

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SPR22-08

Title	Action Requested
Criminal Procedure: Criminal Protective Orders	Review and submit comments by May 13, 2022
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Revise forms CR-160 and CR-161	January 1, 2023
Proposed by	Contact
Criminal Law Advisory Committee Hon. Brian. M. Hoffstadt, Chair	Sarah Fleischer-Ihn, 415-865-7702 sarah.fleischer-ihn@jud.ca.gov

Executive Summary and Origin

The Criminal Law Advisory Committee recommends revisions to two mandatory Judicial Council criminal protective orders to (1) increase readability through design changes and the use of clearer language; (2) reflect changes to Family Code section 6320; (3) be consistent with the fields in the California Restraining and Protective Order System (CARPOS) database; (4) change references to “sex” to “gender,” and include a gender nonbinary option; (5) replace the three-year expiration default; (6) include prohibitions on firearm precursor parts; (7) clarify the scope of specified provisions; (8) add a limited contact option to reflect Penal Code section 136.2(a)(1)(G)(i); (9) revise warnings and notices; (10) add a new law enforcement instruction section; (11) add a provision for the court to indicate that it finds that the victim’s family members have been targeted or harmed by the defendant (for postconviction orders issued under Penal Code section 136.2(i)(1)); (12) add a provision for the court to indicate that it finds that a percipient witness has been harassed by the defendant (for postconviction orders issued under Penal Code¹ section 136.2(i)(2)); (13) delete the ammunition prohibition on form CR-161; (14) delete the provision on recording of prohibited communications on form CR-161; and (15) delete the federal punishment reference on form CR-161.

Background

Forms CR-160 and CR-161 are mandatory Judicial Council forms used to provide protective orders in criminal cases. *Criminal Protective Order—Domestic Violence* (form CR-160) was first introduced as an optional municipal court criminal protective order form in 1998. The order has

¹ All further statutory references are to the Penal Code unless otherwise specified.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

been revised several times to reflect statutory changes and to add warnings and notices for both defendants and law enforcement.

In 2007, *Criminal Protective Order—Other Than Domestic Violence* (form CR-161) was spun off from form CR-160 based on concern from the Attorney General’s task force on domestic violence cases that including all types of criminal protective orders on one form resulted in domestic violence orders not being properly entered into the relevant domestic violence registries and databases.

The Proposal

The proposal would revise the two criminal protective order forms in several ways, to make them easier to read and enforce and to more precisely reflect current law. The specific changes proposed and why are described below.

Reasons changes are needed

User friendliness and clear language

The committee recommends improving the accessibility of the forms by increasing readability, reorganizing and categorizing content, eliminating unnecessary repetition and simplifying language whenever possible. The revisions would also make the forms more consistent with *Restraining Order After Hearing* (form DV-130), the civil domestic violence protective order, and other civil protective orders as appropriate.

In 2003, civil domestic violence protective order forms from the Judicial Council shifted to a plain language format as part of an effort to facilitate access to and understanding of the court process. The Judicial Council approved a new format recommended by the Family and Juvenile Law Advisory Committee, which had redesigned the forms with support from a literacy expert, worked extensively with interested groups, and tested the forms with self-represented litigants to elicit further feedback.

The Criminal Law Advisory Committee has not recommended that forms CR-160 and CR-161 undergo the same shift to the council’s plain language format, likely because criminal protective orders do not involve self-represented litigants to the same extent as in the civil context. However, the defendant may be subject to certain protective order conditions for up to 10 years, when they are no longer represented by counsel but nevertheless may be charged with a probation violation or have new charges filed for violation of a protective order. Protected persons may also receive and rely on copies of the protective order. For these reasons, the committee is recommending revising the text and formatting of the forms to include simpler language, and more titles and instructions to make them easier to understand.

Family Code section 6320

The forms include a section on actions that the defendant is enjoined from based on Family Code section 6320. The committee recommends revising form CR-160 to incorporate changes to

section 6320 by Senate Bill 1141 (Stats. 2020, ch. 248), which added a new subdivision defining “disturbing the peace of the other party” and “coercive control” in domestic violence situations; and to revise both forms to incorporate changes to Family Code section 6320 by Assembly Bill 157 (Stats. 2013, ch. 260) to enjoin the defendant from impersonating the protected person.

