

Date of Hearing: June 23, 2026
Counsel: Mary Kennedy

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 1395 (Valladares) – As Amended June 15, 2026

SUMMARY: Allows a court to consider issuing a restraining order which may be valid for up to 20 years when a defendant has been convicted of a sexual offense involving a minor victim that requires sex offender registration, Specifically, **this bill:**

- 1) Provides that when a criminal defendant has been convicted of a sexual offense involving a minor victim that requires registration, the court shall consider using an order restraining the defendant from contact with the victim, which may be valid up to 20 years as determined by the court.
- 2) Provides that the court may also consider issuing an order restraining the defendant from any person who is a member of the victim's family or household.
- 3) Provides that it is the intent of the Legislature that the length of the 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.
- 4) Provides that the protective order may be issued by the court regardless of whether the defendant is sentenced to a state prison or county jail, or whether imposition of sentence is suspended and the defendant is placed on probation.
- 5) 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.
- 6) Provides that the order under this section shall be submitted to the California Law Enforcement Telecommunications System (CLETS).
- 7) Provides that by no later than July 1, 2027, the Judicial Council shall develop forms, instructions, and rules relating to protective orders issued or extended under this bill.
- 8) Delays the bill's operative date to July 1, 2027.
- 9) Makes technical, nonsubstantive changes.

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. (Pen. Code, § 290, subds. (a), (c), (d).)

- 2) 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).)
- 3) 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).)
- 4) 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).)
- 5) 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).)
- 6) 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).)
- 7) 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).)
- 8) 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).)
- 9) 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).)
- 10) 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).)
- 11) 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).)

- 12) 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).)
- 13) 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 creates an order with a duration of three years. (Civ. Pro. Code, § 527.6, subds. (a) & (j).)
- 14) 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).)
- 15) 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).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Sponsor:** CA Commission on The Status of Women and Girls
- 2) **Author's Statement:** According to the author: "SB 1359 will expand critical protections for survivors from their abusers by allowing judges the discretion to issue a maximum 20 year injunction at the time of sentencing for 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. Expanding the maximum number of years that a restraining order can be in place, allows victims of crimes from their childhood to have basic protections into early adulthood without having to face their abuser."
- 3) **Restraining Orders and Protective Orders:** Protective orders and restraining orders are, in the outcome, very similar – both are orders issued or approved by a court that prevents a person from contacting another person under specific circumstances and may also restrict other conduct to prevent harassment, threats, or violence. (See generally, Fam. Code, § 6218, subds. (a)-(c).)

However, there are a couple of differences, at least in a practical sense. According to the California Courts, Self Help Guide, the police may ask for an emergency (which includes instances of domestic violence) protective order (EPO) to protect the victim of a crime, usually when the victim calls the police or 911 for help.

If the defendant (the person accused of committing the crime) is arrested and charged, a judge can issue a criminal protective order (CPO) to protect victims and witnesses, particularly during the pendency of the case (as with Penal Code section 136.2). EPOs and CPOs are protective orders. Protective orders and “temporary restraining orders or TROs” are often used interchangeably. A victim may also be able to file their own moving papers to request a protective or restraining order. A restraining order can include some of the same orders as an EPO or CPO, like ordering the defendant to stay away from the victim. But in restraining order cases filed by a victim (instead of law enforcement), additional protections may be available. A victim can have a restraining order and an EPO or CPO at the same time as one is issued on an emergency basis and one is issued for a longer period of time. (See 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).) Fam. Code, § 6320, subd. (a); Judicial Branch of California, California Courts Self-Help Guide, Guide to Protective Orders, p. 1-2.)¹

An EPO can include orders that the defendant: (a) not contact people protected by the order; (b) not harass, stalk, threaten or hurt people protected by the order; (c) stay a certain distance away from people protected by the order or places they live or go regularly; (d) move out from a home that is shared with the protected person; or (e) not have guns, firearms, or ammunition. An EPO only lasts a short time, usually 5-7 days. If the person protected by the EPO needs protection that lasts longer or wants to ask for other orders, they can apply for a restraining order. A protective order may be issued for a short period of time, often without service to the alleged wrongdoer (*ex parte*), so the victim may be protected while the court calendars a hearing on the order and the alleged wrongdoer may be served a more formalized notice. In some cases, law enforcement will seek a protective order even after the alleged wrongdoer was already arrested.

