

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<b>FOR COURT USE ONLY</b>
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> v. DEFENDANT:	
<b>CRIMINAL PROTECTIVE ORDER—OTHER THAN DOMESTIC VIOLENCE          (CLETS—CPO) (Pen. Code, §§ 136.2, 136.2(i), 368(f), and 646.9(k))</b>  <b>ORDER</b> <b>PENDING TRIAL:</b> <input type="checkbox"/> Pen. Code, § 136.2 <input type="checkbox"/> <b>MODIFICATION</b>  <b>ORDER UPON</b> <input type="checkbox"/> Pen. Code, § 136.2(i) <input type="checkbox"/> Pen. Code, § 646.9(k) <b>CONVICTION:</b> <input type="checkbox"/> Pen. Code, § 368(f)	CASE NUMBER:

1. **Restrained person**  
 \*Name: \_\_\_\_\_ \*Gender:  M  F  Nonbinary \*Race: \_\_\_\_\_  
 \*Date of birth: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair color: \_\_\_\_\_ Eye color: \_\_\_\_\_
  
2. **Protected person**  
 \*Name: \_\_\_\_\_ \*Gender:  M  F  Nonbinary Age: \_\_\_\_\_
  
3. **Additional protected persons**  

*Name	*Gender	Relationship to person in item 2
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  - a.  The court finds that the additional protected persons were also victims of the crime (finding required for postconviction orders issued under Penal Code section 136.2(i)(1)).
  - b.  The court finds by clear and convincing evidence that the above named percipient witnesses have been harassed by the defendant (finding required for postconviction orders issued under Penal Code section 136.2(i)(1)).
 (For items 1, 2, and 3: Information that has a star (\*) next to it is required to add this order into the California Restraining and Protective Order System. Please provide all known information.)
  
4. **Expiration date**  
  - a. For pretrial orders, this order remains in effect until further court order. To terminate, courts must use *Notice of Termination of Protective Order in Criminal Proceeding* (form CR-165).
  - b. For postconviction orders, this order expires on (date): \_\_\_\_\_ (Postconviction orders under Penal Code sections 136.2(i) and 646.9(k) may be valid for up to 10 years.)
  
5. **Hearing**  
 This proceeding was heard on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ in Dept.: \_\_\_\_\_  
 by (judicial officer): \_\_\_\_\_
  
6. **Personal service**  
 Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.
  
7. The court finds good cause to grant a protective order. See items 8–17.

**To the defendant**

- If you do not obey these orders, you can be charged with a crime, go to jail or prison, and/or pay a fine.

8. **No firearms (guns), firearm parts, or ammunition**  
  - a. The defendant must not own, possess, buy or try to buy, receive or try to receive, or in any other way get any firearms (guns), firearm parts (meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame; see Penal Code section 16531), or ammunition. Possession of firearms, firearm parts, or ammunition while this order is in effect may subject the defendant to state or federal prosecution and may include jail or prison time and/or a fine.