The committee also recommends including additional language, consistent with the civil domestic violence protective order forms and Family Code section 6320, by adding hitting and annoying by phone or through other electronic means as enjoined activities.

Gender-neutral pronouns

The Council’s Rules Committee has directed advisory committees, in revising all Judicial Council rules and forms, to use gender-neutral pronouns where legally possible and include a nonbinary option for gender identity questions. Accordingly, the committee recommends changing references to “sex” on the protective orders to “gender” and including a nonbinary gender option.

Consistency with CARPOS

The committee recommends several changes to the form fields so that they are consistent with the data fields in the California Restraining and Protective Order System (CARPOS), and to denote when a field is mandatory in CARPOS.

Default expiration dates

The orders currently state: “This order expires on (*date*):_____ . If no date is listed, this order expires three years from date of issuance.” The committee recommends deleting the three-year expiration default, as it appears overbroad as it relates to pretrial orders, which should terminate upon sentence or dismissal (see *People v. Stone* (2004) 123 Cal.App.4th 153, 160 [order must be “limited to the pendency of the criminal proceeding”]). The committee recommends a revision to clarify that if no date is listed, the order remains in effect until there is a sentence or termination of the protective order.

Firearm precursor parts

The committee recommends adding language to both forms addressing the prohibition to firearm precursor parts under section 30405(a)(1), effective July 1, 2022. Section 30405(a)(1) prohibits a person prohibited from owning or possessing a firearm under specified Penal Code sections from owning, possessing, or having custody or control of a firearm precursor part. A person subject to a protective order under section 136.2 and persons convicted of any felony or specified misdemeanors are prohibited from having firearm precursor parts under the new law.

Limited scope of specified provisions

The committee recommends adding a note to two existing provisions on the forms to specify that they only apply when the protective order is issued pretrial under section 136.2(a)(1) or to any order issued under section 136.2:

The defendant must not attempt to or actually prevent or dissuade any victim or

witness from attending a hearing or testifying or making a report to any law enforcement agency or person (for pretrial orders issued under Penal Code section 136.2(a)(1)).

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 (for orders issued under Penal Code section 136.2).

No-contact order in case involving violent crime

The committee recommends adding an option for the court to issue a limited no-contact order pursuant to section 136.2(a)(1)(G)(iv), which states that a court may order the defendant to have no contact with the intent to annoy, harass, threaten, or commit acts of violence against a victim or witness of violent crime.

Revise warnings and notices

The warnings and notices section of the forms include some provisions addressed to defendants and others for law enforcement, without differentiating between the two. Some of the warnings and notices are also redundant to information already contained in the order. The committee recommends incorporating warnings and notices geared toward the defendant into the section of the form containing the order itself, and creating a new notice section geared toward law enforcement, discussed below.

Instructions for Law Enforcement section

This new section would incorporate three sections currently in the warnings and notices section on page 2: Start Date and End Date of Order, Enforcing this Order in California, and Conflicting Orders: Priorities for Enforcement, with revisions to mirror the plain language and other aspects of the civil domestic violence protective order.

Section 136.2(e)(2) prioritizes enforcement of criminal protective orders in pending cases for domestic violence offenses, specified sex offenses, and offenses requiring sex offender registration over a civil protective order against the same defendant. The specified sex offenses and offenses requiring sex offender registration were added as priorities in Assembly Bill 1498 (Stats. 2014, ch. 665), but the advisement on conflicting orders does not currently reflect this. Further, Assembly Bill 1171 (Stats. 2021, ch. 626) repealed section 262 on spousal rape and amended 136.2(e)(2) to include “former 262.” The committee recommends incorporating the statutory changes and rewording in plain language:

Criminal Order: If none of the orders include an EPO or a no-contact order, a criminal protective order (CPO) issued in a criminal case involving domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil restraining order that conflicts with the CPO. All orders in the civil restraining order that do not conflict with the CPO must be enforced.

