

AMENDED IN SENATE JUNE 20, 2005

AMENDED IN ASSEMBLY APRIL 14, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 978**

**Introduced by Assembly Member Sharon Runner**  
*(Principal coauthor: Senator Alquist)*

February 18, 2005

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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 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 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 a protected party or his or her family members, 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:

3 527.10. (a) The court shall order any party, enjoined pursuant  
4 to Sections 527.6 and 527.8, from taking any action to obtain the  
5 address or location of a protected party or a protected party's  
6 family members, caretakers, or guardian, unless there is good  
7 cause not to make that order.

8 (b) The Judicial Council shall promulgate forms necessary to  
9 effectuate this section.

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

11 6252.5. (a) The court shall order any party, enjoined pursuant  
12 to *an order issued under* this part, from taking any action to  
13 obtain the address or location of a protected party or a protected  
14 party's family members, caretakers, or guardian, unless there is  
15 good cause not to make that order.

16 (b) The Judicial Council shall promulgate forms necessary to  
17 effectuate this section.

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

19 6322.7. (a) The court shall order any party, enjoined pursuant  
20 to *an order issued under* this part, from taking any action to  
21 obtain the address or location of a protected party or a protected  
22 party's family members, caretakers, or guardian, unless there is  
23 good cause not to make that order.

1 (b) The Judicial Council shall promulgate forms necessary to  
2 effectuate this section.

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

4 136.3. (a) The court shall order any party, enjoined pursuant  
5 to Section 136.2, from taking any action to obtain the address or  
6 location of a protected party or a protected party's family  
7 members, caretakers, or guardian, unless there is good cause not  
8 to make that order.

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

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

12 646.91A. (a) The court shall order any party, enjoined  
13 pursuant to Section 646.91, from taking any action to obtain the  
14 address or location of a protected party or a protected party's  
15 family members, caretakers, or guardian, unless there is good  
16 cause not to make that order.

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

19 SEC. 6. Section 213.7 is added to the Welfare and Institutions  
20 Code, to read:

21 213.7. (a) The court shall order any party, enjoined pursuant  
22 to Section 213.5, 304, 362.4, or 726.5, from taking any action to  
23 obtain the address or location of a protected party or a protected  
24 party's family members, caretakers, or guardian, unless there is  
25 good cause not to make that order.

26 (b) The Judicial Council shall promulgate forms necessary to  
27 effectuate this section.

28 SEC. 7. Section 15657.04 is added to the Welfare and  
29 Institutions Code, to read:

30 15657.04. (a) The court shall order any party, enjoined  
31 pursuant to Section 15657.03, from taking any action to obtain  
32 the address or location of a protected party or a protected party's  
33 family members, caretakers, or guardian, unless there is good  
34 cause not to make that order.

35 (b) The Judicial Council shall promulgate forms necessary to  
36 effectuate this section.

37 SEC. 8. No reimbursement is required by this act pursuant to  
38 Section 6 of Article XIII B of the California Constitution because  
39 the only costs that may be incurred by a local agency or school  
40 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the  
2 penalty for a crime or infraction, within the meaning of Section  
3 17556 of the Government Code, or changes the definition of a  
4 crime within the meaning of Section 6 of Article XIII B of the  
5 California Constitution.

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