

SENATE THIRD READING
SB 99 (Blakespear)
As Amended August 20, 2026
Majority vote

SUMMARY

Explicitly authorizes courts to consider evidence submitted by either party of previously issued military protective orders impacting the respondent in a domestic violence restraining order proceeding.

Major Provisions

- 1) Authorizes courts to consider evidence submitted 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) 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.
- 3) 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.
- 4) 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.
- 5) *Incorporates chaptering amendments.*

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.

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. 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.

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.

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 (CCSWG). 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. 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. 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.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Costs of an unknown amount, likely minor on a per-incident basis but potentially moderate in the aggregate, to state and local law enforcement agencies to perform the additional NCIC inquiry at the scene of a domestic violence incident and to notify the entering agency of a potential MPO violation (General Fund, special funds, local funds). The per-incident workload is incremental — a responding officer already queries the California Restraining and Protective Order System — so the aggregate depends on the number of applicable domestic violence incidents. Costs to local agencies are potentially reimbursable based on a determination by the Commission on State Mandates.
- 2) Cost pressures of an unknown amount, likely minor and absorbable, to the trial courts to consider evidence of an MPO submitted by a party when determining whether to issue a protective order (Trial Court Trust Fund, General Fund).

VOTES

SENATE FLOOR: 40-0-0

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

ASM JUDICIARY: 12-0-0

YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ASM PUBLIC SAFETY: 9-0-0

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

ASM APPROPRIATIONS: 15-0-0

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

UPDATED

VERSION: August 20, 2026

CONSULTANT: Manuela Boucher / JUD. / (916) 319-2334

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