of witness harassment, when the defendant was convicted of a crime involving domestic violence, rape, statutory rape, spousal rape, gang activity, or a crime requiring sex offender registration. (Pen. Code, § 136.2, subd. (i)(2).)

Existing law prohibits a person who is subject to a protective order from owning, possessing, purchasing, attempting to purchase or receive, a firearm while the protective order is in effect. Requires the court to order a person subject to the protective order to relinquish ownership or possession of any firearms. (Pen. Code, § 136.2, subd. (d).)

Existing law requires the court, at the time of sentencing, to consider issuing an order restraining the defendant from contact with a victim of the crime when the defendant has been convicted of domestic violence involving corporal injury resulting in a traumatic condition. Provides that the order may be valid for up to 15 years, as determined by the court. Authorizes the issuing court, upon a written petition by the prosecuting attorney, defendant, or victim, to modify or terminate a protective order for good cause provided the prosecuting attorney, defendant, and victim are notified at least 15 days before the hearing on the petition. (Pen. Code, § 273.5, subd. (j)(1) & (2).)

Existing law provides that a willful and knowing violation of a criminal protective order constitutes contempt of court, a misdemeanor, punishable by imprisonment in a county jail for up to one year or a fine of \$1,000, or both. (Pen. Code, §§ 166, subds. (a)(4), (c)(4); 273.6, subd. (a).)

Existing law authorizes a court to issue civil harassment restraining orders for up to five years upon a showing of clear and convincing evidence of unlawful harassment. Provides that the order may be renewed, upon the request of a party, for a duration of no more than five additional years, without a showing of any further harassment since the issuance of the original order. Provides that an order that fails to state an expiration date on the face of the form create an order with a duration of three years. (Civ. Pro. Code, § 527.6, subds. (a) & (j).)

Existing law authorizes a court to issue a civil domestic violence restraining order enjoining a party from, among other things contacting or coming within a specified distance of a specified person. Provides that the order may have a duration for up to five years, and may be renewed upon a request of a party, either for five years or permanently, without a showing of any further abuse since the issuance of the order. Provides that failure to state the expiration date on the face of the order creates an order with a duration of three years. (Fam. Code, §§ 6320, subd. (a); 6345, subds. (a), (c).)

Existing law requires a peace officer, when there are both civil and criminal orders regarding the same parties, and neither an emergency protective order that has precedence in enforcement nor a no-contact order has been issued, to enforce the criminal order issued last. (Fam. Code, § 6383, subd. (h)(2).)

This bill requires a court, when a criminal defendant has been convicted of a sexual offense involving a minor that requires sex offender registration, to consider issuing a protective order that prohibits the defendant from contacting any victim of the crime, unless the victim requests otherwise.

This bill provides that the protective order is valid for the defendant's lifetime or until any of the following occur:

- The victim dies.
- The underlying conviction is dismissed or overturned.
- The court, at the request of the victim, removes the protective order.

This bill provides that the victim may petition the court for removal of the order at any time and the court may hold a hearing to verify the victim's request to dismiss the protective order.

This bill requires the court to serve the defendant with any protective order issued pursuant to the provisions of this bill at the time of sentencing.

This bill provides that the provisions of Section 6380 of the Family Code apply to the above-described protective order.

This bill provides that this type of post-conviction protective order issued may be issued by the court regardless of whether the defendant is sentenced to incarceration in the state prison or a county jail, whether the defendant is subject to mandatory supervision, or whether imposition of sentence is suspended and the defendant is placed on probation. Provides that the order may be modified throughout the duration of the order by the court in the county in which the order was issued.

This bill provides that a protective order that was issued before January 1, 2025, and that is still in effect, against a defendant convicted of specified domestic violence offenses, human trafficking, gang activity, rape, statutory rape, spousal rape, pimping, pandering, or offenses requiring sex offender registration, may be extended for more than 10 years and be valid for the lifetime of the defendant.

This bill specifies that the possibility of the extension of the post-conviction protective order is applicable if, during the duration of the order, the defendant has violated the terms and conditions of the order, the defendant has been convicted of a sexual offense involving a minor that requires sex offender registration, and the court finds that extension of the protective order is appropriate based upon the seriousness of the facts before the court, the probability of future violations, and the safety of a victim and the victim's immediate family.

