

AMENDED IN SENATE APRIL 13, 2010

AMENDED IN SENATE MARCH 25, 2010

SENATE BILL

No. 834

Introduced by Senator Florez

January 4, 2010

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~~ *a sexual offense involving a minor victim, or if a juvenile petition involving a sexual offense against 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 for a period up to 10 years, from harassing, intimidating, or threatening the victim, victim's family members, spouse, or coworkers, or requesting, encouraging, or instructing anyone to harass, intimidate, or threaten the same.*

Violation of these orders would be punishable as 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~~ *a sexual*
4 offense involving a minor victim, or in the case of a minor
5 appearing in juvenile court whose petition is admitted or sustained
6 for ~~an~~ *a sexual* offense involving a minor victim, the court is
7 authorized to issue orders that would do either or both of the
8 following:

9 (1) Prohibit the defendant or juvenile ~~from having any contact~~
10 ~~or communications with~~, *for a period up to 10 years, from*
11 *harassing, intimidating, or threatening* the victim or the victim's
12 family members, spouse, coworkers, or any other person designated
13 by the court who has a social relationship with the victim. *or*
14 *coworkers.*

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

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

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

28 (2) ~~Good cause for authorizing the contact or communication~~
29 ~~is shown at the hearing.~~

30 (c) ~~Notwithstanding subdivision (b), no person authorized to~~
31 ~~make contact or communicate with a person pursuant to subdivision~~
32 ~~(b) shall annoy, harass, or threaten any person protected by an~~
33 ~~order issued pursuant to subdivision (a).~~

34 (2) *Prohibit the defendant or juvenile, for a period up to 10*
35 *years, from requesting, encouraging, or instructing anyone to*
36 *harass, intimidate, or threaten the victim or the victim's family*
37 *members, spouse, or coworkers.*

1 ***(b) No order issued pursuant to this section shall be interpreted***
2 ***to apply to counsel acting on behalf of the defendant or juvenile,***
3 ***or to investigators working on behalf of counsel, in an action***
4 ***relating to a conviction, petition in juvenile court, or any civil***
5 ***action arising therefrom, provided however, that no counsel or***
6 ***investigator shall harass or threaten any person protected by an***
7 ***order issued pursuant to subdivision (a).***

8 ***(c) Notice of the intent to request an order pursuant to this***
9 ***section shall be given to counsel for the defendant or juvenile by***
10 ***the prosecutor or the court at the time of conviction, or disposition***
11 ***of the petition in juvenile court, and counsel shall have adequate***
12 ***time in which to respond to the request before the order is made.***

13 ***(d) A violation of an order issued pursuant to subdivision (a) is***
14 ***punishable as provided in Section 166.***