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THIRD READING

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Bill No: SB 1395  
Author: Valladares (R)  
Amended: 4/27/26  
Vote: 21

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SENATE PUBLIC SAFETY COMMITTEE: 6-0, 4/21/26  
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26  
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

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**SUBJECT:** Criminal procedure: protective orders

**SOURCE:** Author

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**DIGEST:** This bill requires a court to consider issuing a protective order for up to 20 years when a defendant has been convicted of a sexual offense involving a minor victim that requires sex offender registration.

**ANALYSIS:**

Existing law:

- 1) 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. (Penal (Pen.) Code, § 290, subs. (a), (c), (d).)
- 2) 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).)

- 3) 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).)
- 4) 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).)
- 5) 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).)
- 6) 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).)
- 7) 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).)
- 8) 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. (Civil Procedure Code, § 527.6, subds. (a) & (j).)

- 9) 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. (Family (Fam.) Code, §§ 6320, subd. (a); 6345, subds. (a), (c).)
- 10) 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:

- 1) 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 for up to 20 years.
- 2) Provides is the intent of the Legislature that the length of a restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and their immediate family.
- 3) Provides that the protective order may be issued by the court regardless of whether the defendant is sentenced to state prison or county jail, or whether imposition of the sentence is suspended and the defendant is placed on probation.
- 4) Specifies that the order may be modified throughout the duration of the order by the court in the county in which the order was issued.
- 5) Provides that Section 6380 of the Family Code applies to a protective order issued under the provisions of this bill.

## Background

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).)

This bill requires a court to consider issuing a protective order for up to 20 years when a criminal defendant has been convicted of a sexual offense involving a minor that requires sex offender registration.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

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.

**SUPPORT:** (Verified 5/14/26)

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 District Attorneys Association  
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  
Crime Victims United  
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:** (Verified 5/14/26)

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

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