The committee also recommends adding a new provision to form CR-160 that is in the civil domestic violence restraining order about when the protected person contacts the restrained person:

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

Additional protected person provision

The committee recommends adding a provision for the court to indicate that it finds the victim’s family members have been targeted or harmed by the defendant (for postconviction orders issued under section 136.2(i)(1)).

Under section 136.2(i)(1), a court may issue an order restraining the defendant from any contact with the victim for up to 10 years upon conviction of specified offenses. The subdivision states that “it is the intent of the Legislature in enacting this subdivision that the duration of a restraining order issued by the court be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of a victim and the victim’s immediate family.” Courts have held that the victim’s family members cannot be included in the postconviction protective order under 136.2(i)(1) without evidence they have been targeted or harmed. (See, e.g., *People v. Beckmeyer* (2015) 238 Cal.App.4th 461; *People v. Delarosaranda* (2014) 227 Cal.App.4th 205, 212.)

Percipient witness protection

The committee recommends adding a provision for the court to indicate that it finds that a percipient witness has been harassed by the defendant (for postconviction orders issued under section 136.2(i)(2)). Under section 136.2(i)(2), a court may issue a postconviction restraining order for specified offenses protecting a percipient witness if it can be established by clear and convincing evidence that the witness has been harassed by the defendant.

Ammunition prohibition on form CR-161

Form CR-161 currently states that the defendant cannot have a firearm or ammunition. While a firearm *and* ammunition prohibition and relinquishment requirement applies to a defendant subject to a domestic violence protective order (Fam. Code, § 6389), there appears to be no corresponding statutory ammunition prohibition and relinquishment requirement for defendants subject to a criminal protective order not based on domestic violence; firearms, on the other hand, are prohibited and must be relinquished (Pen. Code, § 136.2(d)(1)–(3); Code of Civ. Proc., § 527.9(f)). Accordingly, the committee recommends deleting the ammunition prohibition from the form.

Recording of prohibited communications on form CR-161

Form CR-161 currently states that the protected person may record any prohibited communication made by the defendant. While a court may issue such an order upon the request of a victim of domestic violence who is seeking a domestic violence restraining order (Pen. Code, § 633.6(a)), there appears to be no corresponding statutory authorization for a nondomestic violence criminal protective order. Accordingly, the committee recommends deleting this prohibition from the form.

Federal punishment reference on form CR-161

Both forms state that “under federal law, the issuance of a protective order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime.” The committee recommends deleting this statement from form CR-161, as it only applies to domestic violence protective orders (see 18 U.S.C. § 922(g)(8)).

Proposed Revisions

Criminal Protective Order—Domestic Violence (*form CR-160*)

The proposal would revise *Criminal Protective Order—Domestic Violence* (form CR-160) as follows:²

- Caption box
 - Specify when orders are pending trial or upon conviction.
- Item 1, Restrained person
 - Renumber as item 1 and change title from “Person to be Restrained” to “Restrained person (defendant)”;
 - Change “sex” to “gender” and include a gender nonbinary option; and
 - Note mandatory fields with a star, similar to the civil domestic violence protective order.
- Item 2, Protected person
 - Renumber as item 2 and add title;
 - Include the mandatory and optional CARPOS fields for a protected person; and
 - Note mandatory fields with a star, similar to the civil domestic violence protective order.
- Item 3, Additional protected persons
 - Create a separate item and title for additional protected persons;
 - Include the mandatory and optional CARPOS fields for additional protected persons;

² Because the revisions are so comprehensive, they are listed here rather than highlighted in the forms.

