

Date of Hearing: June 9, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
SB 99 (Blakespear) – As Amended June 4, 2026

SENATE VOTE: 40-0

SUBJECT: MILITARY PROTECTIVE ORDERS

SYNOPSIS

In an effort to protect victims of domestic violence, the Domestic Violence Prevention Act (DVPA) allows people in qualifying “domestic” relationships, such as spouses, parent-child, or cohabitants, to seek a restraining order against another person to protect against harassing or abusive behavior. Federal law and correspondent Department of Defense regulations require specified actions by the commander of a military installation in response to an act of domestic violence on their installation, including issuance of a military protective order (MPO) to protect any individual who is or may be at risk of domestic violence. While there is nothing in existing law prohibiting civil court judges adjudicating a petition for a domestic violence restraining order from considering evidence of a previously issued MPO involving the parties to the domestic violence restraining order petition, the author and sponsors contend that some judges hesitate to do so. In order to clarify potential ambiguity, this bill would explicitly authorize courts reviewing petitions for domestic violence restraining orders (DVROs) to consider previously issued MPOs. The bill also imposes additional notice and database search requirements on law enforcement officers that determine an MPO has been issued in certain domestic violence incidents.

This bill is sponsored by the U.S. Department of Defense and the California Commission on the Status of Women and Girls. It is further supported by a number of local law enforcement agencies, including the San Diego County District Attorney’s Offices and various local police associations. It is opposed, unless amended, by the American Civil Liberties Union (ACLU) California Action, which requests the language allowing courts to consider MPOs be removed from the bill. Should this bill be approved by this Committee it will be referred to the Assembly Committee on Public Safety.

SUMMARY: Explicitly authorizes courts to consider previously issued military protective orders impacting the respondent in a domestic violence restraining order proceeding. Specifically, **this bill:**

- 1) Authorizes courts to consider evidence submitted to it by either party that a military protective order has been issued against the respondent for the same or similar conduct when determining whether to issue a domestic violence restraining order or temporary protective order.
- 2) Defines “military protective order” as a protective order issued by a commanding officer in the Armed Forces of the United States, California National Guard, or the national guard of another state or territory against a person under the officer’s command.

- 3) Makes conforming changes to require a law enforcement officer that receives information at the scene of a domestic violence incident that a military protective order has been issued, or that a person who has been taken into custody is the respondent to that military protective order, to immediately inquire of the National Crime Information Center (NCIC) to verify the existence of a military protective order.
- 4) Requires a law enforcement officer that determines that a military protective order registered with the NCIC systems has been issued against a person involved in the domestic violence incident who violates a provision of a domestic violence protective order to notify the law enforcement agency that entered the military protective order into NCIC that the restrained party may be in violation of a military protective order.
- 5) Authorizes each law enforcement agency in the state that petitions for or enforces domestic violence protective orders to develop and adopt memoranda of understanding 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. Specifies examples of what the memoranda may include, such as 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, and protocols describing what confidential information may be shared between the parties and for what purposes.

EXISTING LAW:

- 1) Provides that an MPO issued by a military commander shall remain in effect until such time as the military commander terminates the order or issues a replacement order. (10 U.S.C. Section 1567.)
- 2) Provides that, in the event an MPO is issued against a member of the armed forces, the commander of the unit to which the member is assigned shall do all of the following:
 - a) Not later than seven days after the date of the issuance of the MPO, notify the appropriate civilian authorities of the issuance of the MPO and the individuals involved in the MPO.
 - b) In the event that a member of the armed forces against whom an MPO is issued is transferred, the commander of the unit that issued the MPO shall notify the commander of the new unit of the existence of the MPO and the individuals involved in the MPO, and the commander of the new unit shall, not later than seven days after receiving such notice, provide notice of the order to the appropriate civilian authorities in accordance with 2)(a).
 - c) In the event that an MPO is modified or terminated, the commander of the unit to which the subject of the MPO is assigned shall notify the appropriate authorities of any change made to the MPO covered by 2)(a) and of the termination of the MPO. (10 U.S.C. Section 1567a.)
- 3) Provides that a civilian civil or criminal protective order issued by a state court shall have the same force and effect on a military installation as such order has within the jurisdiction of the court that issued such order. (10 U.S.C. Sections 1561a(a), 2266(5).)

