

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

SB 1374 (Niello)
Version: February 20, 2026
Hearing Date: March 24, 2026
Fiscal: Yes
Urgency: No
AM

SUBJECT

Restraining orders: educational institutions

DIGEST

This bill authorizes a chief administrative officer of a postsecondary educational institution, or a designated officer or employee, to seek a temporary restraining order and an order after hearing on behalf of the institution in order to maintain order on the school campus or facility which is subject to unlawful violence or a credible threat of violence towards the campus.

EXECUTIVE SUMMARY

According to the author and sponsor, this bill is needed to allow institutions of higher education to ensure their campus communities are safe by providing these institutions with more tools to deter and preemptively prevent threats to a campus or other institution property. Existing law already allows an institution of higher education to seek a restraining order on behalf of a student or employee when credible threats are made.¹ This bill builds upon those existing provisions of law by additionally granting administrators the power to seek restraining orders on behalf of the institution when credible threats are made against the institution.

This bill is sponsored by the California State University, Office of the Chancellor, and supported by the San Diego County District Attorney's Office and San Diego State University. There is no known opposition. Should this bill pass out of this Committee, it will next be heard in the Senate Education Committee.

¹ See Code Civ. Proc., §§ 527.8 & .527.85.

PROPOSED CHANGES TO THE LAW

Existing law:

1) Defines the following relevant terms:

- a) "Chief administrative officer" means the principal, president, or highest-ranking official of a postsecondary educational institution.
- b) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including (1) following or stalking to or from school; (2) entering the school campus or facility; (3) following a student during school hours; (4) making telephone calls to a student; and (5) sending correspondence to a student by any means.
- c) "Credible threat of violence" means a knowing and willful statement or course of conduct that would place a reasonable person in fear for their safety, or the safety of their immediate family, and that serves no legitimate purpose.
- d) "Petitioner" means the chief administrative officer, or their designee, who files a petition under 2).
- e) "Postsecondary educational institution" means an institution of vocational, professional, or postsecondary education.
- f) "Respondent" means the person against whom the temporary restraining order and order after hearing are sought and, if the petition is granted, the restrained person.
- g) "Student" means an adult currently enrolled in or applying for admission to a postsecondary educational institution.
- h) "Temporary restraining order" and "order after hearing" mean orders that include any of the following restraining orders, whether issued ex parte, or after notice and hearing:
 - i. An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including making annoying telephones as defined, destroying personal property, contacting (directly or indirectly), or coming within a specified distance of, or disturbing the peace of, the student.
 - ii. An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in (g)(i).
- i) "Unlawful violence" means any assault or battery, or stalking as defined, but does not include lawful acts of self-defense or defense of others. (Code Civ. Proc., § 527.85(b).)

2) Permits a chief executive officer of a postsecondary educational institution, or an officer or employee designated by the chief executive officer, to seek a temporary restraining order and an order after hearing on behalf of the student, as follows:

- a) The student must have suffered a credible threat of violence made off the school campus or facility from any individual which can reasonably be construed to be carried out or to have been carried out at the school campus or facility.
 - b) The chief executive officer or their designee must obtain the written consent of the student.
 - c) The chief executive officer or their designee may, at the discretion of the court, seek a temporary order or order after hearing on behalf of any other students at the campus or facility who are similarly situated.
 - d) The court may not issue a temporary restraining order or order after hearing prohibiting speech or other activities that are constitutionally protected.
 - e) In the discretion of the court, for good cause shown, a temporary restraining order or order after hearing may include other named family or household members of the student, or other students at the campus or facility. (Code Civ. Proc., § 527.85(a), (c), (d).)
- 3) Establishes procedures and timelines for obtaining a temporary restraining order or order after hearing under 2), as follows:
- a) After filing a petition, a petitioner may obtain a temporary restraining order if they file a declaration that, to the satisfaction of the court, shows reasonable proof that a student has suffered a credible threat of violence made off the school or campus by the respondent, and that great or irreparable harm would result to the student.
 - b) A request for the issuance of a temporary restraining order without notice shall be granted or denied the same day the petition is submitted, unless the petition is filed too late in the day to permit effective review, in which case the order shall be granted or denied on the next day of judicial business.
 - c) A temporary restraining order shall remain in effect, at the court's discretion, for a period not to exceed 21 days, or for 25 days upon a showing of good cause, unless otherwise modified or terminated by the court.
 - d) The respondent must be personally served with a copy of the petition, temporary restraining order (if any), and notice of the hearing; service must be made at least five days before the hearing, unless the court shortens the notice period for good cause.
 - e) Within 21 (or 25) days from the date that the temporary order is granted or denied, the court shall hold a hearing on the petition; if no temporary order was requested, the court shall hold the hearing 21 (or 25) days from when the petition was filed.
 - f) The respondent may file a response that explains, excuses, justifies, or denies the alleged credible threats of violence.
 - g) The respondent is entitled to one continuance for a reasonable period to respond to the petition, and the court may grant a continuance upon the request of either party, or on its own motion, for good cause. If the hearing is

