

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2023-2024 Regular Session**

SB 428 (Blakespear)  
Version: March 20, 2023  
Hearing Date: March 28, 2023  
Fiscal: No  
Urgency: No  
TSG

**SUBJECT**

Temporary restraining orders and protective orders: employee harassment

**DIGEST**

This bill expands the circumstances under which employers can seek civil restraining orders on behalf of their employees.

**EXECUTIVE SUMMARY**

A civil restraining order is a court ruling that prevents the restrained party from doing specified things like touching, approaching, or communicating with the person who sought the order. Any individual can seek a restraining order against anyone else for violence, threats of violence, or harassment, defined as a course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, that serves no legitimate purpose, and that is extreme enough that the person and any reasonable person would suffer substantial emotional distress as a result of it. Existing law also permits employers to seek restraining orders on behalf of their employees, thus sparing employees the time, legal knowledge, resources, and emotional energy involved in obtaining a restraining order by themselves, but only when workplace-related violence or the threat of such violence is involved, not for harassment. On the theory that employers need the power to intervene to protect their employees from problematic situations before those situations devolve into violence or the threat of violence, this bill allows employers to seek restraining orders on behalf of employees subjected to workplace-related harassment, just as the employees could do for themselves.

The bill is sponsored by the City of Carlsbad. Support comes from some district attorneys and an anti-crime organization. There is no opposition on file. If the bill passes out of this Committee, it will be heard next in the Senate Appropriations Committee.

**PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Defines “course of conduct” as a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an individual, making harassing telephone calls to an individual, or sending harassing correspondence to an individual by any means, including, but not limited to, the use of public or private mails, interoffice mail, facsimile, or email. (Code Civ. Proc. § 527.6(b)(1).)
- 2) Excludes constitutionally protected activity from the meaning of “course of conduct.” (Code Civ. Proc. § 527.6(b)(1).)
- 3) Defines “credible threat of violence” as 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. (Code Civ. Proc. § 527.6(b)(2).)
- 4) Sets forth standards and procedures under which anyone may seek a civil restraining order against another person on account of unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, that serves no legitimate purpose, that actually causes the person substantial emotional distress and would cause a reasonable person to suffer substantial emotional distress. (Code Civ. Proc. § 527.6.)
- 5) Sets forth standards and procedures under which a public or private employer may seek a civil restraining order on behalf of an employee who has suffered from unlawful violence or a credible threat of violence that can reasonably be construed to be carried out or to have been carried out at the workplace. (Code Civ. Proc. § 527.8.)
- 6) Instructs courts not to issue a restraining order sought by an employer on behalf of an employee when issuance of the restraining order would prohibit speech or other activities that are protected constitutionally, by specified state law restricting court interference in labor disputes, or by any other provision of law. (Code Civ. Proc. § 527.8(c).)
- 7) Indicates that an employer may be liable for the acts of nonemployees, with respect to unlawful harassment – as separately defined – on the basis of a legally protected characteristic of employees, applicants, unpaid interns or volunteers, or persons providing services pursuant to a contract in the workplace, if the employer, or its agents or supervisors, knows or should have known of the conduct and fails to take immediate and appropriate corrective action. (Gov. Code § 12940(j)(1).)

- 8) Directs courts, in reviewing cases involving the acts of nonemployees, to consider the extent of the employer's control and any other legal responsibility that the employer may have with respect to the conduct of those nonemployees. (Gov. Code § 12940(j)(1).)

This bill:

- 1) Defines "harassment" for purposes of the bill as a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, that serves no legitimate purpose, that actually causes the person substantial emotional distress, and that would cause a reasonable person to suffer substantial emotional distress.
- 2) Expands the grounds on which an employer can seek a civil restraining order on behalf of an employee to circumstances in which the employee has suffered harassment, as defined in (1), above.
- 3) Makes explicit that, in addition to not granting a restraining order that prohibits speech or other activities protected by any other law, a court shall not grant a civil restraining order that prohibits speech or other activities protected by specified federal laws governing labor organizing or specified state laws regulating communication between public employees and their unions.