- Add a check box indicating that the court finds the above-named protected person’s family members have been targeted or harmed by the defendant, which applies to postconviction orders under Penal Code section 136.2(i)(1); and
 - Add a check box indicating that the court finds that the above-named persons have been harassed by the defendant, which applies to postconviction orders issued under Penal Code section 136.2(i)(2).
- Instruction for Items 1–3
 - Include an instruction that information that has a star (*) next to it is required to add the order to CARPOS, similar to the civil domestic violence protective order.
 - Item 4, Expiration date
 - Renumber as item 4, add title; and
 - Replace language stating a three-year default expiration date if no date is listed with language stating that “if no date is listed, this order remains in effect until there is a sentence or termination of the protective order.”
 - Item 5, Hearing
 - Renumber as item 5 and add title.
 - Delete item 6 on the current form indicating that the court has information that the defendant owns or has a firearm or ammunition, or both, because it is redundant to another provision indicating that the court finds good cause to believe that the defendant has a firearm.
 - Item 6, Personal service
 - Renumber as item 6 and add title.
 - Item 7
 - Number as item 7 and rephrase language.
 - Warnings and notices
 - Move and simplify warnings and notices addressed to the defendant on page 2 of the current form to a box on page 1 of the proposed form.
 - Item 8, No firearms or ammunition
 - Renumber as item 8 and add title;
 - Move and incorporate firearm-related warnings addressed to the defendant from page 2 of the current form;
 - Add a new warning prohibiting possession of firearm precursor parts;
 - Create a new subsection on firearm relinquishment and exemptions; and
 - In the limited exemption subsection: replace a cite to Code of Civil Procedure section 527.9(f) with Family Code section 6389(h), add language regarding work-related requirements to the limited exemption provision reflecting Family Code section

6389(h), and add language that even if exempt under California law, the defendant may be subject to federal prosecution for possession or controlling a firearm, similar to the civil domestic violence protective order.

- Item 9, Dissuading victim or witness
 - Add title; and
 - Add language stating that this provision applies to pretrial orders issued under Penal Code section 136.2.
- Item 10, No obtaining addresses
 - Add title; and
 - Restructure options for the court.
- Item 11, Order to not abuse
 - Renumber as item 11;
 - Include language and formatting consistent with the civil domestic violence protective order, including adding an “Order to Not Abuse” title to this portion of the order, and adding hitting and annoying by phone or through other electronic means as enjoined activities;
 - Include definitions of “disturb the peace of” and “coercive control”; and
 - Add language enjoining the defendant from impersonating the protected person.
- Item 12, No-contact order
 - Consolidate two separate no-contact provisions into item 12, and add a title;
 - Include language from Penal Code section 136.2(a)(1)(D) stating that “contact through an attorney under reasonable restrictions set by the court does not violate this order;” and
 - Include language from Penal Code section 136.2(a)(1)(G)(i) stating that for victims or witnesses of violent crime, the court may issue a limited no-contact order.
- Item 13, Stay-away order
 - Consolidate two separate stay-away provisions into item 13, and add a title; and
 - Include the option to identify specific locations that the defendant must stay away from, similar to the civil domestic violence protective order.
- Item 14, Exceptions
 - Renumber as item 14 and add a title; and
 - Move and incorporate child custody and visitation information from page 2 of the current form.
- Item 15, Protected animals
 - Consolidate two separate animal-related provisions into item 15, and add a title; and
 - Include the mandatory and optional CARPOS fields for protected animals.

- Item 16, Electronic monitoring
 - Renumber as item 16 and add a title.
- Item 17, Recordings
 - Renumber as item 17 and add a title.
- Instructions for Law Enforcement
 - Create new “Instructions for Law Enforcement” section including existing information about start and end dates of orders, order enforcement, and priorities for enforcing conflicting orders, and add new information about when the protected person contacts the restrained person, similar to the civil domestic violence protective order; and
 - Revise the language in the “Conflicting Orders–Priorities for Enforcement” category to reflect statutory changes to Penal Code section 136.2(e)(2) and rewording in plain language.

