
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 1395 (Valladares) - Criminal procedure: protective orders

Version: April 27, 2026

Urgency: No

Hearing Date: May 11, 2026

Policy Vote: PUB. S. 6 - 0

Mandate: Yes

Consultant: Bob Franzoia

Bill Summary: SB 1395 would 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 (2) to authorize the extension including permanently, of a post conviction protective order issued before January 2025 and that is still in effect.

Fiscal Impact: Potentially significant increased trial court costs for additional hearings for petitions to modify protective orders which may last up to 15 years longer than under current law.

Costs to the counties and the California Department of Corrections and Rehabilitation (CDCR) to incarcerate people convicted of violating a protective order. The average annual cost to incarcerate one person in jail is approximately \$80,000. The average annual cost to incarcerate one person in state prison is \$138,000. Although county incarceration costs are not considered reimbursable state mandates pursuant to Proposition 30 (2012), overcrowding in county jails creates cost pressure on the because the state has historically granted funding to counties to offset overcrowding resulting from 2011 public safety realignment. While courts are not funded on a workload basis, an increase in workload could result in delayed court services and increase pressure to fund staff and resources and to increase the amount appropriated to backfill for trial court operations. The Governor's 2026-27 budget proposes \$70 million to help pay for increased trial court costs (Trial Court Trust Fund, General Fund).

The Department of Justice notes that while this bill would not pose a significant impact, as numerous bills this session may result in no significant impact to the DOJ, should an aggregate of these bills chapter, DOJ would submit a workload budget change proposal for additional resources to process the increase in workload.

Background: As a general matter, a court can issue a protective order in a criminal proceeding 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.

Staff Comments: The JC shall develop forms, instructions, and rules relating to protective orders issued or extended, as specified.

Recommended Amendments: Staff Recommends a delayed implementation of 12 months for JC to make the necessary adjustments to its forms, instructions, and rules relating to protective orders and to process the adjustments though its approval process and open comment period.