In cases of a restraining order, where a person may be enjoined from contacting someone for a longer period of time, the alleged victim may seek a civil order barring a person from coming within a certain distance, but may not have resulted from any police intervention against the person being restrained. A person may be the subject of a protective order or a restraining order even if they are not facing a criminal charge and are never convicted of any criminal act.

Simple violation of a protective or restraining order is a misdemeanor. (See Pen. Code, § 166, subd. (a)(4); Pen. Code, § 273.6, subd. (a).) If a person violates a protective or restraining order issued in a domestic violence case and injury results, that person may be

sentenced to a minimum of 30 days and a maximum of one year in county jail – in addition to whatever the defendant receives for any possible assaultive or threatening conduct. (See Pen. Code, § 273.6, subd. (b).) Any criminal conviction also requires proof beyond a reasonable doubt that the defendant was aware of the protective order, knew what they were not allowed to do, and violated the order anyway. It is not the most direct method for ensuring a parolee does not re-contact a victim or witness.

In addition to the penalties for violating a protective order, any person who violates a protective order issued pursuant to Penal Code section 136.2, may be sentenced as if the person engaged in witness intimidation –to a state prison sentence of up to four years. (Pen. Code, § 136.1, subd. (c); Pen. Code, § 136.2, subd. (b).) It is unclear what adding an additional six months onto a protective order issued pursuant to Penal Code section 136.2 would do to protect victims of domestic violence or sexual assault. Most certainly, if a person is willing to commit an assault or homicide less than six months after release from prison, it seems doubtful they would be deterred by a protective order.

- 4) **Effects of Restraining Orders:** The consequences of having the court issue a restraining order against a person can be very severe. For example, the restraining order may prohibit the defendant from being within a certain distance of the person named in the order, thereby implicating the defendant’s right to travel. Depending on the facts, such an order may implicate an individual’s property interests by forcing him or her to vacate his or her own home. A restraining order may also affect a person’s immigration status. A violation of a protective order is a deportable offense. Section 237(a)(2)(E)(ii) of the Immigration and Nationality Act (INA) states: “Any alien who at any time after entry is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable.”
- 5) **Effect of This Bill:** 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).)

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.*)

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 up to 20 years. The court may also consider issuing an order restraining the defendant from any person who is a member of the victim's family or household. The court also retains jurisdiction to modify the order during its duration.

- 6) **Argument in Support:** According to the *California Commission on the Status of Women and Girls*, "For nearly 60 years, CCSWG has advocated for the rights of women and girls, working to eliminate systemic inequities designed to impact more than 19.6 million residents of the state of California. Our mission encompasses promoting equality and justice through research, policy development, education, outreach, and strategic partnerships.

"Many victims of domestic violence only receive short term protective measures and must face their perpetrator in court each time their previous order nears expiration. This can lead victims to experience recurrent trauma and immense stress each time they wish to extend these measures against their abusers. SB 1395 will mitigate these challenges by creating longer, and broader protections at the discretion of a judge to further protect and advocate for the rights of survivors."

