
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1889 **Hearing Date:** June 23, 2026
Author: Ramos
Version: March 9, 2026
Urgency: No **Fiscal:** Yes
Consultant: NDT

Subject: *Protective orders*

HISTORY

Source: Riverside County District Attorney's Office
San Bernardino County District Attorney's Office

Prior Legislation: AB 285 (Ramos) held in Assembly Appropriations, 2025
AB 561 (Quirk-Silva), Ch. 267, Stats. of 2025
AB 1363 (Stefani), Ch. 574, Stats. of 2025
SB 421 (Valladares), failed passage in Senate Public Safety, 2025
AB 2308 (Davies), Ch. 649, Stats. of 2024
AB 2024 (Pacheco), Ch. 648, Stats. of 2024
SB 538 (Rubio), Ch. 686, Stats. of 2021

Support: American Association of University Women-California; American Association of University Women San Jose; California District Attorneys Association; California Police Chiefs Association; California State Sheriffs' Association; Chief Probation Officer of California; League of California Cities; Peace Officers Research Association of California

Opposition: None known

Assembly Floor Vote: 78 - 0

PURPOSE

The purpose of this bill is to authorize a court to issue post-conviction criminal protective order for certain domestic violence and sex offenses to be valid for up to 10 years, or two years after the defendant's release from prison, whichever is later, and to authorize a court to issue a post-conviction protective order for certain battery offenses to be valid for up to 15 years, or two years after the defendant's release from prison, whichever is later.

Existing law authorizes the trial court in a criminal case to issue protective orders when there is a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur. (Pen. Code, § 136.2, subd. (a).)

Existing law provides that a person violating a protective order may be punished for any substantive offense described in provisions of law related to intimidation of witnesses or victims, or for contempt of court. (Pen. Code, § 136.2, subd. (b).)

Existing law requires the court to consider issuing a protective or restraining order when the defendant is charged with a crime involving domestic violence, rape, statutory rape, spousal rape, or a crime that requires the defendant to register as a sex offender, while the matter is pending. (Pen. Code, § 136.2, subd. (e)(1).)

Existing law requires the court, at the time of sentencing, to consider issuing an order restraining the defendant from any contact with a victim of the crime when the defendant has been convicted of a crime involving domestic violence, as specified, human trafficking, rape, statutory rape, spousal rape, pimping, pandering, a gang-related offense, elder abuse, stalking, a sexual offense involving a minor victim, or a crime that requires the defendant to register as a sex offender; existing law provides that the order may be valid for up to 10 years, as determined by the court. (Pen. Code, §§ 136.2, subd. (i)(1); 368, subd. (l); 646.9, subd. (k); 1201.3, subd. (a).)

Existing law provides that the post-conviction protective order may be issued by the court regardless of whether the defendant is sentenced to the state prison or a county jail, whether the defendant is subject to mandatory supervision, or whether imposition of sentence is suspended and the defendant is placed on probation and provides that the order may be modified by the sentencing court in the county in which it was issued throughout the duration of the order. (Pen. Code, § 136.2, subd. (i)(1).)

Existing law provides that the duration of a restraining order issued by the court be based upon the seriousness of the facts before the court, the probability of future violations, the safety of a victim and the victim's immediate family, and any information provided to the court, as specified. (Pen. Code, § 136.2, subd. (i)(1).)

Existing law authorizes a post-conviction restraining order to include provisions for electronic monitoring for up to one year from the date of the order. (Pen. Code, § 136.2, subd. (i)(3).)

Existing law requires the court, at the time of sentencing, to consider issuing an order restraining the defendant from any contact with a percipient witness to a crime, upon clear and convincing evidence of witness harassment, when the defendant was convicted of a crime involving domestic violence, rape, statutory rape, spousal rape, gang activity, or a crime requiring sex offender registration. (Pen. Code, § 136.2, subd. (i)(2).)

Existing law prohibits a person who is subject to a protective order from owning, possessing, purchasing, attempting to purchase or receive, a firearm while the protective order is in effect. Requires the court to order a person subject to the protective order to relinquish ownership or possession of any firearms. (Pen. Code, § 136.2, subd. (d).)

Existing law requires the court, at the time of sentencing, to consider issuing an order restraining the defendant from contact with a victim of the crime when the defendant has been convicted of domestic violence involving corporal injury resulting in a traumatic condition and provides that the order may be valid for up to 15 years, as determined by the court. (Pen. Code, § 273.5, subd. (j)(1) & (2).)