- 4) Establishes the Domestic Violence Prevention Act (DVPA), which sets forth procedural and substantive requirements for the issuance of an ex parte emergency restraining order (ERO), an ex parte temporary restraining order (TRO,) or a longer-term restraining order issued after a hearing (DVRO) to, among other things, enjoin specific acts of abuse or prohibit the abuser from coming within a specified distance of the abused person. (Family Code Section 6200 *et seq.*)
- 5) Requires, before a hearing on a potential DVRO, 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. (Family Code Section 6306 (a).)
- 6) Requires that the search of specified records and databases be conducted of all records and databases readily available and reasonably accessible to the court, including, but not limited to, the California Sex and Arson Registry; the Supervised Release File; state criminal history maintained by the Department of Justice, as specified; the FBI's nationwide database; and locally maintained criminal history records or databases. (Family Code Section 6306 (a).)
- 7) Requires the court, before deciding whether to issue a DVPO, to consider specified information obtained via the records and database search; however, prohibits specified information that does not involve a conviction being considered or becoming part of the public file. (Family Code Section 6306 (b).)
- 8) Requires a court, after issuing its ruling on a proposed domestic violence protective order (DVPO), to advise the parties that they may request the information obtained during the records and database search and upon which the court relied in its ruling, as specified. (Family Code Section 6306 (c).)
- 9) Requires information obtained in a records and database search and relied upon by the court to be maintained in a confidential case file and prohibits such information from becoming part of the public record in the proceeding or any other civil proceeding, as specified. (Family Code Section 6306 (d).)
- 10) Requires a protective order issued under the DVPA, including a TRO and DVRO, to, on request of the petitioner, be served on the respondent by the law enforcement officer who is present at the scene of a reported domestic violence incident involving the parties or who receives a request from the petitioner to provide service. (Family Code Section 6383 (a).)
- 11) Requires a law enforcement officer that receives 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 (CARPOS) to verify the existence of the order. (Family Code Section 6383 (d).)
- 12) Establishes the Uniform Interstate Enforcement of Domestic Violence Prevention Orders Act (the Interstate Enforcement Act), which generally 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. (Family Code Sections 6400 *et seq.*)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: Existing law authorizes courts to issue a wide variety of orders to protect one or more individuals from harm by a restrained party. Restraining orders (also referred to as protective orders) can take the form of civil matters relating to domestic violence, elder abuse, workplace violence, school violence, as well as criminal protective orders including gun violence restraining orders. The Domestic Violence Prevention Act (DVPA) allows people in qualifying “domestic” relationships, such as spouses, parent-child, or cohabitants, to seek a restraining order against another person to protect against harassing or abusive behavior. (Family Code Section 6200 *et seq.*)

Federal law and correspondent Department of Defense (DoD) regulations require specified actions by the commander of a military installation in response to an act of domestic violence on their installation, including issuance of a military protective order (MPO) to protect any individual who is or may be at risk of domestic violence. MPOs are not subject to the same due process requirements as DVROs and other forms of civil restraining order procedures, such as a noticed hearing before a neutral arbiter, but are instead issued by a commander directly. Additionally, while MPOs remain in effect when either party is away from base, they are not enforceable by civilian law enforcement and as such have inherently limited efficacy.

According to the author:

Military protective orders (MPOs), analogous to domestic violence restraining orders, are a critical tool for addressing domestic abuse within the military, but their effectiveness is limited. While MPOs apply off base, civilian law enforcement cannot enforce them. This limitation is particularly concerning given the severe shortage of on-base housing. In my district, Camp Pendleton has a waiting list up to 16 months long for on-base housing, forcing many survivors to live off base and leaving them vulnerable to continued abuse.

SB 99 strengthens protections for survivors by bridging the gap between military and civilian systems. It allows courts to consider whether an MPO exists when deciding whether to grant a domestic violence prevention order. SB 99 also improves accountability by requiring law enforcement officers who believe an MPO may have been violated to notify military authorities so appropriate enforcement action can be taken. Finally, the bill authorizes formal information sharing agreements between civilian law enforcement and military police to promote coordinated and effective responses to domestic violence.

SB 99 ensures that domestic violence survivors are not left unprotected simply because their abuse crosses jurisdictional lines. By strengthening coordination and enforcement, this bill closes critical gaps and helps ensure meaningful, continuous protection for military families.