- 7) **Argument in Opposition:** According to *ACLU California Action*: "While we appreciate your intention of protecting survivors of sexual violence, we do not believe this bill is necessary given the sufficiency of existing law. Further, we are concerned the bill raises constitutional concerns. "

"Current law already allows courts to restrain Penal Code 290 registrants from contact with survivors for up to 10 years. (Penal Code, §136.2(i)(1).) When enacting this law, the Legislature specifically intended that the duration of any restraining order issued under the law be based, in part, on the probability of future violations, and on the safety of a survivor and the survivor's immediate family. If a restraining order is in fact needed to protect a survivor beyond the initial 10 years, current law allows for appropriate extensions. The survivor can pursue a civil protective order, valid for up to five years, which can be renewed for up to another five years, or modified or terminated as appropriate. (Code of Civil Procedure, §527.6(j).) "

"We are generally wary of restraints on individuals' liberty based on predictions of future criminality. Any government-imposed restraint must be narrowly tailored to achieve its purpose, utilizing the least restrictive means necessary. While it is always difficult to predict the likelihood that an individual will commit a future crime, current law attempts to address this difficulty by imposing an upper limit of 10 years for a criminal protective order. Although 10 years is arguably too long without accurately assessing the ongoing need for a protective order, it is certainly more tailored than the 20-year order SB 1395 would allow for. Imposing such protective orders would create circumstances in which individuals who have served their sentences, satisfied their supervision, and are otherwise living law-abiding lives, are subject to the threat of prosecution because of a 20-year restraining order. Instead of SB 1395's approach, we encourage the Legislature to consider protective order schemes that ensure individual cases undergo appropriate judicial review to determine the ongoing need for the protective order."

- 8) **Related Legislation:** AB 2261 (Dixon) would authorize the court, upon conviction of specified offenses, including domestic violence and registerable sex offenses, to consider issuing an order restraining a defendant from contact with any person who is a member of the victim's family or household or any other person if there is competent evidence that the individual is a

victim of those specified offenses. AB 2261 is similar to and has some overlap but does not directly conflict with this bill because it amends a different code section. AB 2261 has been referred to the Senate Public Safety Committee.

9) Prior Legislation:

- a) AB 285 (Ramos), of the 2025-2026 Legislative Session, would have required a court, when imposing a state prison sentence on a defendant convicted of domestic violence or a sex offense, to issue a temporary criminal protective order against the same identified victim or victims from an original witness intimidation protective order, as specified, for a maximum period of 180 days. AB 285 was held in suspense in the Assembly Appropriations Committee.
- b) SB 421 (Valladares), of the 2025-2026 Legislative Session, would have allowed a court to issue a permanent protective order restraining a defendant from any contact with the victim if the defendant has been convicted of any serious or violent felony, as defined, or any felony requiring registration as a sex offender. SB 421 failed passage in the Senate Public Safety Committee.
- c) AB 264 (Low), Chapter 270, Statutes of 2017, required the court to consider issuing a restraining order for up to 10 years in gang cases, and expands the court's authority to issue post-conviction restraining orders to cover witnesses to the qualifying crimes.
- d) SB 352 (Block), Chapter 279, Statutes of 2015, required the court to consider issuing a restraining order for up to 10 years when a defendant is convicted for an offense involving abuse of an elder or a dependent adult, regardless of the sentence imposed.
- e) AB 307 (Campos), Chapter 291, Statutes of 2013, allowed a court to issue a protective order for up to 10 years when a defendant is convicted of specified sex crimes, regardless of the sentence imposed.
- f) SB 723 (Pavley), Chapter 155, Statutes of 2011, allowed a court to issue a protective order for up to 10 years when a defendant is convicted for an offense involving domestic violence, regardless of the sentence imposed.
- g) SB 834 (Florez), Chapter 627, Statutes of 2010, allowed a court to issue a protective order for up to 10 years in sex cases involving a minor victim.
- h) AB 289 (Spitzer), Chapter 582, Statutes of 2007, allowed a court to issue a protective order for 10 years upon a defendant's conviction for stalking

REGISTERED SUPPORT / OPPOSITION:

Support

CA Commission on the Status of Women and Girls (Co-Sponsor)
Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
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
Chief Probation Officers' of California (CPOC)
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
Orange County Sheriff's Department
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
Initiate Justice
Local 148 Los Angeles County Public Defender's Union
San Francisco Public Defender

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