### COMMENTS

#### 1. Background on civil restraining orders generally

California law allows anyone to petition the courts for a civil restraining order in situations involving unlawful violence, a credible threat of violence, or extreme harassment. (Code Civ. Proc. § 527.6(a).) Depending how the judge rules, such an order may require the person restrained to refrain from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of, the person who sought the restraining order. (Code Civ. Proc. § 527.6(b)(6).) The order typically starts as a temporary restraining order. (Code Civ. Proc. § 527.6(d).) If a temporary restraining order has been granted, a hearing must be held within 21 days for the judge to decide whether to extend the restraining order further. (Code Civ. Proc. § 527.6(e) and (f).) Willful violation of a restraining order is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment. (Pen. Code § 273.6.)

Under existing law, an employer can also petition the courts for a restraining order on behalf of an employee, but only in a more limited set of circumstances. Specifically, employers can seek restraining orders on behalf of their employees when those

employees have suffered violence or a credible threat of violence that can reasonably be construed to be carried out or to have been carried out at the workplace. (Code Civ. Proc. 527.8(a).) Absent unlawful violence or a credible threat of violence, the sort of harassment that would be legally sufficient to support an employee's request for a restraining order on their own behalf is not currently legally sufficient to support a request for a restraining order made by an employer on the employee's behalf.

2. Examples of the problem the bill is intended to address

The problem with the current law, from the point of view of the author and sponsor of this bill, is that the employer is powerless to obtain a restraining order for an employee until the situation reaches the point of including unlawful violence or a credible threat of violence. Even when a co-worker, a customer, or some other third party is harassing an employee in extreme ways therefore, the employer may try other measures to protect the employee, but a civil restraining order is not one of the employer's available tools unless and until the harasser becomes or threatens to become violent.

To illustrate the problem, the sponsors and supports of the bill describe a few recent scenarios where they believe the ability of the employer to seek a civil restraining order on behalf of the employee would have helped to prevent the harassment of an employee.

The City of Carlsbad describes an incident in which:

[o]ver the course of a year, a member of the public was repeatedly calling several employees demanding that they take action to address his lack of housing. The employees had no ability to provide him what he was demanding, but he continued to call and email the employees multiple times a day, shouting expletives and leaving voice recordings of the employees which he obtained without their consent. By the end of a year, the conduct escalated to a credible threat of violence and the city was finally able to obtain a workplace violence restraining order.

For its part, the San Diego Deputy District Attorneys Association relates an incident at a mobile phone outlet in San Diego in which:

a sixty-five-year-old man became obsessed with a twenty-four-year-old employee. He repeatedly came to her place business and at times called her up to 100 times for day for months. He was not threatening her with violence initially. He wanted her attention and told her that he was in love. Until there was a threat of violence which eventually occurred, both the victim and the business felt helpless to protect the victim. Ultimately, this defendant's repeated rejections lead him to threaten violence.

The author, sponsors, and supporters believe this bill would enable employers to intervene sooner to spare their employees from having to endure this sort of harassment and to prevent it from escalating into something worse.

3. Safeguards against suppression of constitutionally protected expression and/or the exercise of labor rights

The most obvious potential concern about granting employers the authority to seek civil restraining orders against others on behalf of their employees is that the tool could be used to try to quell the legitimate exercise of labor rights or simply to suppress speech or expression that the employer does not like. The latter concern is especially acute in the context of government employers like the City of Carlsbad, the sponsor of this bill. Government employees – either based on their own views or instructions from leaders – might well consider and treat many protests, criticism, and petitions for redress as harassing and illegitimate, but the state and federal constitutions carefully protect such activity as essential to the function of a democracy.

Presumably it is with these concerns in mind that the existing statutes governing civil harassment restraining orders already contain important limitations. In the context of restraining orders sought by one person against another, constitutionally protected speech or activity is excluded from the definition of “course of conduct.” (Code Civ. Proc. § 527.6(b)(1).) In effect, that means that a court should not approve a restraining order that is sought on the basis of speech or activity that is protected by the state or federal constitutions. With regard to situations involving an employer seeking a restraining order on behalf of an employee, the restrictions in existing law are even broader. The statute expressly bars courts from issuing a restraining order if that order would prohibit speech or other activities that are protected constitutionally, by state law restricting court interference in labor disputes, or by any other provision of law. (Code Civ. Proc. § 527.8(c).)

