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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair  
2025 - 2026 Regular

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**Bill No:** SB 421                      **Hearing Date:** April 1, 2025  
**Author:** Valladares  
**Version:** February 18, 2025  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** SJ

**Subject:** *Criminal procedure: protective orders*

### HISTORY

**Source:** Author

**Prior Legislation:** AB 2308 (Davies), Ch. 649, Stats. of 2024  
AB 2907 (Zbur), Ch. 583, Stats. 2024  
AB 1931 (Dixon), failed passage in Assembly Public Safety in 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 in 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:** 3Strands Global Foundation; California District Attorneys Association; California State Sheriffs' Association; Crime Survivors Resource Center; Orange County Sheriff's Department

**Opposition:** ACLU California Action; California Public Defenders Association; Californians United for A Responsible Budget; Ella Baker Center for Human Rights; Initiate Justice; Justice2jobs Coalition; La Defensa; Local 148, LA County Public Defenders Union; San Francisco Public Defender; Sister Warriors Freedom Coalition; Smart Justice California

### 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 violent felony, a serious felony, or a felony requiring 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, against a defendant convicted of specified offenses under certain conditions.*

*Existing law* defines the following offenses as “serious” felonies:

- Murder or voluntary manslaughter;
- Mayhem;
- Rape;
- Sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
- Oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
- Lewd or lascivious act on a child under 14 years of age;
- Any felony punishable by death or imprisonment in the state prison for life;
- Any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm;
- Attempted murder;
- Assault with intent to commit rape or robbery;
- Assault with a deadly weapon or instrument on a peace officer;
- Assault by a life prisoner on a non-inmate;
- Assault with a deadly weapon by an inmate;
- Arson;
- Exploding a destructive device or any explosive with intent to injure;
- Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem;
- Exploding a destructive device or any explosive with intent to murder;
- First-degree burglary;
- Robbery or bank robbery;
- Kidnapping;
- Holding of a hostage by a person confined in a state prison;
- Attempt to commit a felony punishable by death or imprisonment in the state prison for life;
- Any felony in which the defendant personally used a dangerous or deadly weapon;
- Selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, PCP, or any methamphetamine-related drug;
- Sexual penetration by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person;
- Grand theft involving a firearm;
- Carjacking;
- Any gang-related felony offense;
- Assault with the intent to commit mayhem, rape, sodomy, or oral copulation;
- Throwing or placing corrosive acid, flammable substance, or caustic chemical with the intent to injure or disfigure another person;
- Assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter;
- Assault with a deadly weapon against a public transit employee, custodial officer, or school employee;
- Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft;
- Commission of rape or sexual penetration in concert with another person;
- Continuous sexual abuse of a child;

- Shooting from a vehicle;
- Intimidation of victims or witnesses;
- Criminal threats;
- Any attempt to commit a “serious felony” other than an assault;
- Any violation of the 10 year, 20, year, 25-year-to-life gun enhancement statute;
- Use of a weapon of mass destruction;
- Human trafficking of a minor, except where the person who committed the offense was a victim of human trafficking at the time of the offense; and
- Any conspiracy to commit a “serious felony.”  
(Pen. Code, § 1192.7, subd. (c).)

*Existing law* defines a “violent felony” as any of the following:

- Murder or voluntary manslaughter.
- Mayhem.
- Rape accomplished by means of force or threats.
- Sodomy by force or fear of immediate bodily injury on the victim or another person or with a child under the age of 14 years, as specified.
- Oral copulation by force or fear of immediate bodily injury on the victim or another person or with a child under the age of 14 years.
- Lewd or lascivious act on a child under 14.
- Any felony punishable by death or imprisonment in the state prison for life.
- Any felony in which the defendant inflicts great bodily injury on a person other than an accomplice, or any felony in which the defendant uses a firearm, as specified.
- Any robbery.
- Arson causing great bodily injury or that causes an inhabited structure or inhabited property to burn.
- Sexual penetration by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or sexual penetration of a child under 14 and who is more than 10 years younger than the perpetrator.
- Attempted murder.
- Exploding, igniting, or attempting to explode or ignite a destructive device or explosive with intent to commit murder, or that causes bodily injury, or causes death or great bodily injury.
- Kidnapping.
- Assault with the intent to commit mayhem or specified sex offenses.
- Continuous sexual abuse of a child.
- Carjacking.
- Rape or sexual penetration, in concert.
- Extortion that would constitute a felony violation of the gang statute.
- Threats to victims or witnesses that would constitute a felony violation of the gang statute.
- First-degree burglary, wherein it is proved that another person other than an accomplice was present in the residence during the burglary.
- Any violation of the 10 year, 20 year, 25-year-to-life gun enhancement statute.
- Use of a weapon of mass destruction.
- Rape of an intoxicated person.  
(Pen. Code § 667.5, subd. (c).)

*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 violent felony, a serious felony, or a felony offense requiring registration as a sex offender, to consider issuing a protective order that prohibits the defendant from contacting any victim of the crime for their lifetime, 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 some 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 ten 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 violent felony, serious felony, or felony offense requiring registration as a sex offender, 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, that.