Criminal Protective Order—Other Than Domestic Violence (form CR-161)

The proposal would revise *Criminal Protective Order—Other Than Domestic Violence* (form CR-161) in the same ways described above for form CR-160, with the following differences:

- Warnings and notices
 - Move and simplify warnings and notices addressed to the defendant on page 2 of the current form to a box on page 1 of the proposed form, just as in form CR-160, but without the warnings applicable only to domestic-violence based orders.
- Item 8, No firearms
 - Delete references to ammunition prohibitions.
- Item 11, Order to not abuse
 - Same revisions as on form CR-160, but does not include the definitions of “disturbing the peace of the other party” and “coercive control.”
- Delete item 15 on the current form on stating that the protected person may record any prohibited communication made by the defendant, since it only applies in domestic-violence based cases.
- Delete warning that: “Under federal law, the issuance of a protective order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime.”

Alternatives Considered

The committee first considered revising the forms in 2019 and postponed in order to coordinate efforts on changes with the Family and Juvenile Law Advisory Committee, which is responsible for the civil domestic violence protective order forms. Due to the COVID-19 pandemic, the committee considered postponing the proposal but decided to move forward with the revisions because several reflect statutory amendments or clarify existing law.

Fiscal and Operational Impacts

The committee anticipates that this proposal would require courts to train court staff and judicial officers on the newly revised forms, and there would be costs to make and replace paper forms packets.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- The committee did not revise form CR-161 to incorporate changes to Family Code section 6320 adding definitions of “disturbing the peace of the other party” and “coercive control” because these appeared to apply in the context of domestic violence, and form CR-161 is a non-domestic violence criminal protective order. Should these definitions be included in form CR-161 for consistency in both forms?
- The forms currently ask for the protected persons’ full name, gender, and age. The proposed revisions ask for the protected person and additional protected persons’ name and gender, which are mandatory fields in CARPOS, as well as race and date of birth, which are optional fields in CARPOS. Additionally, the additional protected persons provision in the form asks about the person’s relationship to the primary protected person and whether they live in the same household, which are also optional fields in CARPOS. Should the optional information be included in the forms, given privacy considerations and identity theft concerns? Should date of birth be changed to year of birth or age? For example, the civil domestic violence protective order, form DV-130, only lists the protected person’s name and the name, gender, and relationship to the primary protected person of any additional protected persons. Other identifying information such as race and date of birth is in a separate confidential form, *Confidential CLETS Information* (form CLETS-001), that the restrained person and public cannot access.
- The civil domestic violence protective order forms and gun violence restraining order forms propose using “unfinished receiver/frame as defined in Penal Code section 16531” to refer to a firearm precursor part, as a clearer way of describing the prohibited parts. Should the criminal protective orders adopt similar language for clarity and consistency?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms CR-160 and CR-161, at pages 13–19

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 0;">Not approved by the Judicial Council</h3>
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE (CLETS–CPO) (Pen. Code, §§ 136.2, 1203.097(a)(2), 136.2(i)(1), 273.5(j), 368(l), and 646.9(k)) <input type="checkbox"/> ORDER PENDING TRIAL (Pen. Code, § 136.2) <input type="checkbox"/> MODIFICATION <input type="checkbox"/> PROBATION CONDITION ORDER (Pen. Code, § 1203.097) ORDER UPON CONVICTION: <input type="checkbox"/> PENAL CODE, § 136.2(i)(1) <input type="checkbox"/> PENAL CODE, § 273.5(j) <input type="checkbox"/> PENAL CODE, § 368(l) <input type="checkbox"/> PENAL CODE, § 646.9(k)	CASE NUMBER:

This Order May Take Precedence Over Other Conflicting Orders; See Item 4 on Page 2.

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 Race: _____
 Date of birth: _____
3. **Additional protected persons**

*Name	*Gender	Race	Date of birth	Relationship to person in item 2	Lives with person in item 2?

- The court finds that the protected person's family members have been targeted or harmed by the defendant (for postconviction orders issued under Penal Code section 136.2(i)(1))
- The court finds that the above named people have been harassed by the defendant (for postconviction orders issued under Penal Code section 136.2(i)(2))

(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 Orders System. Please provide all known information.)