This bill requires the Judicial Council to develop forms, instructions, and rules relating to protective orders issued or extended pursuant to the provisions of this bill.

This bill makes other conforming changes, including conforming changes to statutes that specify that a dismissal does not release the defendant from the terms and conditions of an unexpired criminal protective order.

This bill provides that it shall be known, and may be cited, as Kayleigh's Law.

COMMENTS

1. Need For This Bill

According to the author:

SB 1395 will expand critical protections for survivors from their abusers by allowing judges the discretion to issue a lifetime injunction at the time of sentencing for a serious felony, a violent felony, or a felony sex offense against a minor victim. Current California law only provides temporary relief for survivors and forces them to relive their trauma in order to keep these basic protections. SB 1395 puts the power in the hands of the survivor by allowing a judge to lift the order only when the victim has passed away, the conviction is dismissed, expunged, or overturned, or the victim has petitioned for the order to be lifted.

2. Post-Conviction Protective Orders

As a general matter, a court can issue a protective order in any criminal proceeding pursuant to Penal Code section 136.2, subdivision (a), where it finds good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur. Protective orders issued under this statute are valid only during the pendency of the criminal proceedings. (*People v. Ponce* (2009) 173 Cal.App.4th 378, 382.)

When criminal proceedings have concluded, the court has the authority to issue protective orders as a condition of probation in cases where probation was granted. In some cases in which probation has not been granted, the court also has the authority to issue post-conviction protective orders. The court is authorized to issue no-contact orders for up to 15 years when a defendant has been convicted of willful infliction of corporal injury to a spouse, former spouse, cohabitant, former cohabitant, or the mother or father of the defendant's child. (Pen. Code, § 273.5, subd. (j).) The court can also issue no-contact orders lasting up to 10 years in the following types of cases: a domestic violence-related offense not involving willful infliction of corporal injury, human trafficking, rape, spousal rape, statutory rape, pimping, pandering, a gang-related offense, or any crime requiring sex offender registration. (Pen. Code, § 136.2, subd. (i)(1).) A post-conviction protective order lasting up to 10 years can also be issued in cases in which there was a conviction for stalking, or abuse of an elder or dependent adult. (Pen. Code, §§ 646.9, subd. (k), 368, subd. (l).) Similarly, in cases involving a criminal conviction or juvenile adjudication for a sex offense in which the victim was a minor, the court may issue an order "that would prohibit ... harassing, intimidating, or threatening the victim or the victim's family members or spouse." (Pen. Code, § 1201.3, subd. (a).)

The consequences of having the court issue a protective order against a person can be severe. For example, the protective order may prohibit the defendant from being within a certain distance of the person named in the order, implicating the defendant's right to travel. Depending on the facts, such an order may implicate an individual's property interests by forcing the person to vacate their own home. A protective order may also affect a person's immigration status given that a violation of a protective order is a deportable offense. (8 U.S.C. § 1127(a)(2)(E)(ii).) Additionally, the restrained person will generally not be able to purchase, receive, own, or possess a firearm and will have to turn in, sell, or transfer any firearms the person has, and will not be able to buy, receive, own, or possess a firearm while the order is in effect. (Pen. Code, §§ 29825, 136.2, subd. (d).)

3. Criminal Contempt

Disobedience of a court order may be punished as criminal contempt. The crime of contempt is a general intent crime. It is proven by showing that the defendant intended to commit the prohibited act, without any additional showing that he or she intended “to do some further act or achieve some additional consequence.” (*People v. Greenfield* (1982) 134 Cal.App.3d Supp. 1, 4.) Nevertheless, a violation must also be willful, which in the case of a court order encompasses both intent to disobey the order, and disregard of the duty to obey the order.” (*In re Karpf* (1970) 10 Cal.App.3d 355, 372.)

Criminal contempt under Penal Code section 166 is a misdemeanor, and proceedings under the statute are conducted like any other misdemeanor offense. (*In re McKinney* (1968) 70 Cal.2d 8, 10; *In re Kreitman* (1995) 40 Cal.App.4th 750, 755.) The criminal contempt power is vested in the prosecution, and the trial court has no power to institute criminal contempt proceedings under the Penal Code. (*In re McKinney*, supra, 70 Cal.2d at p. 13.) A defendant charged with the crime of contempt is “entitled to the full panoply of substantive and due process rights.” (*People v. Kalnoki* (1992) 7 Cal.App.4th Supp. 8, 11.) The defendant has the right to a jury trial regardless of the sentence imposed. (*People v. Earley* (2004) 122 Cal.App.4th 542, 550.)