Existing law authorizes the issuing court, upon a written petition by the prosecuting attorney, defendant, or victim, to modify or terminate a protective order for good cause provided the prosecuting attorney, defendant, and victim are notified at least 15 days before the hearing on the petition. (Pen. Code, § 273.5, subd. (j)(1) & (2).)

Existing law provides that a willful and knowing violation of a criminal protective order constitutes contempt of court, a misdemeanor, punishable by imprisonment in a county jail for up to one year or a fine of \$1,000, or both. (Pen. Code, §§ 166, subds. (a)(4), (c)(4); 273.6, subd. (a).)

Existing law authorizes a court to issue civil harassment restraining orders for up to five years upon a showing of clear and convincing evidence of unlawful harassment. (Civ. Pro. Code, § 527.6, subds. (a) & (j)(1).)

Existing law provides that the order may be renewed, upon the request of a party, for a duration of no more than five additional years, without a showing of any further harassment since the issuance of the original order. (Civ. Pro. Code, § 527.6, subd. (j)(1).)

Existing law provides that an order that fails to state an expiration date on the face of the form create an order with a duration of three years. (Civ. Pro. Code, § 527.6, subd. (j)(2).)

Existing law authorizes a court to issue a civil domestic violence restraining order enjoining a party from, among other things contacting or coming within a specified distance of a specified person. (Fam. Code, § 6320.)

Existing law provides that the civil domestic violence restraining order may have a duration for up to five years, and may be renewed upon a request of a party, either for five years or permanently, without a showing of any further abuse since the issuance of the order and provides that failure to state the expiration date on the face of the order creates an order with a duration of three years. (Fam. Code, §§ 6320, subd. (a); 6345, subds. (a) & (c).)

Existing law requires a peace officer, when there are both civil and criminal orders regarding the same parties, and neither an emergency protective order that has precedence in enforcement nor a no-contact order has been issued, to enforce the criminal order issued last. (Fam. Code, § 6383, subd. (h)(2).)

This bill authorizes a court to issue or extend a postconviction criminal protective order so that, in specified witness intimidation, street gang, domestic violence, human trafficking, and sex offense cases, the order may remain in effect for up to two years after the defendant's release from custody if release occurs after the original sentencing-based order for either 10 or 15 years has expired.

COMMENTS

1. The Need for this Bill

According to the author:

This bill aims to ensure survivors are protected from being re-victimized in situations where a protective order may be expired or about to expire. We would add at minimum a 2-year grace period from when an offender is released so that they cannot gain contact with those whom they have victimized. We want to ensure that all survivors can feel protected even when the individuals who harmed

them are released from prison. Survivors should be afforded peace of mind and not have to live in fear.

2. Post-Conviction Criminal Protective Orders

As a general matter, a court can issue a protective order in any criminal proceeding pursuant to Penal Code section 136.2, subdivision (a), where it finds good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur. Protective orders issued under this statute are valid only during the pendency of the criminal proceedings. (*People v. Ponce* (2009) 173 Cal.App.4th 378, 382.)

When criminal proceedings have concluded, the court has the authority to issue protective orders as a condition of probation in cases where probation was granted. In some cases in which probation has not been granted, the court also has the authority to issue post-conviction protective orders. The court is authorized to issue no-contact orders for up to 15 years when a defendant has been convicted of willful infliction of corporal injury to a spouse, former spouse, cohabitant, former cohabitant, or the mother or father of the defendant's child. (Pen. Code, § 273.5, subd. (j).) The court can also issue no-contact orders lasting up to 10 years in the following types of cases: a domestic violence-related offense not involving willful infliction of corporal injury, human trafficking, rape, spousal rape, statutory rape, pimping, pandering, a gang-related offense, or any crime requiring sex offender registration. (Pen. Code, § 136.2, subd. (i)(1).) A post-conviction protective order lasting up to 10 years can also be issued in cases in which there was a conviction for stalking, or abuse of an elder or dependent adult. (Pen. Code, §§ 646.9, subd. (k), 368, subd. (l).) Similarly, in cases involving a criminal conviction or juvenile adjudication for a sex offense in which the victim was a minor, the court may issue an order "that would prohibit ... harassing, intimidating, or threatening the victim or the victim's family members or spouse." (Pen. Code, § 1201.3, subd. (a).)