4. **Expiration date**
 This order expires on (date): _____ . If no date is listed, this order remains in effect until there is a sentence or termination of the protective order.
5. **Hearing**
 This proceeding was heard on (date): _____ at (time): _____
 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.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or on tribal lands with the intention of disobeying this order, or make the protected persons do so, you can be charged with a federal crime.

DEFENDANT:	CASE NUMBER:
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8. No firearms or ammunition

- a. The defendant must not own, possess, buy or try to buy, receive or try to receive, or otherwise obtain a firearm or ammunition. Possession of firearms 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. For orders issued under Penal Code sections 136.2, 273.5(j), 646.9(k), and felony violations of 368(l), the defendant must not own, possess, or have custody or control of a firearm precursor part.
- b. Within 24 hours of receiving this order, the defendant must surrender to local law enforcement, or sell to or store with a licensed gun dealer any firearm owned by the defendant or subject to 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 compliance with this order.
- d. The court finds good cause to believe that the defendant has a firearm within their immediate possession or control and sets a review hearing for (*date*): _____ to ascertain whether the defendant has complied with the firearm 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 Family Code section 6389(h). 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 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 dissuading victim or witness

The defendant must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing or testifying or making a report to any law enforcement agency or person (for pretrial orders issued under Penal Code section 136.2(a)(1)).

10. No obtaining addresses (check one 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.

11. 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, 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 above.

- “Disturb the peace of” means to destroy someone’s mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online. Disturbing the peace includes coercive control.
- “Coercive control” means a number of acts that unreasonably limit the free will and individual rights of any person protected by this restraining order. Examples include isolating them from friends, relatives, or other support; keeping them from food or basic needs; controlling or keeping track of them, including their movements, contacts, activities, money, or access to services; and making them do something by force, threat, or intimidation, including threats based on actual or suspected immigration status.

12. No-contact order (check one)

- a. Defendant must not contact the protected persons named above, directly or indirectly, by any means, including by telephone, mail, email, or other electronic means. Contact through an attorney under reasonable restrictions set by the court does not violate this order.
- b. **For victims or witnesses of violent crime** — Defendant must have no-contact with the intent to annoy, harass, threaten, or commit acts of violence against a protected person. (Pen. Code, § 136.2(a)(1)(G)(i).)

13. 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. animals listed in item 15 f. other locations:

DEFENDANT:	CASE NUMBER:
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14. **Exceptions**

Defendant may have peaceful contact with the protected persons named above, as an exception to the no-contact and stay-away orders in items 12 and 13 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 of this order is signed.
- c. The restrained and protected persons should always carry a certified copy of the most recent order issued by the Family, Juvenile, or Probate court.

15. **Protected animals**

- a. The protected persons named above are given the exclusive care, possession, and control of the animals listed below:

<i>Name:</i>	<i>Type of animal:</i>	<i>Breed (optional):</i>	<i>Color (optional):</i>
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- b. Defendant must not take, transfer, sell, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the animals listed above.

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) and Pen. Code, § 136.2(i)(3).)

17. **Recordings**

The protected persons may record any prohibited communications made by the defendant.

Executed on *(date)*:

JUDICIAL OFFICER

Certificate of Compliance with Violence Against Women Act (VAWA)

This protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994). This court has jurisdiction over the parties and the subject matter, and the restrained person has been afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, and shall be enforced as if it were an order of that jurisdiction.**

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. (See *People v. Stone* (2004) 123 Cal.App.4th 153.)
- Orders issued under Penal Code sections 136.2(i)(1), 273.5(j), 368(l), and 646.9(k) are valid for up to 10 years and may be issued by the court 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.
- Orders under Penal Code section 1203.097(a)(2) are probationary orders, and the court has jurisdiction as long as the defendant is on probation.
- To terminate this protective order, courts should use form CR-165, *Notice of Termination of Protective Order in Criminal Proceedings (CLETS)*.

DEFENDANT:	CASE NUMBER:
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2. If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

3. 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).
- Law enforcement must determine whether the restrained person had notice of the order. If notice cannot be verified, law enforcement must advise the restrained person of the terms of the order and, if the restrained person fails to comply, must enforce it. (Fam. Code, § 6383.)

