

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 99 (Blakespear)

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Fiscal: Yes

Urgency: No

AWM

SUBJECT

Military Protective Orders

DIGEST

This bill establishes procedures under the Domestic Violence Prevention Act (DVPA) to account for the existence of a military protective order (MPO) issued against a person involved in a domestic violence incident.

EXECUTIVE SUMMARY

The DVPA is California's civil regime for preventing acts of domestic violence, abuse, and sexual abuse, and for providing for a separation of persons involved in domestic violence for a period sufficient to enable them to seek a resolution. When an incident of domestic violence involving a member of the United States Armed Forces or a state national guard occurs on a military installation, the victim may also obtain an MPO from the commanding officer of the military installation. Unlike the DVPA, the MPO process has no procedural protections for the subject of the order, but MPOs also cannot be enforced by civilian law enforcement. A victim of domestic violence who has an MPO in place, therefore, must also obtain a DVPA order if they believe there is a risk that they will need to rely on civilian law enforcement to keep the perpetrator away.

This bill is intended to help victims of domestic violence by incorporating MPOs into the DVPA. As currently in print, the bill (1) requires a court, before a hearing on a DVPA order, to conduct a search for current and prior MPOs in place against the respondent and expands the list of databases that must be searched; and (2) states that an MPO is admissible evidence for an ex parte order under the DVPA and constitutes *prima facie* evidence for the issuance of a temporary restraining order. The author has agreed to amendments to limit the court's search for MPOs to MPOs currently in place, and to permit a court to consider the existence of an MPO when issuing an order under the DVPA.

In addition to the above, this bill adds obligations for law enforcement, requiring them to take steps to ascertain the existence of an MPO when at the scene of a domestic violence incident and permitting counties to enter into memoranda of agreement with local military installations to streamline this process. These provisions are within the jurisdiction of the Senate Public Safety Committee, which is set to hear the bill on the morning of the date this Committee is set to hear the bill.

This bill is sponsored by the United States Department of Defense. This bill is opposed by ACLU California Action, the Felony Murder Elimination Project, and the San Francisco Public Defender's Office.

PROPOSED CHANGES TO THE LAW

Existing federal 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. § 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. § 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. §§ 1561a(a), 2266(5).)

Existing state law:

- 1) Establishes the 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. (Fam. Code, div. 10, §§ 6200 et seq.)

- 2) Defines “domestic violence” within the DVPA as abuse perpetrated against a spouse or former spouse; a cohabitant or former cohabitant; a person with whom the respondent is having or has had a dating or engagement relationship; a person with whom the respondent has had a child, as specified; a child of a party or a child who is the subject of an action under the Uniform Parentage Act, as specified; or any other person related by consanguinity or affinity within the second degree. (Fam. Code, § 6211.)
- 3) 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. (Fam. Code, § 6306(a).)
- 4) Requires that the search in 3) 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. (Fam. Code, § 6306(a).)
- 5) Requires the court, before deciding whether to issue a DVPO, to consider specified information obtained via the search required in 4); however, specified information that does not involve a conviction shall not be considered and shall not become part of the public file. (Fam. Code, § 6306(b).)
- 6) Provides that, after a court issues its ruling on a proposed DVPO, the court shall advise the parties that they may request the information obtained during the search in 3) and upon which the court relied in its ruling, as specified. (Fam. Code, § 6306(c).)
- 7) Provides that information obtained in a search under 3) and relied upon by the court shall be maintained in a confidential case file and shall not become part of the public record in the proceeding or any other civil proceeding, as specified. (Fam. Code, § 6306(d).)
- 8) Provides that a protective order issued under the DVPA, including a TRO and DVRO, shall, 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. (Fam. Code, § 6383(a).)

- 9) Provides that, 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, a law enforcement officer must immediately inquire of the California Restraining and Protective Order System (CARPOS) to verify the existence of the order. (Fam. Code, § 6383(d).)
- 10) Specifies the order in which protective orders shall be enforced by law enforcement when multiple protective orders have been issued, as specified. (Fam. Code, § 6383(h)(2).)
- 11) 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. (Fam. Code, div. 10, pt. 5, §§ 6400 et seq.)

