

AMENDED IN ASSEMBLY APRIL 14, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

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 Sections~~ 136.3 and 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 amended, 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, *victim or witness intimidation*, 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~~ *require a court to order any party who is enjoined pursuant to the orders described above from taking any action to obtain the address or location of the a protected party or his or her family members or other information that would enable the enjoined party to obtain that address or location,*

caretakers, or guardian, unless there is good cause not to make that order. The bill would also require the Judicial Council to promulgate forms necessary to effectuate those provisions.

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

5 *527.10. (a) The court shall order any party, enjoined*
6 *pursuant to Sections 527.6 and 527.8, from taking any action to*
7 *obtain the address or location of a protected party or a protected*
8 *party’s family members, caretakers, or guardian, unless there is*
9 *good cause not to make that order.*

10 *(b) The Judicial Council shall promulgate forms necessary to*
11 *effectuate this section.*

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

13 *6252.5. (a) The court shall order any party, enjoined*
14 *pursuant to this part, from taking any action to obtain the*
15 *address or location of a protected party or a protected party’s*
16 *family members, caretakers, or guardian, unless there is good*
17 *cause not to make that order.*

18 *(b) The Judicial Council shall promulgate forms necessary to*
19 *effectuate this section.*

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

21 *6322.7. (a) The court shall order any party, enjoined*
22 *pursuant to this part, from taking any action to obtain the*

1 *address or location of a protected party or a protected party's*
2 *family members, caretakers, or guardian, unless there is good*
3 *cause not to make that order.*

4 *(b) The Judicial Council shall promulgate forms necessary to*
5 *effectuate this section.*

6 *SEC. 4. Section 136.3 is added to the Penal Code, to read:*

7 *136.3. (a) The court shall order any party, enjoined pursuant*
8 *to Section 136.2, from taking any action to obtain the address or*
9 *location of a protected party or a protected party's family*
10 *members, caretakers, or guardian, unless there is good cause not*
11 *to make that order.*

12 *(b) The Judicial Council shall promulgate forms necessary to*
13 *effectuate this section.*

14 *SEC. 5. Section 646.91A is added to the Penal Code, to read:*

15 *646.91A. (a) The court shall order any party, enjoined*
16 *pursuant to Section 646.91, from taking any action to obtain the*
17 *address or location of a protected party or a protected party's*
18 *family members, caretakers, or guardian, unless there is good*
19 *cause not to make that order.*

20 *(b) The Judicial Council shall promulgate forms necessary to*
21 *effectuate this section.*

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

24 *213.7. (a) The court shall order any party, enjoined pursuant*
25 *to Section 213.5, 304, 362.4, or 726.5, from taking any action to*
26 *obtain the address or location of a protected party or a protected*
27 *party's family members, caretakers, or guardian, unless there is*
28 *good cause not to make that order.*

29 *(b) The Judicial Council shall promulgate forms necessary to*
30 *effectuate this section.*

31 *SEC. 7. Section 15657.04 is added to the Welfare and*
32 *Institutions Code, to read:*

33 *15657.04. (a) The court shall order any party, enjoined*
34 *pursuant to Section 15657.03, from taking any action to obtain*
35 *the address or location of a protected party or a protected*
36 *party's family members, caretakers, or guardian, unless there is*
37 *good cause not to make that order.*

38 *(b) The Judicial Council shall promulgate forms necessary to*
39 *effectuate this section.*

1 *SEC. 8. No reimbursement is required by this act pursuant to*
2 *Section 6 of Article XIII B of the California Constitution because*
3 *the only costs that may be incurred by a local agency or school*
4 *district will be incurred because this act creates a new crime or*
5 *infraction, eliminates a crime or infraction, or changes the*
6 *penalty for a crime or infraction, within the meaning of Section*
7 *17556 of the Government Code, or changes the definition of a*
8 *crime within the meaning of Section 6 of Article XIII B of the*
9 *California Constitution.*

10 ~~527.10. Any order issued pursuant to Sections 527.6 and~~
11 ~~527.8 shall prohibit the enjoined party from employing, directly~~
12 ~~or indirectly through a third party, the services of a licensed~~
13 ~~private investigator to obtain the address or location of the~~
14 ~~protected party or his or her family members or other information~~
15 ~~that would enable the enjoined party to obtain that address or~~
16 ~~location.~~

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

18 ~~6252.5. 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. 3. Section 6322.7 is added to the Family Code, to read:~~

25 ~~6322.7. Any order issued pursuant to this part shall prohibit~~
26 ~~the enjoined party from employing, directly or indirectly through~~
27 ~~a third party, the services of a licensed private investigator to~~
28 ~~obtain the address or location of the protected party or his or her~~
29 ~~family members or other information that would enable the~~
30 ~~enjoined party to obtain that address or location.~~

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

32 ~~646.91A. Any order issued pursuant to Section 646.91 shall~~
33 ~~prohibit the enjoined party from employing, directly or indirectly~~
34 ~~through a third party, the services of a licensed private~~
35 ~~investigator to obtain the address or location of the protected~~
36 ~~party or his or her family members or other information that~~
37 ~~would enable the enjoined party to obtain that address or~~
38 ~~location.~~

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

1 ~~213.7. Any order issued pursuant to this part shall prohibit the~~
2 ~~enjoined party from employing, directly or indirectly through a~~
3 ~~third party, the services of a licensed private investigator to~~
4 ~~obtain the address or location of the protected party or his or her~~
5 ~~family members or other information that would enable the~~
6 ~~enjoined party to obtain that address or location.~~

7 ~~SEC. 6. Section 15657.04 is added to the Welfare and~~
8 ~~Institutions Code, to read:~~

9 ~~15657.04. Any order issued pursuant to Section 15657.03~~
10 ~~shall prohibit the enjoined party from employing, directly or~~
11 ~~indirectly through a third party, the services of a licensed private~~
12 ~~investigator to obtain the address or location of the protected~~
13 ~~party or his or her family members or other information that~~
14 ~~would enable the enjoined party to obtain that address or~~
15 ~~location.~~

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