- continued, a temporary restraining order that has been granted shall remain in effect until the hearing unless the court provides otherwise.
- h) At the hearing, the judge shall receive any relevant testimony and may make an independent inquiry.
 - i) If the judge finds, by clear and convincing evidence, that the respondent made a credible threat of violence off the school campus or facility, the order shall issue prohibiting further threats of violence.
 - j) An order may have a duration of not more than three years, subject to termination or modification by further order or stipulation of the parties, and may be renewed, upon the request of a party, for a duration of not more than three years. (Code Civ. Proc., § 527.85(e)-(k), (m), (o), (p).)
- 4) Provides that a person who is subject to a protective order issued under 3) cannot own, possess, receive, purchase, receive, or attempt to purchase or receive a firearm or ammunition while the protective order is in effect. (Code Civ. Proc., § 527.9.)
- a) The court shall order a person subject to a protective order to relinquish any firearms or ammunition they own or possess pursuant to the provisions set forth in Code of Civil Procedure Section 527.9.
 - b) Any person who owns, possesses, purchases, or receives, or attempts to purchase or receive, a firearm or ammunition while the protective order is in effect is punishable as a crime. (Pen. Code § 29825.)
- 5) Provides that nothing in 2) through 4) prevents either party from representation by private counsel or from appearing on their own behalf. (Code Civ. Proc., § 527.85(l).)

This bill:

- 1) Permits a chief executive officer of a postsecondary educational institution, or an officer or employee designated by the chief executive officer, to seek a temporary restraining order and an order after hearing on behalf of the institution, and at the discretion of the court, any property of the campus or facility which are owned by the institution.
- 2) Expands the definition of “course of conduct” to include making telephone calls to the school campus or facility and sending correspondence to a chief administrative officer by any means, including, but not limited to, the use of public or private mails, interoffice mail, facsimile, or computer email.
- 3) Provides that a “temporary restraining order” and “order after hearing” may include an order enjoining a party from: harassing; intimidating; attacking; striking; stalking; threatening; telephoning, including, but not limited to, making annoying telephone calls as defined; destroying property; contacting, either directly or indirectly, by mail or otherwise; or coming within a specified distance of a school campus or facility.

- 4) Makes clarifying changes.

COMMENTS

1. Stated need for the bill

The author writes:

SB 1374 empowers higher education institutions to provide safer communities by providing an additional preemptive measure to deter threats by permitting restraining orders on behalf of the institution itself when threats are made towards a campus. This bill will provide a crucial tool to ensure institutions are able to maintain safe learning environments.

When institutions are targeted with threats, the resulting lockdowns, disruptions, and fear undermine students' ability to learn and faculty's ability to teach. SB 1374 will help campuses maintain a safe, stable environment by allowing them to seek timely court orders that can deter or restrict dangerous conduct before it reaches the classroom, residence hall, or campus event.

Campus leaders are responsible for safeguarding thousands of students, faculty, and staff, yet under existing law they lack clear standing to obtain civil protective orders when the institution itself is the target. SB 1374 provides a clear, court supervised mechanism to intervene early, before threats escalate into acts of violence on campus.

2. This bill seeks to provide institutions of higher education additional preemptive measures to deter threats and seek restraining orders on behalf of the institution

a. Threats to institutions of higher education

A 2025 report from the Homeland Security Operational Analysis Center (HSOAC) shows campus crime at institutions of higher education across the U.S. has returned to pre- COVID-19 pandemic levels. The sponsor and author of the bill note that threats can cause disruptions during key academic deadlines, such as during finals or midterm exams. For example, in 2018 California State University, Northridge (CSUN) received alleged threats to campus during finals week in December, which resulted in alternative arrangements needing to be made that did not require students to be on campus during finals week.² In February of this year, California State University, Bakersfield (CSUB) received an anonymous call alleging that someone was going to shoot people at the school and blow themselves up, which led to fear and panic for the campus community and a campus-wide lockdown that asked staff and students to shelter in place.³

² CSUN, *Updates in Response to Threats to Campus*, available at <https://www.csun.edu/president/news/updates-response-threats-campus>.