This bill:

- 1) Requires a court, as part of its inquiry into the criminal history of the subject of a proposed DVRO, to ensure that a search has been conducted to determine whether the subject of the proposed order has a current or prior MPO or prior violation of an MPO as entered into the National Crime Information Center systems (NCIC).
- 2) Specifies that the inquiry in 1) must include a search of the NCIC.
- 3) 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.
- 4) Provides that an MPO is admissible evidence for an ex parte ERO or TRO under the DVPA and constitute a *prima facie* case for granting a TRO.
- 5) Provides that, when law enforcement at the scene of a domestic violence incident receives information an MPO has been issued against a person involved in the incident, the law enforcement officer must inquire of the NCIC to verify the existence of an MPO.
- 6) Provides that, if a law enforcement officer determines under 5) that an MPO has been issued against a person who has violated a protective order under the DVPA,

and that person is a member of, or otherwise associated with, the Armed Forces of the United States, the law enforcement officer shall notify the law enforcement agency that entered the MPO into NCIC that the law enforcement officer has probable cause to believe the person has violated the MPO.

- 7) Permits each county law enforcement agency 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 servicemembers assigned to units on those installations; these memoranda 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 law.

COMMENTS

1. Author's comment

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 an MPO to serve as *prima facie* evidence for a civilian court to grant a temporary restraining order and requires 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 have probable cause to believe an MPO has 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.

2. Background on the DVPA

The DVPA seeks to prevent acts of domestic violence, abuse, and sexual abuse, and to provide for a separation of persons involved in domestic violence for a period sufficient to enable them to seek a resolution. The DVPA's "protective purpose is broad both in its stated intent and its breadth of persons protected" and courts are required to construe it broadly in order to accomplish the statute's purpose.¹ The DVPA allows a victim of domestic violence to obtain a short-term TRO on an ex parte basis, and a DVPO after a noticed hearing.² A DVPO can last for up to five years, and can be extended multiple times or indefinitely by the court so long as the risk of abuse remains.³ A TRO or a DVPO can enjoin a range of conduct, including attacking, threatening, harassing, telephoning, contacting, and coming within a specified distance of, the protected person.⁴

Prior to the issuance of a DVPO, i.e., a protective order issued after a noticed hearing, the court must conduct (or cause to be conducted) a search of specified federal, state, and local databases to determine whether the subject of the proposed order has been convicted of specified crimes.⁵ The statute specifies that a search must be conducted of the FBI's nationwide database, but does not require a search of the NCIC database.⁶

3. Background on MPOs

Federal law and Department of Defense regulations require the commander of a military installation to take action when an act of domestic violence occurs on that installation.⁷ Among those obligations is to issue an MPO that ensures the protection of all persons known to be, or alleged to be, at risk from domestic violence; the commander must consult with the judge advocate to ensure that the MPO is not less restrictive than a protective order that would be issued by a civilian court under

¹ *Caldwell v. Coppola* (1990) 219 Cal.App.3d 859, 863; *In re Marriage of Nadkarni* (2009) 173 Cal.App.4th 1483, 1498.

² Fam. Code, §§ 6320, 6340.

³ *Id.*, § 6345.

⁴ *Id.*, §§ 6320, 6340.

⁵ *Id.*, § 6306.

⁶ *Ibid.*

⁷ 10 U.S.C. §§ 1567, 1567a; Department of Defense Instruction 6400.06 (effective 12/15/21, as modified 8/29/25).

comparable circumstances.⁸ An MPO may be, but is not always, issued on DD Form 2873, and the commander must enter the MPO into the NCIC database and inform appropriate civilian authorities of the MPO and any changes thereto.⁹ An MPO is enforceable whether the subject is on or off the military installation,¹⁰ however, according to the Department of Defense, the sponsor of the bill, an MPO cannot be enforced by civilian law enforcement on or off the installation. An MPO remains in place until the commanding officer modifies, replaces, or terminates the order.¹¹

4. The role of MPOs in state law

California law does not currently provide any express recognition of, or requirement to search for, MPOs. While California generally recognizes protective orders issued in other jurisdictions,¹² MPOs are issued without the same due process guarantees that California requires for interjurisdictional recognition. Indeed, it is not clear that MPOs provide any procedural protections; while this may be appropriate for persons in the armed forces, California's courts are not so unbound.

