
THIRD READING

Bill No: **SB 99**

Author: **Blakespear (D)**

Amended: **1/22/26**

Vote: **21**

SENATE HUMAN SERVICES COMMITTEE: 5-0, 4/21/25

AYES: Arreguín, Ochoa Bogh, Becker, Limón, Pérez

SENATE MILITARY & VETERANS COMMITTEE: 4-0, 4/28/25

AYES: Archuleta, McNerney, Menjivar, Umberg

NO VOTE RECORDED: Grove

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 1/13/26

AYES: Arreguín, Seyarto, Caballero, Pérez, Wiener

NO VOTE RECORDED: Gonzalez

SENATE JUDICIARY COMMITTEE: 13-0, 1/13/26

AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern, Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 1/22/26

AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SUBJECT: Military protective orders

SOURCE: U.S. Department of Defense

DIGEST: This bill (1) authorizes a court, before issuing a protective order under the Domestic Violence Prevention Act (DVPA), to consider whether a military protective order (MPO) has been issued against the respondent for the same or similar conduct against a person to be protected by the proposed order; (2) requires a law enforcement officer to verify the existence of an MPO at the scene of a domestic violence incident; (3) requires a law enforcement officer who determines that a person involved in a domestic violence incident and who is in violation of a

protective order, and who has had an MPO issued against them, to notify the agency that entered the MPO that the person may be in violation of the MPO; and, (4) authorizes a law enforcement agency in the state that petitions for or enforces protective orders to develop and adopt memoranda of understanding with specified military entities.

ANALYSIS:

Existing federal law:

- 1) Requires that an MPO issued by a military commander remain in effect until such time as the military commander terminates the order or issues a replacement order. (10 United States Code (U.S.C.), § 1567)
- 2) Requires, in the event an MPO is issued against a member of the armed forces, that the commander of the unit to which the member is assigned notify the appropriate civilian authorities of the issuance of the order and the individuals involved in the order not later than seven days after the date of the issuance of the order. (10 U.S.C. § 1567a, subd. (a).)
- 3) Requires that specified military commanders must also communicate with appropriate civilian authorities regarding the transfer of an individual against whom an MPO has been issued, and any changes to or termination of that MPO. (10 U.S.C. § 1567a, subds. (b), (c).)

Existing state law:

- 1) Authorizes a court, under the DVPA, to issue and enforce domestic violence restraining orders, including emergency protective orders (EPOs), temporary (or ex parte) restraining orders (TROs), and longer-term or permanent restraining orders (also known as orders after hearing, or, a DVRO). (Family (Fam.) Code, §§ 6200 et seq.)
- 2) Requires, before a hearing on a protective order, that the court ensures a search of specified records and databases is conducted to determine if the subject of the proposed order has a prior criminal conviction, as specified, an outstanding warrant, is currently on parole or probation, or owns or possesses a registered firearm. (Fam. Code, § 6306, subd. (a).)

- 3) Requires the court to consider specified information obtained via the search of those records and databases before deciding whether to issue a protective order under the DVPA. (Fam. Code, § 6306, subd. (b)(1).)
- 4) Requires a protective order issued under the DVPA, whether a TRO, EPO, or an order issued after hearing pursuant to the DVPA, on request of the petitioner, to be served on the respondent by a law enforcement officer who is present at the scene of reported domestic violence involving the parties or who receives a request from the petitioner to provide service of the order. (Fam. Code, § 6383, subd. (a).)
- 5) Requires a law enforcement officer, upon receiving information at the scene of a domestic violence incident that a protective order has been issued under the DVPA, or that a person who has been taken into custody is the respondent to that order, if the protected person cannot produce an endorsed copy of the order, to immediately inquire of the California Restraining and Protective Order System to verify the existence of the order. (Fam. Code, § 6383, subd. (d).)
- 6) Allows individuals with valid out-of-state protection orders to seek enforcement of those orders in California courts without having to reapply for a protective order under California law. (Fam. Code, § 6400 et seq.)

