

AMENDED IN SENATE MARCH 25, 2010

**SENATE BILL**

**No. 834**

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**Introduced by Senator Florez**

January 4, 2010

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An act to add Section 1201.3 to the Penal Code, relating to court orders.

LEGISLATIVE COUNSEL'S DIGEST

SB 834, as amended, Florez. Court orders: minor victims: prohibitions on communications.

Existing law authorizes various postconviction orders by the court.

This bill would authorize the court, upon the conviction of a defendant for an offense involving a minor victim, *or if a juvenile petition involving a minor victim is admitted or sustained*, to issue orders prohibiting the defendant *or juvenile*, or any person acting on behalf of, or at the request of, the defendant *or juvenile*, from having any *contact or* communications with the victim or the victim's family members, spouse, coworkers, or any other person designated by the court who has a social relationship with the victim. The bill would also authorize exceptions to those orders following a noticed hearing, as specified.

Violation of these orders would be punishable as ~~civil~~ *criminal* contempt.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Section 1201.3 is added to the Penal Code, to  
2 read:

3 1201.3. (a) Upon the conviction of a defendant for an offense  
4 involving a minor victim, *or in the case of a minor appearing in*  
5 *juvenile court whose petition is admitted or sustained for an offense*  
6 *involving a minor victim*, the court is authorized to issue orders  
7 that would do either or both of the following:

8 (1) Prohibit the defendant *or juvenile* from having any *contact*  
9 *or communications* with the victim or the victim's family members,  
10 spouse, coworkers, or any other person designated by the court  
11 who has a social relationship with the victim.

12 (2) Prohibit any person acting on behalf of, or at the request of,  
13 the defendant *or juvenile* from having any *contact or*  
14 *communications* with the victim or the victim's family members,  
15 spouse, coworkers, or any other person designated by the court  
16 who has a social relationship with the victim.

17 (b) The court may authorize any person subject to an order  
18 issued pursuant to subdivision (a) to contact or communicate with  
19 the victim or victim's family members, spouse, coworkers, or any  
20 other person designated by the court who has a social relationship  
21 with the victim if there is a noticed hearing as follows:

22 (1) Notice of the hearing is served not less than three days prior  
23 to the hearing on the victim, on all persons whom the victim has  
24 designated for receipt of notice, and on the prosecuting attorney.

25 (2) Good cause for authorizing the contact or communication  
26 is shown at the hearing.

27 (c) *Notwithstanding subdivision (b), no person authorized to*  
28 *make contact or communicate with a person pursuant to*  
29 *subdivision (b) shall annoy, harass, or threaten any person*  
30 *protected by an order issued pursuant to subdivision (a).*

31 (e)

32 (d) A violation of an order issued pursuant to subdivision (a) is  
33 punishable as provided in Section ~~1209~~ of the Code of Civil  
34 ~~Procedure~~ 166.