These safeguards would also apply to this bill. In other words, though the bill enables an employer to seek a civil restraining order on behalf of an employee for harassment and not just in scenarios involving violence or the threat of violence, judges would still be required to deny such a restraining order if granting it would interfere with constitutional or labor rights. Recent amendments to the bill draw this out even more explicitly by prohibiting judges from granting a restraining order where the order would impact speech or activity protected by the National Labor Relations Act or by Section 3555 of the Government Code, which is a statute limiting court interference in labor disputes.

4. Will these safeguards be sufficient in practice?

In theory, the safeguards against abuse described in Comment 3, above, should be sufficient to prevent employers from abusing the expanded powers that this bill would give them. After all, to obtain the civil restraining order, the employer will have to

convince a neutral and hopefully wise third party – the judge – that the course of conduct by the person to be restrained meets the bill’s definition of harassment and that issuing the order will not prohibit lawfully protected speech or activity.

In practice, however, this neutral assessment is likely to take place in the context of a significantly imbalanced legal proceeding. Specifically, the employer is likely to be the more sophisticated party, possibly with prior experience litigating this issue, and almost certainly with the benefit of legal counsel. Indeed, that seems to be much of the purpose behind this bill. An employee can already petition for a civil restraining order on the basis of harassment on their own, but employees acting on their own can rarely afford assistance of counsel. Thus, the primary benefit of having an employer seek the restraining order for the employee is that the employer takes over the time, legal, and financial burden that in many (maybe even most) instances would otherwise act as a practical barrier preventing the employee from seeking the restraining order on their own.

By contrast, the people against whom employers might seek a restraining order are somewhat less likely to be sophisticated legal actors than an employer and a lot less likely to be able to afford legal representation. Thus, though the safeguards in the bill theoretically protect against the use of civil restraining orders to suppress labor and constitutional rights, in practice the relevance of those safeguards may never be brought to the judge’s attention. As a result, they could be easily overlooked.

With these dynamics in mind, the author proposes to offer amendments in Committee that would require employers seeking a temporary restraining order on behalf of their employees for harassment to provide the court with clear and convincing evidence that the respondent’s course of conduct served no legitimate purpose and that issuance of the restraining order will not interfere with legally protected speech or activity. This should help to ensure that courts are careful not to grant restraining orders – even temporary ones – if the result would be to infringe upon labor rights or Californians’ liberty to petition their government for redress.

## 5. Proposed amendments

In order to address the issues set forth in the Comments, above, the author proposes to incorporate amendments into the bill that would:

- heighten the standard of proof that employers must meet to obtain a temporary restraining order on behalf of an employee on the basis of harassment.

A mock-up of the amendments in context is attached to this analysis.

6. Arguments in support of the bill

According to the author:

SB 428 allows an employer to file a restraining order against any person harassing an employee in the workplace. This provides the employer with a tool to protect an employee who, due to his or her job responsibilities, is subject to harassment. This can be a problem particularly for employees of public agencies, which must serve the public in various roles. Under current law, employers can seek a restraining order when there is a threat of credible violence against an employee. But employers should have the ability to step in sooner, when continued harassment is illegal, demoralizing and disruptive. Presently, when employees are subject to harassment, it is up to them on their own to seek restraining orders. That is not fair to the employee, who has been put in the position, and at risk, by the employer. This bill provides a common sense protection that is a matter of basic fairness to an employee.

As sponsor of the bill, the City of Carlsbad writes:

This bill is necessary because under current law, an employer can seek a Workplace Violence Restraining Order on behalf of an employee only when there is a credible threat of violence. As an employer for whom the safety of its employees is of the utmost importance, we would like the opportunity to be proactive and take action prior to a situation escalating to a level of possible violence. The city strives to be an employer that values respectfulness, collaboration, and teamwork in the workplace and prohibits any form of discrimination and harassment that would otherwise conflict with these values.

In support, the California District Attorneys Association writes:

This bill provides an important additional tool to protect the workplace victims of alarming, annoying, and harassing conduct that the employer cannot otherwise prevent.

**SUPPORT**

City of Carlsbad (sponsor)  
California District Attorneys Association  
San Diegans Against Crime  
San Diego Deputy District Attorneys Association

**OPPOSITION**

None known

**RELATED LEGISLATION**

Pending Legislation: None known.

