

ASSEMBLY BILL

No. 978

Introduced by Assembly Member Sharon Runner

February 18, 2005

An act to add Section 527.10 to the Code of Civil Procedure, to add Sections 6252.5 and 6322.7 to the Family Code, to add Section 646.91A to the Penal Code, and to add Sections 213.7 and 15657.04 to the Welfare and Institutions Code, relating to protective orders.

LEGISLATIVE COUNSEL'S DIGEST

AB 978, as introduced, Sharon Runner. Restraining orders: stalking.

Existing law authorizes courts to issue protective orders and emergency protective orders under various circumstances, including cases of domestic violence, stalking, abuse against elder or dependent adults, and workplace violence. Existing law also authorizes a court to issue an ex parte order prohibiting disclosure of the address or other identifying information of a party, child, parent, guardian, or other caretaker of a child. The willful disobedience of the terms, as written, of a court order or the intentional and knowing violation of a protective order or stay away order issued as specified, is a misdemeanor.

This bill would provide that these protective orders shall prohibit the enjoined party from employing, directly or indirectly through a 3rd party, the services of a licensed private investigator to obtain the address or location of the protected party or his or her family members or other information that would enable the enjoined party to obtain that address or location.

Because the willful disobedience of the terms as written of a court order, or the intentional and knowing violation of a protective order or

a stay away order issued as specified, is a misdemeanor, the bill would create a new crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 527.10 is added to the Code of Civil
2 Procedure, to read:

3 527.10. Any order issued pursuant to Sections 527.6 and
4 527.8 shall prohibit the enjoined party from employing, directly
5 or indirectly through a third party, the services of a licensed
6 private investigator to obtain the address or location of the
7 protected party or his or her family members or other information
8 that would enable the enjoined party to obtain that address or
9 location.

10 SEC. 2. Section 6252.5 is added to the Family Code, to read:

11 6252.5. Any order issued pursuant to this part shall prohibit
12 the enjoined party from employing, directly or indirectly through
13 a third party, the services of a licensed private investigator to
14 obtain the address or location of the protected party or his or her
15 family members or other information that would enable the
16 enjoined party to obtain that address or location.

17 SEC. 3. Section 6322.7 is added to the Family Code, to read:

18 6322.7. Any order issued pursuant to this part shall prohibit
19 the enjoined party from employing, directly or indirectly through
20 a third party, the services of a licensed private investigator to
21 obtain the address or location of the protected party or his or her
22 family members or other information that would enable the
23 enjoined party to obtain that address or location.

24 SEC. 4. Section 646.91A is added to the Penal Code, to read:

25 646.91A. Any order issued pursuant to Section 646.91 shall
26 prohibit the enjoined party from employing, directly or indirectly
27 through a third party, the services of a licensed private

1 investigator to obtain the address or location of the protected
2 party or his or her family members or other information that
3 would enable the enjoined party to obtain that address or
4 location.

5 SEC. 5. Section 213.7 is added to the Welfare and Institutions
6 Code, to read:

7 213.7. Any order issued pursuant to this part shall prohibit the
8 enjoined party from employing, directly or indirectly through a
9 third party, the services of a licensed private investigator to
10 obtain the address or location of the protected party or his or her
11 family members or other information that would enable the
12 enjoined party to obtain that address or location.

13 SEC. 6. Section 15657.04 is added to the Welfare and
14 Institutions Code, to read:

15 15657.04. Any order issued pursuant to Section 15657.03
16 shall prohibit the enjoined party from employing, directly or
17 indirectly through a third party, the services of a licensed private
18 investigator to obtain the address or location of the protected
19 party or his or her family members or other information that
20 would enable the enjoined party to obtain that address or
21 location.

22 SEC. 7. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the
27 penalty for a crime or infraction, within the meaning of Section
28 17556 of the Government Code, or changes the definition of a
29 crime within the meaning of Section 6 of Article XIII B of the
30 California Constitution.