
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

SB 99 (Blakespear) - Military protective orders

Version: January 15, 2026

Policy Vote: HUMAN S. 5 - 0, M.&V.A. 4 - 0, JUD. 13 - 0, PUB. S. 5 - 0

Urgency: No

Mandate: Yes

Hearing Date: January 20, 2026

Consultant: Liah Burnley

Bill Summary: SB 99 would establish procedures under the Domestic Violence Prevention Act (DVPA) related to military protective orders (MPO).

Fiscal Impact:

- Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to perform the searches required by this bill. The fiscal impact of this bill to the courts will depend on many unknowns, including the number of protective orders sought. Judicial Council notes that last year, there were almost 80,000 filings that would have required these searches be performed. An eight-hour court day costs approximately \$10,500 in staff in workload. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations. The proposed fiscal year 2026–27 Governor’s Budget Trial Court Operations: \$70 million ongoing General Fund to help the trial courts address increases in operational costs (e.g.: salaries and benefits, supplies, equipment, and other services necessary for the courts to operate) and mitigate potential reductions to core program and services. (See Staff Comments)
- Unknown, potentially significant costs to state and local law enforcement agencies to conduct the searches required by this bill and to notify the military of potential MPO violations. The California Constitution requires the state to reimburse local agencies for certain costs mandated by the state. Counties may claim reimbursement of those costs if the Commission on State Mandates determines that this bill creates a new program or imposes a higher level of service on local agencies.

Background: California’s Domestic Violence Protection Act (DVPA) seeks to prevent acts of domestic violence, abuse, and sexual abuse, and to provide for a separation of persons involved in domestic violence for a period sufficient to enable them to seek a resolution. The DVPA’s “protective purpose is broad both in its stated intent and its breadth of persons protected” and courts are required to construe it broadly in order to accomplish the statute’s purpose. The act enables a party to seek a “protective order,” also known as a restraining order, which may be issued to protect a petitioner who presents “reasonable proof of a past act or acts of abuse.”

Victims of domestic violence who need immediate protection may seek a temporary restraining order (TRO), which may be decided *ex parte* (without notice to the respondent) and generally must be issued or denied the same court day the petition is filed. Because the restrained party would not have had the opportunity to defend their interests, *ex parte* orders are short in duration. If a noticed hearing is not held within 21 days (or 25 if the court finds good cause), a TRO is no longer enforceable, unless a court grants a continuance. The respondent must be personally served with a copy of the petition, the TRO, if any, and the notice of the hearing on the petition, at least five days before the hearing. After a duly noticed hearing, the court is authorized to extend the original TRO for up to five years, which may then be renewed. The DVPA also allows courts to include a protective order as part of judgments entered in various family law proceedings.

Family Code Section 6306 requires the court, prior to a hearing on the issuance or denial of a protective order, to perform (or ensure the prior performance of) a search of specified records and databases to ascertain the respondent's criminal history, and to consider qualifying convictions and criminal statuses (e.g., probation or parole) in deciding whether to issue the protective order. This statute also requires the court to disregard and destroy any non-qualifying search results and ensure that this information is not included in the public file of any civil proceeding.

A MPO is a lawful order issued by a commanding officer ordering the respondent, or restrained party, to avoid contact with the petitioner, or protected party. An MPO may be issued to protect a member of the U.S. military from an alleged non-military perpetrator, or to protect a non-military individual from a member of the military, though the order itself may only apply to a member of the Armed Forces. Generally, the non-military parties involved include dependents of a servicemember, such as a spouse, child or other family member who believe they are at risk of harm. MPOs can be issued verbally or in writing, and are indefinite in duration, only subject to modification or termination by the commander who issued the order.

MPOs are not enforceable by civilian law enforcement authorities but federal law does require a commander that issues an MPO to notify the appropriate civilian authorities of the order and the individuals involved not later than 7 days after the issuance of the order. Further, in the event that the subject of an MPO is transferred to another unit, the commander of the unit from which the subject is transferred must notify the commander of the destination unit, who must also notify the appropriate civilian authorities pursuant to the above requirement. The commander of the unit to which the subject of an MPO is assigned must also notify the appropriate civilian authorities if any change is made to the MPO or if the MPO is terminated. Violations of MPOs can be charged as violations of orders under Article 90 of the Uniform Code of Military Justice.

Proposed Law:

- Requires, before a hearing on the issuance or denial of a protective order, the court to ensure that a search is or has been conducted to determine if the subject of the proposed order has a current MPO as entered into the National Crime Information Center systems.

- Allows the court, in determining whether to issue a protective order, to consider whether a MPO has been issued against the respondent for the same or similar conduct against a person to be protected by the proposed order.
- Requires a law enforcement officer to immediately inquire of the California Restraining and Protective Order System or the National Crime Information Center to verify existence of a MPO upon receiving information at the scene of a domestic violence incident, or if a person who has been taken into custody is the respondent to a MPO, if the protected person cannot produce an endorsed copy of the relevant order.
- Requires, if a law enforcement officer, determines that a MPO registered in the National Crime Information Center systems has been issued against a person involved in the domestic violence incident violates a provision of a protective order to notify the law enforcement agency that entered the MPO into NCIC that the restrained party may be in violation of an MPO.
- Authorizes law enforcement agencies to develop and adopt memoranda of understanding with military law enforcement, as specified. The memoranda may include, but are not limited to, all of the following:
 - To whom, how, and when each party would report information about potential violations of military or civilian protective orders;
 - Each party's role and responsibilities when conducting an investigation and in providing domestic violence prevention or rehabilitative services to a family in response to the results of the investigations, consistent with state and federal law; and,
 - Protocols describing what, if any, confidential information may be shared between the parties and for what purposes, in accordance with applicable state and federal law.

Staff Comments: Currently many courts rely on law enforcement agencies to do the searches. It is uncertain whether courts and or law enforcement have easy access to the database referenced in the bill. In addition, Family Code section 6306 provides:

(i) It is the intent of the Legislature that, except with regard to a search whether the subject of a proposed order owns or possesses a firearm, this section shall be implemented in those courts identified by the Judicial Council as having resources currently available for these purposes. This act shall be implemented in other courts to the extent that funds are appropriated for purposes of the act in the annual Budget Act.

The Judicial Counsel notes that they had not identified any courts as having such resources, and no funding has been provided in the budget. Thus, it is not clear if the court searches required by this bill would be implemented absent funding.

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