Prior Legislation:

AB 2801 (Assembly Judiciary Committee, Ch. 581, Stats. 1998) prohibited courts from issuing restraining orders sought by an employer on behalf of an employee where issuance of the restraining order would prohibit legally protected speech or activity.

ABX 68 (Halpert, Ch. 29, Stats. 1994) established the Workplace Violence Safety Act which authorized employers to seek restraining orders on behalf of employees who suffer unlawful violence or a credible threat of violence, as defined.

\*\*\*\*\*



**Amended Mock-up for 2023-2024 SB-428 (Blakespear (S))**

**Mock-up based on Version Number 99 - Introduced 2/13/23  
Submitted by: Griffiths, SJUD**

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 527.8 of the Code of Civil Procedure is amended to read:

**527.8.** (a) Any employer, whose employee has suffered harassment, unlawful violence, or a credible threat of violence from any individual, that can reasonably be construed to be carried out or to have been carried out at the workplace, may seek a temporary restraining order and an order after hearing on behalf of the employee and, at the discretion of the court, any number of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer.

(b) For purposes of this section:

(1) "Course of conduct" is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an employee to or from the place of work; entering the workplace; following an employee during hours of employment; making telephone calls to an employee; or sending correspondence to an employee by any means, including, but not limited to, the use of the public or private mails, interoffice mail, facsimile, or computer email.

(2) "Credible threat of violence" is a knowing and willful statement or course of conduct that would place a reasonable person in fear for ~~his or her~~their safety, or the safety of ~~his or her~~their immediate family, and that serves no legitimate purpose.

(3) "Employer" and "employee" mean persons defined in Section 350 of the Labor Code. "Employer" also includes a federal agency, the state, a state agency, a city, county, or district, and a private, public, or quasi-public corporation, or any public agency thereof or therein. "Employee" also includes the members of boards of directors of private, public, and quasi-public corporations and elected and appointed public officers. For purposes of this section only, "employee" also includes a volunteer or independent contractor who performs services for the employer at the employer's worksite.

(4) "Harassment" is a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress.

(5) "Petitioner" means the employer that petitions under subdivision (a) for a temporary restraining order and order after hearing.

(6) “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.

(7) “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:

(A) An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of, the employee.

(B) An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in subparagraph (A).

(8) “Unlawful violence” is any assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code, but shall not include lawful acts of self-defense or defense of others.

(c)(1) This section 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 provision of law.

(d) In the discretion of the court, on a showing of good cause, a temporary restraining order or order after hearing issued under this section may include other named family or household members, or other persons employed at the employee’s workplace or workplaces.

(e) (1) Upon filing a petition under this section, the petitioner may obtain a temporary restraining order in accordance with subdivision (a) of Section 527, if the petitioner also files a declaration that, to the satisfaction of the court, shows one of the following:

(A) Reasonable proof that an employee has suffered unlawful violence, or a credible threat of violence by the respondent, and that great or irreparable harm would result to an employee.

(B) Clear and convincing evidence of all of the following:

(i) That an employee has suffered harassment by the respondent.

(ii) That great or irreparable harm would result to an employee.

(iii) That the course of conduct at issue served no legitimate purpose.

(iv) That the issuance of the order is not prohibited by subdivision (c).

(2) The temporary restraining order may include any of the protective orders described in paragraph (7) of subdivision (b).

(f) A request for the issuance of a temporary restraining order without notice under this section shall be granted or denied on the same day that the petition is submitted to the court, 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 in sufficient time for the order to be filed that day with the clerk of the court.

(g) A temporary restraining order granted under this section shall remain in effect, at the court's discretion, for a period not to exceed 21 days, or if the court extends the time for hearing under subdivision (h), not to exceed 25 days, unless otherwise modified or terminated by the court.

(h) Within 21 days, or if good cause appears to the court, 25 days from the date that a petition for a temporary order is granted or denied, a hearing shall be held on the petition. If no request for temporary orders is made, the hearing shall be held within 21 days, or, if good cause appears to the court, 25 days, from the date that the petition is filed.

(i) The respondent may file a response that explains, excuses, justifies, or denies the alleged harassment, unlawful violence, or credible threats of violence.