Of particular relevance to this Committee, **this bill** incorporates MPOs into the DVPA by granting courts determining whether to issue a DVRO or temporary restraining order (TRO) explicit permission to consider an MPO issued against the respondent for the same or similar conduct against a person to be protected by the proposed order. Despite the procedural distinctions between MPOs and civil restraining orders, it is not unreasonable to conclude that an MPO may be instructive or relevant to a petition for a DVRO. Recent amendments also establish that the court may consider such evidence that is submitted by the parties, clarifying that courts are under no obligation to conduct an independent search for a previous MPO.

The American Civil Liberties Union California Action opposes the bill unless amended to remove the language granting the court explicit permission to consider evidence of an MPO. They cite concern that MPO's "are issued with little to no due process for the subject of the order [and] may be made without notice to the subject or any opportunity for the subject of the order to present evidence against the claims underlying the MPO."

As originally introduced, this measure included language making MPOs admissible as evidence for an ex parte order and prima facie evidence for a temporary restraining order. At the time, the ACLU also opposed the bill on the same grounds, citing concern that an MPO issued without the same due process protections required of civil courts should not be used as prima facie evidence in civil proceedings. That point appears to have been well taken, as the bill was subsequently amended to remove that language in its entirety. The San Francisco Public Defenders Office, which had opposed the bill for the same reasons, subsequently removed their opposition.

The author then amended in the bill's current language which, as previously described, only clarifies that courts *may* consider evidence of an MPO provided by either party. While the ACLU's point that parties to an MPO receive fewer, if any, due process protections as compared to any other civil restraining order process may be true, it does not necessarily follow that MPOs are wholly inappropriate for consideration in a DVRO proceeding.

It is already the case that courts can consider MPOs when considering a petition for a DVRO, there is no statutory prohibition against such evidence in proceedings under the DVPA. While that fact may raise the question of whether this legislation is necessary, the sponsors and author contend that some courts hesitate to consider MPOs in part *because* of the different due process standards that apply in military proceedings. The aim of this bill is to clarify potential ambiguity and explicitly authorize courts to *consider* MPOs. The bill does not dictate how a court should consider the evidence nor does it require a court to give the previous order any particular weight. It is entirely possible that when faced with evidence of an MPO, a judge may very well come to the conclusion that the order is entirely irrelevant to the matter before them or that they also consider the distinct due process standards and thus take the existence of the MPO with a grain of salt. It may be the case that some judges are not as well-versed in DoD regulations, and as such it may be advisable for the author and stakeholders to engage in further conversations with the Judicial Council to ensure that judges are adequately trained on the issue. In any case, to the extent this bill only explicitly allows a court to consider such evidence, an authority courts arguably already possess, the measure seems a balanced approach to ensure there is no question that courts are able to consider relevant facts.

ARGUMENTS IN SUPPORT: This bill is sponsored by the U.S. Department of Defense and the California Commission on the Status of Women and Girls. It is further supported by a number of local law enforcement agencies, including the San Diego County District Attorney's Offices and various local police associations. In support of their measure the California Commission on the Status of Women and Girls submits:

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.

This bill would address the serious disconnect between military and civilian systems, which can leave survivors of domestic violence without reliable protection. Military issued orders

are limited in enforcement, especially off base, so improved coordination and access through the courts are essential. SB 99 would ensure survivors have continuous, enforceable safeguards regardless of jurisdiction.

ARGUMENTS IN OPPOSITION: This bill is opposed, unless amended, by the ACLU California Action. They submit:

Military protective orders are issued with little to no due process for the subject of the order. The decision to impose an MPO is made by a Commanding Officer, not a judge.¹ And this decision may be made without notice to the subject or any opportunity for the subject of the order to present evidence against the claims underlying the MPO.² California should not compound the due process concerns with MPOs by allowing the orders to be used in state judicial proceedings.

We recognize the need to continue finding ways to address domestic violence, but we must do so in balance with protecting due process. ACLU California Action is willing to remove our opposition if Section 1 of the bill is removed.

REGISTERED SUPPORT / OPPOSITION:

Support

U.S. Department of Defense (co-sponsor)
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 Narcotic Officers' Association
California Reserve Peace Officers Association
Claremont Police Officers Association
Corona Police Officers Association
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
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
San Diego County District Attorney's Office

Opposition

ACLU California Action (Oppose unless amended)

Analysis Prepared by: Manuela Boucher-de la Cadena / JUD. / (916) 319-2334