*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.

## COMMENTS

### 1. Need For This Bill

According to the author:

SB 421 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. Current California law only provides temporary relief for survivors and forces them to relive their trauma in order to keep these basic protections. SB 421 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 so 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.) Therefore, 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 significant departure from existing law with respect to post-conviction protective orders. Specifically, this bill creates a new type of post-conviction protective order that: (1) lengthens the duration of time allowed for a protective order compared to existing protective orders, and (2) requires a court to consider issuing a protective order upon the defendant’s conviction for a broad range of crimes.

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 a criminal protective order that 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 lifetime criminal protective order when a defendant has been convicted of any serious felony, any violent felony, or any felony offense requiring sex offender registration. As noted above, courts are currently permitted to issue a 10-year criminal protective order for specified offenses—some of which are considered serious or violent felonies—including any offense requiring sex offender registration. In addition, courts are authorized to issue a 15-year protective order for felony domestic violence.

The list of enumerated offenses in Penal Code section 1192.7—the serious felonies list—contains over 40 separate crimes, and over 20 crimes are included in Penal Code section 667.5, the violent felonies list. The serious felonies list includes offenses such as murder, rape, and use of weapons of mass destruction as well as first-degree burglary, robbery, sale of specified controlled substances to a minor, grand theft involving a firearm, carjacking, any gang-related felony, witness intimidation, making criminal threats, or any conspiracy to commit a serious felony, among others. The violent felonies list includes offenses such as murder, rape, and use of weapons of mass destruction as well as robbery, first-degree burglary, carjacking, and violations of specified firearms laws, among others.

This bill requires 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 up to 10 or 15 years depending on the conviction but authorizing statutes do not specify a minimum duration for the order. (Pen. Code, §§ 136.2, subd. (i)(1), 243.5, subd. (j), 368, subd. (l), 646.9, subd. (k), 1201.3, subd. (a).)

#### *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 some 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 violent felony, serious felony, or felony requiring 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. Considerations

Given its breadth and scope, this bill raises a number of questions. Committee members may wish to consider whether a narrower approach should be considered. For example, should the list of offenses covered in the bill be narrowed? Should the duration of the protective order created under the provisions of this bill be shortened? Alternatively, should a combined approach be considered to authorize a court to issue a permanent protective order or protective order for a duration longer than is authorized under current law but for a narrower set of offenses? Should the provisions of the bill authorize a court to issue a protective order up to the defendant's natural life or some other period of time longer than allowed under current law but enable the court to maintain the discretion to determine the appropriate amount of time rather than mandate the protective order be permanent? Should the conditions under which the protective order is no longer considered valid be amended? Is it appropriate to include the retroactive application provision?

## 7. Argument in Support

According to the Orange County Sheriff's Department:

Our laws prescribe a punishment and sentence for those convicted of violent crime. Unfortunately the impact of being a crime victim lasts well beyond the conclusion of their criminal violator's sentence. ... Current law only allows for a victim to receive a ten-year restraining order against the abuser and renewal requires another emotional court process. Kayleigh's Law will spare victims of this trauma and make clear they have the ability to forever be legally protected from contact with the person who has caused them so much harm.

There are of course many who are convicted, serve their time and never reoffend.  
...

Unfortunately it is also true that many convicted criminals, particularly those who commit crimes of a sexual or violent nature, do not reform. They are released from an all too short sentence and return to the community to reoffend. An April 2023 study by the California Department of Corrections and Rehabilitation on recidivism, showed that 44% of those released in FY 2017-2018 were convicted of a new crime within three years of release and over two thirds (68%) were re-arrested within three years of their release. These recidivism rates further support the need to protect victims by providing them with the option of a permanent protective order.

## 8. Argument in Opposition

The California Public Defenders Association writes:

Senate Bill 421 ... would allow a court to issue a *permanent* restraining order preventing contact with the victim if a defendant has been convicted of any serious felony, violent felony, as defined in Penal Code section 667.5, or a felony offense that requires registration as a sex offender.

Existing law allows the court to issue an order prohibiting contact with the victim if an individual has been convicted of a crime of domestic violence, human trafficking, a crime in furtherance of a criminal street gang, or a registerable sex offense. Under existing law, the protective order may be valid for up to 10 years.

Current law provides courts discretion to impose protective orders for a sufficient period. Imposing permanent 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 order. Having a maximum amount of time set for protective orders ensures individuals have judicial review of existing orders, have notice of changes in victims' geographic location, and allows the orders to terminate when they no longer serve a purpose.

Protective orders negatively impact an individual's opportunities to obtain employment, housing, gun ownership, and even relationships with family members. Allegations of violating such orders, even when the allegations are unfounded, can lead to severe consequences for one's liberty, employment and financial status. This law would potentially expand these severe consequences to situations where the protected party isn't even known to the restrained person, and didn't ask for a protective order.

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