(j) At the hearing, the judge shall receive any testimony that is relevant and may make an independent inquiry. Moreover, if the respondent is a current employee of the entity requesting the order, the judge shall receive evidence concerning the employer's decision to retain, terminate, or otherwise discipline the respondent. If the judge finds by clear and convincing evidence that the respondent engaged in harassment, engaged in unlawful violence, or made a credible threat of violence, an order shall issue prohibiting further harassment, unlawful violence, or threats of violence.

(k) (1) In the discretion of the court, an order issued after notice and hearing under this section may have a duration of not more than three years, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. These orders may be renewed, upon the request of a party, for a duration of not more than three years, without a showing of any further harassment, unlawful violence, or credible threats of violence since the issuance of the original order, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. The request for renewal may be brought at any time within the three months before the expiration of the order.

(2) The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance.

(3) If an action is filed for the purpose of terminating or modifying a protective order prior to the expiration date specified in the order by a party other than the protected party, the party who is protected by the order shall be given notice, pursuant to subdivision (b) of Section 1005, of the proceeding by personal service or, if the protected party has satisfied the requirements of Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, by service on the Secretary of State. If the party who is protected by the order cannot be notified prior to the hearing for modification or

termination of the protective order, the court shall deny the motion to modify or terminate the order without prejudice or continue the hearing until the party who is protected can be properly noticed and may, upon a showing of good cause, specify another method for service of process that is reasonably designed to afford actual notice to the protected party. The protected party may waive ~~his or her~~ the protected party's right to notice if ~~he or she~~ the protected party is physically present in court and does not challenge the sufficiency of the notice.

(l) This section does not preclude either party from representation by private counsel or from appearing on ~~his or her~~ the party's own behalf.

(m) Upon filing of a petition under this section, the respondent shall be personally served with a copy of the petition, temporary restraining order, if any, and notice of hearing of the petition. Service shall be made at least five days before the hearing. The court may, for good cause, on motion of the petitioner or on its own motion, shorten the time for service on the respondent.

(n) A notice of hearing under this section shall notify the respondent that, if ~~he or she~~ the respondent does not attend the hearing, the court may make orders against ~~him or her~~ the respondent that could last up to three years.

(o) The respondent shall be entitled, as a matter of course, to one continuance, for a reasonable period, to respond to the petition.

(p) (1) Either party may request a continuance of the hearing, which the court shall grant on a showing of good cause. The request may be made in writing before or at the hearing or orally at the hearing. The court may also grant a continuance on its own motion.

(2) If the court grants a continuance, any temporary restraining order that has been granted shall remain in effect until the end of the continued hearing, unless otherwise ordered by the court. In granting a continuance, the court may modify or terminate a temporary restraining order.

(q) (1) If a respondent, named in a restraining order issued under this section after a hearing, has not been served personally with the order but has received actual notice of the existence and substance of the order through personal appearance in court to hear the terms of the order from the court, no additional proof of service is required for enforcement of the order.

(2) If the respondent named in a temporary restraining order is personally served with the order and notice of hearing with respect to a restraining order or protective order based on the temporary restraining order, but the person does not appear at the hearing, either personally or by an attorney, and the terms and conditions of the restraining order or protective order issued at the hearing are identical to the temporary restraining order, except for the duration of the order, then the restraining order or protective order issued at the hearing may be served on the person by first-class mail sent to that person at the most current address for the person available to the court.

(3) The Judicial Council form for temporary orders issued pursuant to this subdivision shall contain a statement in substantially the following form:

“If you have been personally served with this temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this restraining order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the following address: \_\_\_\_\_.

If that address is not correct or you wish to verify that the temporary restraining order was converted to a restraining order at the hearing without substantive change and to find out the duration of that order, contact the clerk of the court.”

(r) (1) Information on a temporary restraining order or order after hearing relating to workplace violence issued by a court pursuant to this section shall be transmitted to the Department of Justice in accordance with either paragraph (2) or (3).

(2) The court shall order the petitioner or the attorney for the petitioner to deliver a copy of any order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by the close of the business day on which the order, reissuance, extension, modification, or termination was made, to each law enforcement agency having jurisdiction over the residence of the petitioner and to any additional law enforcement agencies within the court’s discretion as are requested by the petitioner.