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8. b. Within 24 hours of receiving this order the defendant must turn in to local law enforcement, or sell to or store with a licensed gun dealer, any firearms or firearm parts owned by the defendant or within the defendant's immediate possession or control.
- c. Within 48 hours of receiving this order the defendant must file a receipt with the court showing that all firearms and firearm parts have been turned in, sold, or stored.
- d.  The court finds good cause to believe that the defendant has a firearm and firearm parts within their immediate possession or control and sets a review hearing for *(date):* \_\_\_\_\_ *(time):* \_\_\_\_\_ *(dept.):* \_\_\_\_\_ to ascertain whether the defendant has complied with the firearm and firearm parts relinquishment requirements of Code of Civil Procedure section 527.9 (Cal. Rules of Court, rule 4.700).
- e.  Limited exemption: The court has made the necessary findings to grant an exemption under Code of Civil Procedure section 527.9(f). Under California law, the defendant is not required to relinquish this firearm *(specify make, model, and serial number of firearm):* \_\_\_\_\_ but must only have it during scheduled work hours and while traveling to and from their place of work. Even if exempt under California law, the defendant may be subject to federal prosecution for possessing or controlling a firearm.
9. **No body armor**  
The defendant must not own, possess, or buy any body armor (defined in Penal Code section 16288). Defendant must relinquish any body armor in their possession.
10.  **No dissuading victim or witness (for pretrial orders issued under Penal Code section 136.2(a)(1))**  
The defendant must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing, testifying, or making a report to any law enforcement agency or person.
11. **No obtaining addresses (for orders issued under Penal Code section 136.2)**
- a. The defendant must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardians unless good cause exists otherwise.
- b.  The court finds good cause not to make this order.
12.  **Order to not abuse**  
Defendant must not harass, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy or damage personal or real property, disturb the peace of, keep under surveillance, annoy by phone or other electronic means (including repeatedly contact), impersonate (on the internet, electronically, or otherwise), or block movements of the protected persons named in items 2 and 3.
13.  **No-contact order**  
Defendant must not contact the protected persons named in items 2 and 3, directly or indirectly, by any means, including by telephone, mail, email or other electronic means, or through a third party. Contact through an attorney under reasonable restrictions set by the court does not violate this order.
14.  **Stay-away order**  
Defendant must stay at least \_\_\_\_\_ yards away from the protected person and their
- a.  home    b.  job or workplace    c.  vehicle    d.  other protected person in item 3
- e.  other locations: \_\_\_\_\_
15.  **Exceptions**  
Defendant may have peaceful contact with the protected persons named in items 2 and 3, as an exception to the no-contact and stay-away orders in items 13 and 14 of this order, only for the safe exchange of children and court-ordered visitation as stated in
- a.  the family, juvenile, or probate court order in *(case number):* \_\_\_\_\_ issued on *(date):* \_\_\_\_\_
- b.  any family, juvenile, or probate court order issued *after* the date this order is signed.
- The restrained and protected persons should always carry a certified copy of the most recent order issued by the family, juvenile, or probate court.
16.  **Electronic monitoring**  
Defendant must be placed on electronic monitoring for *(specify length of time):* \_\_\_\_\_  
(Not to exceed 1 year from the date of this order. Pen. Code, § 136.2(a)(1)(G)(iv), (i)(3).)
17.  **Other orders**

Executed on *(date):* \_\_\_\_\_\_\_\_\_\_  
JUDICIAL OFFICER

DEFENDANT:	CASE NUMBER:
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### Instructions for Law Enforcement

#### 1. Start Date and End Date of Order

This order starts on the date it was issued by a judicial officer.

This order ends as ordered in item 4 on page 1 of this order.

- Orders under Penal Code section 136.2(a) are valid as long as the court has jurisdiction over the case. They are not valid after imposition of a county jail or state prison commitment. (*People v. Stone* (2004) 123 Cal.App.4th 153.)
- Orders issued under Penal Code sections 136.2(i)(1) and 646.9(k) are valid for up to 10 years and may be issued by the court regardless of whether the defendant is sentenced to state prison, county jail, or subject to mandatory supervision or if imposition of sentence is suspended and the defendant is placed on probation.
- To terminate this protective order, courts should use form CR-165, *Notice of Termination of Protective Order in Criminal Proceeding (CLETS—CANCEL)*.

#### 2. Enforcing This Order in California

- This order must be enforced in California by any law enforcement agency that has received the order, or is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS).

#### 3. Conflicting Orders—Priority of Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Penal Code section 136.2 and Family Code sections 6383(h)(2), 6405(b)):

- **Emergency Protective Order (EPO):** If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
- **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 13 is an example of a no-contact order.
- **Criminal Protective Order (CPO):** If none of the orders includes an EPO or a no-contact order, the most recent CPO must be enforced. (Family Code sections 6383(h)(2), 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Penal Code section 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
- **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment) then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

### Peace Officer Firearm Prohibition Exemption

If a peace officer's employment and personal safety depend on the ability to carry a firearm, a court may grant an exemption that allows the officer to carry a firearm on or off duty, but only if the court finds, after a mandatory psychological examination of the peace officer, that the officer does not pose a threat of harm. (Code Civ. Proc., § 527.9(f).)