

UNFINISHED BUSINESS

Bill No: SB 99
Author: Blakespear (D), et al.
Amended: 8/20/26
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

SENATE FLOOR: 40-0, 1/27/26

AYES: 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

ASSEMBLY FLOOR: Passed, 8/27/26

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 evidence that 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.

Assembly Amendments clarify that a court may consider evidence that an MPO has been issued against the respondent in determining whether to issue an order under the DVPA and add contingent enactment language to avoid chaptering conflicts.

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 evidence submitted by either party that 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), as specified, 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

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://mwpa.army/wp-content/uploads/2024/05/Fort-Benning-JAG-FACT-SHEET-March-2022-1.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 Assembly Appropriations Committee, the fiscal effect is:

- 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).

SUPPORT: (Verified 8/21/26)

U.S. Department of Defense (source)
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 Police Officers Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers Association
Hilde B Foundation
Los Angeles School Police Management Association
Los Angeles Schools Police Association
Murrieta Police Officers Association
Newport Beach Police Association
Novato Police Officers Association
Palos Verdes Police Officers' Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers' Association

Riverside Sheriffs' Association
San Diego Mayor Todd Gloria

OPPOSITION: (Verified 8/21/26)

ACLU California Action
San Francisco Public Defender

ARGUMENTS IN SUPPORT: According to the U.S Department of Defense:

Interpersonal violence, which includes a continuum of harm from harassment to domestic abuse, directly impacts military readiness. When these harmful behaviors involve military personnel, they often cross between military and civilian jurisdictions. Interpersonal violence extends well beyond an individual victim, as the effects of violence directly impact all our service members, their families, the units to which they are assigned, and our greater national security. Without coordinated communication between authorities, offenses can go unaddressed, leaving victims at risk and undermining a commander's ability to ensure the welfare of their unit. SB 99 provides two essential solutions to bridge this jurisdictional gap:

- **Allows Military Protective Orders (MPOs) as evidence:** The bill enables state courts to consider a commander-issued MPO as evidence when a victim seeks a civilian restraining order. Currently, MPOs are not recognized or enforceable off a military installation. Explicitly allowing MPOs to be considered as evidence when a victim is seeking to obtain a civilian temporary restraining order will provide victims of interpersonal violence greater access to state protections, services, and victim advocacy efforts that would not have been available through a standard military protective order that applies only on military property. This change provides judges with a more complete picture of the threat, gives victims faster access to civil protections, and can prevent them from having to relive their trauma in a second proceeding.

- **Enhances Information-Sharing:** The bill encourages reciprocal information-sharing between civilian and military law enforcement. While commanders are required¹ to notify civilian authorities of MPOs, no reciprocal requirement exists for local agencies to notify the military of incidents or protective orders involving service members. SB 99 closes this communication gap, ensuring commanders can take appropriate action to stop abuse, support victims, and maintain unit accountability.

ARGUMENTS IN OPPOSITION: According to ACLU California Action:

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.

The threat to due process is made more dire by the fact that SB 99 seeks to allow MPOs to serve as prima facie evidence for *ex parte* procedures. An *ex parte* order means the person subjected to the restraining order is not informed of the court proceeding and therefore has no opportunity to contest the allegations. In recognition of the constitutionally sensitive nature of *ex parte* hearings, the Domestic Violence Protection Act does not currently establish any evidence that may serve as prima facie evidence in an *ex parte* hearing. It is constitutionally suspect to now codify MPOs as prima facie evidence, despite their clear due process concerns.

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
8/27/26 14:52:57

**** END ****