The consequences of having the court issue a protective order against a person can be severe. For example, the protective order may prohibit the defendant from being within a certain distance of the person named in the order, implicating the defendant's right to travel. Depending on the facts, such an order may implicate an individual's property interests by forcing the person to vacate their own home. A protective order may also affect a person's immigration status given that a violation of a protective order is a deportable offense. (8 U.S.C. § 1127(a)(2)(E)(ii).) Additionally, the restrained person will generally not be able to purchase, receive, own, or possess a firearm and will have to turn in, sell, or transfer any firearms the person has, and will not be able to buy, receive, own, or possess a firearm while the order is in effect. (Pen. Code, §§ 29825, 136.2, subd. (d).)

3. Criminal Contempt

Disobedience of a court order may be punished as criminal contempt. The crime of contempt is a general intent crime. It is proven by showing that the defendant intended to commit the prohibited act, without any additional showing that he or she intended "to do some further act or achieve some additional consequence." (*People v. Greenfield* (1982) 134 Cal.App.3d Supp. 1, 4.) Nevertheless, a violation must also be willful, which in the case of a court order encompasses both intent to disobey the order, and disregard of the duty to obey the order." (*In re Karpf* (1970) 10 Cal.App.3d 355, 372.)

Criminal contempt under Penal Code section 166 is a misdemeanor, and proceedings under the statute are conducted like any other misdemeanor offense. (*In re McKinney* (1968) 70 Cal.2d 8, 10; *In re Kreitman* (1995) 40 Cal.App.4th 750, 755.) The criminal contempt power is vested in the prosecution, and the trial court has no power to institute criminal contempt proceedings under the Penal Code. (*In re McKinney*, supra, 70 Cal.2d at p. 13.) A defendant charged with the crime of contempt is “entitled to the full panoply of substantive and due process rights.” (*People v. Kalnoki* (1992) 7 Cal.App.4th Supp. 8, 11.) The defendant has the right to a jury trial regardless of the sentence imposed. (*People v. Earley* (2004) 122 Cal.App.4th 542, 550.)

4. Effect of This Bill

Under existing law, a court can issue a criminal protective order lasting up to 10 years in cases for which the defendant was convicted of specified crimes (i.e., some domestic violence offenses, human trafficking, gang activity, rape, pimping, pandering, offenses requiring sex offender registration, elder abuse, stalking, and a sexual offense involving a minor victim). AB 2308 (Davies), Chapter 649, Statutes of 2024, extended the length of time that a criminal protective order could be imposed in cases where the defendant was convicted of domestic violence involving corporal injury resulting in a traumatic condition from 10 years to 15 years. (Pen. Code, § 273.5, subd. (j).) Authorizing statutes do not specify a minimum duration for the protective order. (Pen. Code, §§ 136.2, subd. (i)(1), 243.5, subd. (j), 368, subd. (l), 646.9, subd. (k), 1201.3, subd. (a).)

This bill ties the duration of victim protection more directly to the defendant’s release date rather than allowing protection to lapse solely because time has run from the date of sentencing, and, in doing so, the effect is that in some cases the protective order will last longer than in current law. Because criminal protective orders serve as a safeguard for victims facing threats, intimidation, and violence, this bill could help victims have additional time to put together a safety plan when the defendant is released.

5. Argument in Support

According to the Riverside County District Attorney’s Office:

Criminal protective orders serve as a vital safeguard for victims facing threats, intimidation, and violence. Unfortunately, criminal protective orders often expire prior to the release of a defendant from prison, placing victims (the protected party) in a vulnerable and likely dangerous situation. According to the National Domestic Violence Hotline, “most female victims of intimate partner violence were previously victimized by the same offender at rates of 77% for women ages 18 to 24, 76% for ages 25 to 34, and 81% for ages 35 to 49.”

AB 1889 seeks to remedy this alarming reality by authorizing courts to issue post-conviction criminal protective orders for domestic violence and sex offenses to be valid for up to 10 years, or 2 years after the perpetrator’s release from prison, whichever is later. This critical change would provide victims with valuable time to pursue additional protective orders or assess additional options for continued safety.

Strengthening criminal protective orders through this legislation will provide law enforcement, courts, and victims with the necessary tools to prevent further harm and enhance public safety.

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