³ CSUB, Instagram, (Feb. 2, 2026), available at <https://www.instagram.com/p/DURkJ7jgTvQ/?hl=en>.

According to the author and sponsor, a troubling incident that occurred at San Diego State University (SDSU) highlights why this bill is needed. They report:

In March 2024, Student A began posting on SDSU-restricted online platforms. These posts contained violent, sexual, and concerning content and were forwarded to University Police Department (UPD) by a student. UPD's Threat Management Team (TMT) was notified, and monitoring began. Additionally, coordination with local law enforcement for monitoring began. In 2025, SDSU worked with the FBI on the case, as the student was serving in the U.S. Marine Corps Reserve. Since the threats were not specifically directed at an individual student or employee at SDSU, [SDSU] did not have the ability to have a long-term restraining order issued against the student. The student was suspended from SDSU, and the suspension was upheld. And in SDSU's experience, the District Attorney and City Attorney do not always request a criminal restraining order even when specifically asked to include it as part of the prosecution.

In the example above no specific student or employee was targeted – but the campus generally – and therefore SDSU was unable to use existing Code of Civil Procedure Sections 527.8 or 527.85 to obtain a restraining order against the former student from entering campus.

b. Prior legislation

In 2009, the Legislature enacted SB 188 (Runner, Ch. 566, Stats. 2009), which allowed the chief executive officer of a private postsecondary educational institution to seek a protective order---including a temporary restraining order or an order after hearing – on behalf of a student who has experienced an off-campus threat of on-campus violence.⁴ The bill originated from a school at which a former student was harassing current students; the school was told that there was no way for the school to obtain a protective order for the campus as a whole, and that it instead would have to seek 375 separate protective orders to prevent the former student from entering the campus.⁵ The bill was modeled after existing provisions allowing an employer to seek a protective order on behalf of an employee who suffered a credible threat of violence that could be construed to be carried out at the workplace.⁶

The protective order provision established in SB 188 is more limited in scope than protective order regimes that allow the victim themselves to seek an order. A chief executive officer may file a petition on behalf of a student only if the student suffered a credible threat of violence made off-campus and the threat can be reasonably construed to be carried out, or to have been carried out, on campus.⁷ In other words, an officer

⁴ See Code Civ. Proc., § 527.85.

⁵ Sen. Com. on Judiciary, Analysis of SB 188 (2009-2010 Reg. Sess.) as introduced, p. 1.

⁶ See Code Civ. Proc., § 527.8.

⁷ *Id.*, Code Civ. Proc., § 527.85(a).

cannot seek a protective order on behalf of a student for any harassment the student might be suffering; the officer is limited to seeking a protective order in response to a credible threat of violence that could occur on the campus or facility. Additionally, an officer may not seek an order on behalf of an unwilling student – the officer must obtain the written consent of the student before seeking a protective order.⁸ A person subject to a temporary restraining order or injunction under these provisions is required to relinquish firearms and ammunition under Code of Civil Procedure Section 527.9.

In 2024, these provisions were expanded to include public institutions in AB 2096 (Petrie-Norris, Ch. 947, Stats. 2024). AB 2096 also expanded the conduct under which a restraining order can be sought to include unlawful violence.

The procedure for obtaining a protective order under this provision is also slightly more permissive towards the respondent than, say, the Domestic Violence Prevention Act (DVPA). A respondent may obtain a continuance of the hearing for a reasonable time to respond to the petition as a matter of course.⁹ A protective order issued after hearing may run for only three years initially, rather than the five years permitted under the DVPA.¹⁰ The scope of a protective order, however, is similar to those permitted under other regimes; a respondent may be prohibited from engaging in a range of activity to harass or intimidate the subject of the order, and, consistent with other protective order regimes, a respondent is prohibited from possessing firearms or ammunition for the duration of the order.¹¹

This bill expands the existing provisions of Code of Civil Procedure Section 527.85 to authorize a chief administrative officer of a postsecondary educational institution, or a designated officer or employee, to seek a temporary restraining order and an order after a hearing on behalf of the institution itself in order to maintain order on the school campus or facility when it is subject to unlawful violence or a credible threat of violence towards the campus.