(3) Alternatively, the court or its designee shall transmit, within one business day, to law enforcement personnel all information required under subdivision (b) of Section 6380 of the Family Code regarding any order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by either one of the following methods:

(A) Transmitting a physical copy of the order or proof of service to a local law enforcement agency authorized by the Department of Justice to enter orders into the California Law Enforcement Telecommunications System (CLETS).

(B) With the approval of the Department of Justice, entering the order or proof of service into CLETS directly.

(4) Each appropriate law enforcement agency shall make available information as to the existence and current status of these orders to law enforcement officers responding to the scene of reported harassment, unlawful violence, or a credible threat of violence.

(5) At the request of the petitioner, an order issued under this section shall be served on the respondent, regardless of whether the respondent has been taken into custody, by any law enforcement officer who is present at the scene of reported harassment, unlawful violence, or a credible threat of violence involving the parties to the

proceedings. The petitioner shall provide the officer with an endorsed copy of the order and proof of service that the officer shall complete and send to the issuing court.

(6) Upon receiving information at the scene of an incident of harassment, unlawful violence, or a credible threat of violence that a protective order has been issued under this section, or that a person who has been taken into custody is the subject of an order, if the petitioner or the protected person cannot produce an endorsed copy of the order, a law enforcement officer shall immediately attempt to verify the existence of the order.

(7) If the law enforcement officer determines that a protective order has been issued but not served, the officer shall immediately notify the respondent of the terms of the order and obtain the respondent's address. The law enforcement officer shall at that time also enforce the order, but may not arrest or take the respondent into custody for acts in violation of the order that were committed prior to the verbal notice of the terms and conditions of the order. The law enforcement officer's verbal notice of the terms of the order shall constitute service of the order and constitutes sufficient notice for the purposes of this section and for the purposes of Section 29825 of the Penal Code. The petitioner shall mail an endorsed copy of the order to the respondent's mailing address provided to the law enforcement officer within one business day of the reported incident of harassment, unlawful violence, or a credible threat of violence at which a verbal notice of the terms of the order was provided by a law enforcement officer.

(s) (1) A person subject to a protective order issued under this section shall not own, possess, purchase, receive, or attempt to purchase or receive a firearm or ammunition while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued under this section to relinquish any firearms ~~he or she~~the person owns or possesses pursuant to Section 527.9.

(3) Every 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 pursuant to Section 29825 of the Penal Code.

(t) Any intentional disobedience of any temporary restraining order or order after hearing granted under this section is punishable pursuant to Section 273.6 of the Penal Code.

(u) This section shall not be construed as expanding, diminishing, altering, or modifying the duty, if any, of an employer to provide a safe workplace for employees and other persons.

(v) (1) The Judicial Council shall develop forms, instructions, and rules for relating to matters governed by this section. The forms for the petition and response shall be simple and concise, and their use by parties in actions brought pursuant to this section shall be mandatory.

(2) A temporary restraining order or order after hearing relating to harassment, unlawful violence, or a credible threat of violence issued by a court pursuant to this section shall be issued on forms adopted by the Judicial Council of California and that have been

approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family Code. However, the fact that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

(w) There is no filing fee for a petition that alleges that a person has inflicted or threatened violence against an employee of the petitioner, or stalked the employee, or acted or spoken in any other manner that has placed the employee in reasonable fear of violence, and that seeks a protective or restraining order restraining stalking or future violence or threats of violence, in any action brought pursuant to this section. No fee shall be paid for a subpoena filed in connection with a petition alleging these acts. No fee shall be paid for filing a response to a petition alleging these acts.

(x) (1) Subject to paragraph (4) of subdivision (b) of Section 6103.2 of the Government Code, there shall be no fee for the service of process by a sheriff or marshal of a temporary restraining order or order after hearing to be issued pursuant to this section if either of the following conditions applies:

(A) The temporary restraining order or order after hearing issued pursuant to this section is based upon stalking, as prohibited by Section 646.9 of the Penal Code.

(B) The temporary restraining order or order after hearing issued pursuant to this section is based on unlawful violence or a credible threat of violence.

(2) The Judicial Council shall prepare and develop forms for persons who wish to avail themselves of the services described in this subdivision.