This bill:

- 1) Defines “military protective order” as a protective order issued by a commanding officer in the Armed Forces of the U.S., California National Guard, or the national guard of another state or territory against a person under the officer’s command.
- 2) Authorizes a court, before issuing a protective order, to consider whether an MPO has been issued against the respondent for the same or similar conduct against a person to be protected by the proposed order.
- 3) Requires a law enforcement officer, upon receiving information at the scene of a domestic violence incident that an MPO has been issued, to immediately inquire the National Crime Information Center (NCIC) to verify the existence of that MPO.
- 4) Requires a law enforcement officer who determines an MPO has been issued against a person who violates a provision of a protective order issued under the

DVPA or the Interstate Enforcement Act, to notify the law enforcement agency that entered the MPO into NCIC that the restrained party may be in violation of an MPO.

- 5) Authorizes each law enforcement agency in the state that petitions for or enforces protective orders to develop and adopt memoranda of understanding (MOU) with military law enforcement or other designated representatives of one or more military installations located in whole or in part within the borders of its jurisdiction that govern the investigation and actions related to domestic violence involving service members assigned to units on those installations.
- 6) Specifies that these MOU may include, but are not limited to, all of the following:
 - a) To whom, how, and when each party would report information about potential violations of military or civilian protective orders.
 - b) 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.
 - c) 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.

Background

Protective Orders. California's 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. (*Caldwell v. Coppola* (1990) 219 Cal.App.3d 859, 863; *In re Marriage of Nadkarni* (2009) 173 Cal.App.4th 1483, 1498.) 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." (Fam. Code, §§ 6218, 6300.)

Victims of domestic violence who need immediate protection may seek a 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. (Fam. Code, §§

241, 6320 et seq.) 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. (Fam. Code, §§ 242, 243, 245.) After a duly noticed hearing, the court is authorized to extend the original TRO for up to five years, which may then be renewed. (Fam. Code, §§ 6302, 6340, 6345.) The DVPA also allows courts to include a protective order as part of judgments entered in various family law proceedings. (Fam. Code, § 6360.) Family Code section 6306 requires a 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.

Military Protective Orders. An 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. (10 U.S.C. § 1567.)

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. (10 U.S.C., § 1567a, subd. (a).) 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. (10 U.S.C., § 1567a, subds. (b), (c).) Violations of MPOs can be charged as violations of orders under Article 90 of the

Uniform Code of Military Justice. (Office of the Staff Judge Advocate Legal Assistance Office, *Military Protective Orders Fact Sheet* (Mar. 2025) <<https://www.benning.army.mil/MCoE/SJA/content/PDF/20250509%20%20MPO%20FACT%20SHEET.pdf>.)

This bill consists of two major components: provisions authorizing a court to consider the existence of an MPO when considering whether to issue a protective order, and a set of provisions facilitating communication between California law enforcement officers who discover the existence of an MPO during the enforcement of protective orders issued under the DVPA and military law enforcement responsible for the subject of the MPO.

Specifically, this bill authorizes a court to consider whether an MPO has been issued against the respondent for the same or similar conduct against a person to be protected by the proposed order. This bill requires a law enforcement officer who is responding to a domestic violence incident and who determines an MPO has been issued against a person who is in violation of a protective order, to notify the agency that entered the MPO that the restrained party may be in violation of an MPO. This bill additionally authorizes each law enforcement agency in the state that petitions for or enforces protective orders to develop and adopt MOUs with military law enforcement or other designated military representatives involved in responding to domestic violence incidents. Finally, this bill specifies that these MOUs may include elements related to how each party would report information about potential violations of protective orders, respective roles in domestic violence investigations, and protocols regarding confidential information.

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

According to the Senate Appropriations Committee:

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.

SUPPORT: (Verified 1/22/26)

U.S. Department of Defense (source)

OPPOSITION: (Verified 1/22/26)

ACLU California Action
San Francisco Public Defender

Prepared by: Alex Barnett / PUB. S. /
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