

AB 2261 - Protective Orders

SUMMARY

AB 2261 clarifies and restores judicial authority under Penal Code section 136.2 to issue criminal protective orders (CPOs) that protect a victim’s family and household members, along with other victims where competent evidence establishes that the defendant committed a qualifying offense against them.

The bill corrects a narrowing of the statute that occurred in 2018 and ensures courts can issue protective orders consistent with victim safety and the realities of domestic violence, sexual abuse, human trafficking, and gang-related crimes.

EXISTING LAW

Penal Code section 136.2 authorizes courts to issue criminal protective orders restraining a defendant from contact with victims of specified offenses, including domestic violence, sexual offenses, human trafficking, and gang-related crimes.

In 2018, the statutory language was amended to limit protective orders to the “victim of the crime,” which appellate courts have interpreted to mean only the specific victim of the count for which the defendant was convicted.

Recent cases, including *People v. Walts* (2025) 112 Cal.App.5th 127 and *People v. Pena* (2025) 113 Cal.App.5th 640, confirm that courts currently lack authority to issue protective orders for other victims or affected individuals unless they are the named victim of the offense of conviction.

ISSUE

The 2018 amendment to Penal Code section 136.2 restricts courts’ authority to protect victims. Courts are now prohibited from issuing criminal protective orders for family members of the victim, members of the victim’s household, and victims named in dismissed or unresolved counts.

This limitation creates significant safety gaps, particularly in domestic violence and sexual abuse cases where multiple victims are common.

SOLUTION

AB 2261 restores and clarifies judicial discretion by authorizing courts to issue criminal protective orders not only for the victim of the offense of conviction, but also for a victim’s family members; members of the victim’s household; and other individuals where competent evidence demonstrates that they were victims of qualifying offenses committed by the defendant.

By clearly defining who may be protected and requiring competent evidence, the bill ensures due process while allowing courts to respond appropriately to demonstrated risk.

AB 2261 closes statutory gaps, strengthens victim safety, and aligns the statute with the Legislature’s longstanding intent to expand - not restrict—the availability of criminal protective orders in serious cases.

SIMILAR LEGISLATION

AB 2907 (Zbur, 2024) - Firearms: restrained persons - Chaptered

AB 467 (Gabriel, 2023) - Domestic violence: restraining orders - Chaptered

SB 382 (Caballero, 2022) - Human trafficking: restraining orders - Chaptered

SUPPORT

California District Attorneys Association (Co-Sponsor)

Santa Clara County Office of the District Attorney (Co-Sponsor)

OPPOSITION

None on File.

FOR MORE INFORMATION

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