3. First Amendment Considerations

The First Amendment of the United States Constitution and the corresponding provision of the California Constitution generally guarantee the freedoms of speech and expression.¹² “The hallmark of the protection of free speech is to allow ‘free trade in ideas’ – even ideas that the overwhelming majority of people might find distasteful or discomforting.”¹³

⁸ *Ibid.*

⁹ *Id.*, Code Civ. Proc., § 527.85(o)

¹⁰ *Id.*, Code Civ. Proc., § 527.85(k).

¹¹ *Id.*, Code Civ. Proc., § 527.85(b); *see id.*, Code Civ. Proc., § 527.9.

¹² U.S. Const., 1st amend; Cal. Const., art 1, § 2; *e.g.*, *Texas v. Johnson* (1989) 491 U.S. 397, 404-405.

¹³ *Virginia v. Black* (2003) 538 U.S. 343, 358 (lead opn. of O’Connor, J.).

But “the right of free speech is not absolute at all times and under all circumstances.”¹⁴ Restrictions on the content of speech are permissible “in a few limited areas, which are ‘of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.’ ”¹⁵

One such category of unprotected speech is true threats. True threats are “statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.”¹⁶ The “prohibition on true threats ‘protect[s] individuals from the fear of violence’ and ‘from the disruption that fear engenders,’ in addition to protecting people ‘from the possibility that the threatened violence will occur.’ ”¹⁷ Because the bill is expressly targeted at credible threats of violence, the bill does not facially proscribe any protected speech. The bill also appears to be consistent with judicially created tests for when a restriction on speech is permissible. The existing law also specifically provides that it does not permit a court to “issue a temporary restraining order or order after hearing prohibiting speech or other activities that are constitutionally protected, or otherwise protected by Section 527.3 or any other law.”¹⁸

4. Statements in support

The California State University, Office of the Chancellor, sponsor of the bill, writes:

The California State University (CSU) is pleased to sponsor and support Senate Bill 1374... While current law allows institutions to seek restraining orders on behalf of students or an employee who receives threats, it does not clearly authorize institutions to seek similar protection when threats are directed at the institution itself.

In a time of increasing threats and harassment aimed at universities and other institutions, the gap in current law limits CSU’s ability to respond swiftly and effectively. By authorizing chief administrative officers to seek restraining orders on behalf of the institution, SB 1374 ensures that institutions and the courts can intervene when unlawful violence or credible threats target the broader campus community. This bill serves as a critical preemptive measure by allowing institutions to intervene at the point of credible threats or escalating harassment before conduct turns into physical violence, unlawful acts, or irreversible harm to students, staff, or campus operations.

SUPPORT

¹⁴ *Chaplinsky v. State of New Hampshire* (1942) 315 U.S. 568, 571.

¹⁵ *R.A.V. v. City of Saint Paul, Minnesota* (1992) 505 U.S. 377, 382-383.

¹⁶ *Virginia, supra*, 538 U.S. at p. 359 (lead opn. of O’Connor, J.).

¹⁷ *Id.* at p. 360; see also *Watts v. U.S.* (1969) 394 U.S. 705, 708.

¹⁸ Code. Civ. Proc. § 527.85(c).

California State University, Office of the Chancellor (sponsor)
San Diego County District Attorney's Office
San Diego State University

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

SB 19 (Rubio, Ch. 594, Stats. 2025) created a new crime of threatening to commit a crime that will result in death or great bodily injury at a daycare, school, university, workplace, house of worship, or medical facility, punishable as an alternate felony-misdemeanor.

AB 2096 (Petrie-Norris, Ch. 947, Stats. 2024), among other things, expanded the definition of postsecondary institution under SB 188 (Runner, Ch. 566, Stats. 2009) to include public institutions.

AB 36 (Gabriel, 2023) would have prohibited, beginning July 1, 2024, a person subject to a protective order, including an educational protective order, from owning, possessing, purchasing, or receiving a firearm or ammunition within three years after the expiration of the order, and expanded the grounds on which a search warrant may be issued when a person is prohibited from owning a firearm and the person has failed to relinquish the firearm. AB 36 died in the Assembly Appropriations Committee.

AB 1081 (Quirk, Ch. 411, Stats. 2015) granted, as a matter of course, a respondent in an action for an educational protective order to one continuance, for a reasonable period, to respond to the petition, and clarified that the court could grant a request for a continuance by any party or on its own motion for good cause.

SB 188 (Runner, Ch. 566, Stats. 2009) implemented the protective order statute at issue in this bill. SB 188 is discussed in greater detail in Comment 2 of this analysis.
