

SENATE THIRD READING
SB 1395 (Valladares)
As Amended August 13, 2026
Majority vote

SUMMARY

Allows a court to consider issuing a restraining order which may be valid for up to the later of 10 years, or until the minor victim reaches 18 years of age, when a defendant has been convicted of a sexual offense involving a minor victim that requires sex offender registration.

Major Provisions

- 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 the later of 10 years or until the minor reaches 18 years of age, 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.

COMMENTS

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."

Arguments 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."

Arguments 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. "

"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 25-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 lifetime prosecution because of a permanent restraining order. Moreover, SB 1395 may lead to lengthier and more complex court proceedings to determine if the 25-year order is appropriate. Additional court resources will be used when violations of the order are prosecuted. These costs quickly stack up as each 8-hour court day costs approximately \$10,500."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown, but likely moderate amount for courts to conduct additional hearings on petitions to modify protective orders that may remain in effect up to 10 years longer than orders authorized under existing law. Courts currently must consider issuing a protective order at sentencing in these cases, and issuance of the longer order, as well as the order's duration, remain within the court's discretion. Additional likely minor costs to the Judicial Council to develop forms, instructions, and rules relating to the new protective orders by July 1, 2027, likely absorbable within existing resources. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create demand for increased funding for courts from the General Fund.

- 2) Potential costs of an unknown, but likely moderate amount to the California Department of Corrections and Rehabilitation (General Fund) and to counties, to the extent orders that remain in effect longer result in additional prosecutions and periods of incarceration for violations. A willful violation of a criminal protective order is generally a misdemeanor punishable by up to one year in county jail, and a violation of an order issued pursuant to Penal Code Section 136.2 may be punished as witness intimidation by imprisonment for up to four years. Local costs are not reimbursable because this bill changes the penalty for a crime.

VOTES

SENATE FLOOR: 39-0-1

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

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 11-0-4

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

ABS, ABST OR NV: Hoover, Dixon, Ta, Tangipa

UPDATED

VERSION: August 13, 2026

CONSULTANT: Andrew Ironside / PUB. S. / (916) 319-3744

FN: 0003564