4. Conflicting Orders—Priorities for 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 Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

- **EPO:** If one of the orders is an Emergency Protective Order (form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
- **No-Contact Order:** If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
- **Criminal Order:** If none of the orders include an EPO or a no-contact order, a criminal protective order (CPO) issued in a criminal case involving domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil restraining order that conflicts with the CPO. All orders in the civil restraining order that do not conflict with the CPO must be enforced.
- **Family, Juvenile, or Civil Order:** If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY <h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 0;">Not approved by the Judicial Council</h3>
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
CRIMINAL PROTECTIVE ORDER—OTHER THAN DOMESTIC VIOLENCE (CLETS–CPO) (Pen. Code, §§ 136.2, 136.2(i)(1), and 646.9(k)) ORDER PENDING TRIAL: <input type="checkbox"/> Pen. Code, § 136.2 <input type="checkbox"/> MODIFICATION ORDER UPON CONVICTION: <input type="checkbox"/> Pen Code, § 136.2(i)(1) <input type="checkbox"/> Pen. Code, § 646.9(k)	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 Race: _____
 Date of birth: _____

3. Additional protected persons

<i>*Name</i>	<i>*Gender</i>	<i>Race</i>	<i>Date of birth</i>	<i>Relationship to person in item 2</i>	<i>Lives with person in item 2?</i>
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- The court finds that the protected person's family members have been targeted or harmed by the defendant (for postconviction orders issued under Penal Code section 136.2(i)(1))
- The court finds that the above named people have been harassed by the defendant (for postconviction orders issued under Penal Code section 136.2(i)(2))

(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 Orders System. Please provide all known information.)

4. Expiration date

This order expires on (date): _____ . If no date is listed, this order remains in effect until there is a sentence or termination of the protective order.

5. Hearing

This proceeding was heard on (date): _____ at (time): _____
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 has found good cause to grant a protective order. See items 8–15.

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

The defendant must not own, possess, buy or try to buy, receive or try to receive, or otherwise obtain a firearm or firearm precursor part. Possession of firearms or firearm precursor parts while this order is in effect may subject the defendant to criminal prosecution, and may include jail or prison time and/or a fine up to \$1,000.

DEFENDANT:	CASE NUMBER:
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8. a. Within 24 hours of receiving this order, the defendant must surrender to local law enforcement, or sell to or store with a licensed gun dealer any firearm owned by the defendant or subject to his or her immediate possession or control.
- b. Within 48 hours of receiving this order, the defendant must file a receipt with the court showing compliance with this order.
- c. The court finds good cause to believe that the defendant has a firearm within their immediate possession or control and sets a review hearing for *(date)*: _____ to ascertain whether the defendant has complied with the firearm relinquishment requirements of Code of Civil Procedure, section 527.9 (Cal. Rules of Court, rule 4.700).
- d. 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 to and from their place of work.
9. **No dissuading victim or witness**
The defendant must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing or testifying or making a report to any law enforcement agency or person (for pretrial orders issued under Penal Code section 136.2(a)(1)).
10. **No obtaining addresses (check one 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.
11. **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, 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 above.
12. **No-contact order (check one)**
- a. Defendant must not contact the protected persons named above, directly or indirectly, by any means, including by telephone, mail, email, or other electronic means. Contact through an attorney under reasonable restrictions set by the court does not violate this order.
- b. **For victims or witnesses of violent crime**— Defendant must have no-contact with the intent to annoy, harass, threaten, or commit acts of violence against a protected person. (Pen. Code, § 136.2(a)(1)(G)(i).)
13. **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:
14. **Exceptions**
Defendant may have peaceful contact with the protected persons named above, as an exception to the no-contact and stay-away orders in items 12 and 13 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 of this order is signed.
- c. The restrained and protected persons should always carry a certified copy of the most recent order issued by the Family, Juvenile, or Probate court.
15. **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) and Pen. Code, § 136.2(i)(3).)

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. (See *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 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 Proceedings (CLETS)*.

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—Priorities for 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 Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

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