

**Assembly Bill No. 99**

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Passed the Assembly March 3, 2005

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*Chief Clerk of the Assembly*

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Passed the Senate July 11, 2005

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2005, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Sections 6345 and 6361 of the Family Code, relating to protective orders.

## LEGISLATIVE COUNSEL'S DIGEST

AB 99, Cohn. Protective orders: expiration.

Under existing law, in the discretion of the court, the personal conduct, stay-away, and residence exclusion orders contained in a court order issued after notice and a hearing may have a duration of not more than 3 years, subject to termination or modification by further order of the court, as specified. These orders may be renewed either for 3 years or permanently.

This bill would provide that these protective orders may have a duration of not more than 5 years, in the discretion of the court, and may be renewed either for 5 years or permanently. The bill would make an additional conforming change.

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

SECTION 1. Section 6345 of the Family Code is amended to read:

6345. (a) In the discretion of the court, the personal conduct, stay-away, and residence exclusion orders contained in a court order issued after notice and a hearing under this article may have a duration of not more than five years, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. These orders may be renewed, upon the request of a party, either for five years or permanently, without a showing of any further abuse since the issuance of the original order, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party.

(b) Notwithstanding subdivision (a), the duration of any orders, other than the protective orders described in subdivision (a), that are also contained in a court order issued after notice and a hearing under this article, including, but not limited to, orders

for custody, visitation, support, and disposition of property, shall be governed by the law relating to those specific subjects.

(c) The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance.

SEC. 2. Section 6361 of the Family Code is amended to read:

6361. If an order is included in a judgment pursuant to this article, the judgment shall state on its face both of the following:

- (a) Which provisions of the judgment are the orders.
- (b) The date of expiration of the orders, which shall be not more than five years from the date the judgment is issued, unless extended by the court after notice and a hearing.

Approved \_\_\_\_\_, 2005

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*Governor*