At the same time, the existence of an MPO seems likely to bear some relevance to whether a protective order under the DVPA is appropriate, and to be relevant when a civilian law enforcement officer appears at a domestic violence incident between the subject of an MPO and a protected party. At least two other states have laws that (1) permit a court to consider the existence of an MPO when issuing a protective order under state law, and (2) require law enforcement, under specified circumstances, to notify military law enforcement if they have reason to believe that a person involved in a domestic violence incident is in violation of an MPO.¹³

5. This bill incorporates MPOs into the DVPA

Relevant to this Committee's jurisdiction, this bill (1) requires a court, prior to a hearing on a petition for a DVPO, to cause a search to be conducted of the federal NCIC database for a current or prior MPO issued against, or a violation of a current or prior MPO by, the respondent; and (2) provides that an MPO is admissible evidence for an ex parte order and that an MPO constitutes *prima facie* evidence for a TRO.

The bill's changes are intended to ensure that courts have complete information regarding a respondent's history of domestic violence, and to provide additional protections to victims of domestic violence. In light of the concerns about the lack of procedural protections for MPOs, however, the author has agreed to two amendments.

⁸ Department of Defense Instruction 6400.06, *supra*, § 3.5(c)(5) & (d).

⁹ 10 U.S.C. § 1567a; Department of Defense Instruction 6400.06, *supra*, § 3.5(d).

¹⁰ Department of Defense Instruction 6400.06, *supra*, § 3.5(d).

¹¹ *Ibid.*

¹² See Fam. Code, div. 10, pt. 5, §§ 6400 et seq.

¹³ Me. Rev. Stats. Ann., §§ 4654(2), 19-4108, Md. Stats. Ann., §§ 3-1504(a), 4-505(a), 4-509(f).

First, the scope of the pre-hearing MPO search will be limited to a search for MPOs currently in place. Second, a court will be permitted to consider the existence of a current MPO when granting an order under the DVPA, but the existence of an MPO will not constitute *prima facie* evidence warranting the issuance of a TRO. This approach is consistent with the approach taken by other states that have incorporated MPOs into their domestic violence prevention statutes. These amendments should provide protections for DVPA petitioners without overly intruding on the rights of respondents. The amendments are set forth in detail in Comment 6, below.

In addition to the above, this bill makes changes to provisions of the DVPA that set forth law enforcement's obligations to search databases for, and enforce, protective orders, adding obligations relating to MPOs. These provisions are within the jurisdiction of the Senate Public Safety Committee. The Senate Public Safety Committee is hearing the bill on the morning of the same day this Committee is set to hear this bill. The Senate Public Safety Committee's analysis of SB 99, which is incorporated here by reference, sets forth proposed amendments to the provisions within its jurisdiction.

6. Amendments

As discussed above, the author has agreed to amendments to better protect respondents' due process rights. The amendments are set forth below, subject to any nonsubstantive changes the Office of Legislative Counsel may make.

Amendment 1

At page 4, delete line 13 after "current" and line 14 through "violation of a"

Amendment 2

At page 7, delete lines 30-32 and insert, in a new section to be determined by the Office of Legislative Counsel, insert:

"(a) In determining whether to issue an order under this Part, the court may consider whether a military protective order has been issued against the respondent for the same or similar conduct against a person to be protected by the proposed order."

7. Arguments in support

According to the United States 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 required 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.

8. Arguments in opposition

According to the Felony Murder Elimination Project:

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.

SUPPORT

United States Department of Defense (sponsor)

OPPOSITION

ACLU California Action
Felony Murder Elimination Project
San Francisco Public Defender's Office

RELATED LEGISLATION

Pending legislation: None known.

Prior legislation: None known.

PRIOR VOTES:¹⁴

Senate Public Safety Committee – vote not yet available

¹⁴ This bill was gutted and amended in January 2026; votes on the prior, unrelated version of this bill are not listed here.