4. Effect of This Bill

Creation of a new protective order

This bill represents a departure from existing law with respect to post-conviction protective orders by creating a new type of post-conviction protective order that significantly lengthens the duration of time allowed for a protective order compared to existing protective orders.

Under existing law, a court can issue a criminal protective order lasting up to 10 years in cases for which the defendant was convicted of specified crimes (i.e., some domestic violence offenses, human trafficking, gang activity, rape, pimping, pandering, offenses requiring sex offender registration, elder abuse, stalking, and a sexual offense involving a minor victim). AB 2308 (Davies), Chapter 649, Statutes of 2024, extended the length of time that a criminal protective order could be imposed in cases where the defendant was convicted of domestic violence involving corporal injury resulting in a traumatic condition from 10 years to 15 years. (Pen. Code, § 273.5, subd. (j).)

This bill requires a court to consider issuing a criminal protective order when a defendant has been convicted of a sexual offense involving a minor that requires sex offender registration. Although the court is not required to issue a criminal protective order under the provisions of this bill, if the court does decide to issue one, the bill provides that a protective order issued under its provisions is valid for the defendant’s lifetime (i.e., a permanent protective order) or until any of the following occur:

- The victim dies.
- The underlying conviction is dismissed or overturned.
- The court, at the request of the victim, removes the protective order.

Under current law, the court has the discretion to issue a post-conviction order for up to 10 or 15 years depending on the offense for which the defendant was convicted. (Pen. Code, §§ 136.2,

subd. (i)(1), 243.5, subd. (j), 368, subd. (l), 646.9, subd. (k), 1201.3, subd. (a).) Authorizing statutes do not specify a minimum duration for the order. (*Ibid.*)

Retroactive application to existing protective orders

This bill additionally applies retroactively to certain criminal protective orders already in effect. Specifically, this bill allows a protective order issued pursuant to Penal Code section 136.2 (i.e., following the defendant's conviction of certain domestic violence offenses, human trafficking, gang activity, rape, statutory rape, spousal rape, pimping, pandering, or offenses requiring sex offender registration) that is still in effect and that was issued before January 1, 2025 to be extended beyond 10 years and possibly permanently. However, this retroactive provision only applies if, during the duration of the order: the defendant has violated the terms and conditions of the order; the defendant has been convicted of a sexual offense involving a minor that requires sex offender registration; and the court finds that extension of the protective order is appropriate based on the seriousness of the facts before the court, the probability of future violations, and that the safety of a victim and the victim's immediate family.

5. Similar Out-of-State Legislation

In 2022, Arizona enacted a law similar to this bill. Specifically, the Arizona law requires the court, at the time of sentencing and upon the request of the victim or the prosecutor, "to issue an injunction that prohibits the defendant from contacting the victim if the defendant is convicted" of specified felonies, including "dangerous," "serious," and "violent" felonies, as defined under state law. (Ariz. Rev. Stats. § 13-719(A).) The Arizona law also provides that this type of injunction does not expire and is valid for the defendant's natural lifetime unless any of the following occurs:

- The defendant makes a showing to the court that either the victim has died or the conviction has been dismissed, expunged, or overturned, or the defendant has been pardoned.
- The victim submits a written request to the court for an early expiration. (Ariz. Rev. Stats. § 13-719(E).)

The Arizona statute was recently challenged on grounds that it violated the Ex Post Facto Clauses of the Arizona and U.S. Constitutions. (*State v. Pry* (2025) 2025 Ariz.App. LEXIS 6.) The U.S. Constitution provides that "No State shall ... pass any ... ex post facto Law." (U.S. Const., art. 1, § 10.) The Arizona Constitution similarly provides that "No ... ex-post-facto law ... shall ever be enacted." (Ariz. Const., art. II, § 25.) In *Pry*, the court held that there was no ex post facto violation after the appellant became subject to a retroactive permanent protective order following the enactment of the Arizona statute. (*Pry, supra*, 2025 Ariz.App. LEXIS 6, 11.) The court reached this conclusion after determining that the statute was regulatory rather than punitive in nature, and that the effects of the statute did not outweigh its regulatory intent and overriding purpose to protect victims." (*Id.* at pp. 8-11.)

