

**ASSEMBLY BILL**

**No. 157**

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**Introduced by Assembly Member Campos**

January 22, 2013

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An act to amend Section 6320 of the Family Code, relating to protective orders.

LEGISLATIVE COUNSEL'S DIGEST

AB 157, as introduced, Campos. Protective orders: false impersonation.

Existing law authorizes a court to issue an ex parte order enjoining a party from engaging in specified acts against another party, including threatening or harassing that party, and, in the discretion of the court, against other named family or household members. A violation of this court order constitutes contempt of court, which is punishable as a misdemeanor.

This bill would additionally authorize a court to issue an ex parte order enjoining a party from falsely impersonating another party.

Because a violation of this court order would be punishable as contempt, a misdemeanor, this bill would create a new crime and would thereby impose 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 6320 of the Family Code is amended to  
2 read:

3 6320. (a) The court may issue an ex parte order enjoining a  
4 party from molesting, attacking, striking, stalking, threatening,  
5 sexually assaulting, battering, *falsely impersonating*, harassing,  
6 telephoning, including, but not limited to, making annoying  
7 telephone calls as described in Section 653m of the Penal Code,  
8 destroying personal property, contacting, either directly or  
9 indirectly, by mail or otherwise, coming within a specified distance  
10 of, or disturbing the peace of the other party, and, in the discretion  
11 of the court, on a showing of good cause, of other named family  
12 or household members.

13 (b) On a showing of good cause, the court may include in a  
14 protective order a grant to the petitioner of the exclusive care,  
15 possession, or control of any animal owned, possessed, leased,  
16 kept, or held by either the petitioner or the respondent or a minor  
17 child residing in the residence or household of either the petitioner  
18 or the respondent. The court may order the respondent to stay away  
19 from the animal and forbid the respondent from taking, transferring,  
20 encumbering, concealing, molesting, attacking, striking,  
21 threatening, harming, or otherwise disposing of the animal.

22 SEC. 2. 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 penalty  
27 for a crime or infraction, within the meaning of Section 17556 of  
28 the Government Code, or changes the definition of a crime within  
29 the meaning of Section 6 of Article XIII B of the California  
30 Constitution.

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