6. Argument in Support

According to the California Police Chiefs Association:

Under current law, courts may issue protective orders in cases involving domestic violence, human trafficking, gang-related crimes, and certain sex offenses,

typically for a duration of up to 10 years. However, for victims of the most serious crimes—particularly those involving sexual offenses against minors—these time limitations can require victims to repeatedly return to court to renew protections, often forcing them to relive traumatic experiences and face their offenders long after the underlying case has concluded.

SB 1395 addresses this gap by authorizing courts to issue lifetime protective orders in cases involving registerable sex offenses against minor victims and to extend existing orders under specified circumstances. This change ensures that victims who face long-term or lifelong safety concerns are not required to continually navigate the legal system simply to maintain basic protections.

From a law enforcement perspective, strong and durable protective orders are a critical tool for preventing re-victimization and ensuring offender accountability. Victims of sexual offenses—especially minors—often face ongoing threats, intimidation, or psychological harm that extends far beyond the initial conviction. Providing courts with the discretion to impose permanent no-contact orders reflects the serious and lasting nature of these crimes.

SB 1395 also enhances public safety by creating clear, enforceable boundaries that allow law enforcement officers to intervene quickly when violations occur. Permanent protective orders reduce ambiguity, strengthen enforcement, and provide officers with a reliable mechanism to act before situations escalate into further harm.

Importantly, the bill maintains judicial discretion and appropriate safeguards. Courts retain the ability to tailor protective orders based on the facts of each case, and victims may request modification or removal of the order where appropriate. This ensures a balanced approach that prioritizes victim safety while preserving fairness in the legal process.

SB 1395 represents a thoughtful and necessary reform that responds directly to the needs of victims who continue to face risk long after their cases are resolved. By eliminating the need for repeated court appearances and strengthening long-term protections, the bill promotes stability, safety, and confidence in the justice system.

7. Argument in Opposition

The California Public Defenders Association writes:

Existing law allows the court to impose a 10-year protective order preventing a defendant from contacting any victim of a registerable sex offense. This bill would provide for a lifetime protective order preventing a defendant from having any contact with a minor victim of a registerable sex offense.

SB 1395 is based on the case of Kayleigh Kozak, who was the victim of a serious sex offense. She was molested in Arizona by a trusted teacher and coach when she was twelve years old. An Arizona court placed her teacher on lifetime probation rather than sentencing him to prison. He subsequently made multiple

requests to the court to terminate his lifetime probation, and she appeared in court to oppose the requests.

This circumstance would never occur in California for a minor who was molested by a teacher. There is no option for lifetime probation in lieu of prison under California law for someone convicted of serious sexual crimes against a 12-year-old.

The law already provides for a ten-year protective order preventing a defendant from having any contact with a victim of a registerable sex offense. SB 1395 would automatically impose a life-time protective order for anyone convicting of any registerable sex offense, including a misdemeanor, if a minor is involved. For example, an 18-year old boy who is convicted of a misdemeanor indecent exposure involving a 17-year-old classmate would be subject to a lifetime protective order.

Being subject to a protective order has many collateral consequences. It prevents a person from ever possessing a firearm and requires them to relinquish any firearms they own. (California Penal Code section 29825.) Because “possessing a firearm” is construed as having any access to firearm, the protective order effectively prevents the person from ever being able to live with a parent, spouse, or adult child who owns a firearm.

Having the protective order lifted would require the victim to come to court and make the request. If our 18-year-old boy wanted to buy a gun twenty years later, he would have to track down the classmate and request that they attend court and request to lift the protective order. Many victims of minor cases may have long ago forgotten about the situation and will not bother to make the effort to go to court to have the protective order lifted, even if they feel no need for the order to continue.

The life-time protective order would have professional consequences as well, preventing our 18-year-old from ever joining the military, becoming a law enforcement officer, working in security, or engaging in many other professions that require background checks. Likewise, it would have the same consequences for their spouse or the children who live with them, even after a minor incident that led to the protective order may have been long forgotten by all parties involved.

In conclusion, the circumstances of Kayleigh Kozak’s case, in which she had to go to court to oppose a request to terminate lifetime probation would never occur to a victim of child molest in California. The proposed law would have draconian life-long consequences for anyone convicted of a minor sex offense involving a minor.

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