

Date of Hearing: June 2, 2020

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 2532 (Irwin) – As Amended May 7, 2020

Policy Committee: Public Safety

Vote: 7 - 1

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

**SUMMARY:**

This bill authorizes a district attorney (DA) to: (a) file a petition on behalf of a law enforcement officer, requesting the issuance or renewal of a gun violence restraining order (GVRO), and (b) represent the officer at any subsequent related court proceeding. Specifically, this bill:

- 1) Requires a DA to inform the owner or person with possession of the firearm or other deadly weapon that the person has 30 days from receipt of the notice to confirm the person's desire for a hearing.
- 2) Requires a court, in cases where the firearm is not returned and is to be disposed of, to transmit a copy of the order to the Department of Justice (DOJ).

**FISCAL EFFECT:**

Costs (GF) to the DOJ of \$160,000 in FY 2020-21, \$277,000 in FY 2021-22, and \$143,000 annually thereafter in additional workload and to update the California Restraining and Protective Order System (CARPOS) to accept "district attorneys" as parties eligible to file for GVROs.

**COMMENTS:**

- 1) **Purpose.** According to the author:

[DAs] across the state are willing to step up and assist law enforcement officers in filing for and defending GVROs in court. As a result of their limited jurisdiction however they have been precluded from joining City Attorneys and County Counsels in representing law enforcement in these petitions. AB 2532 will fix this and add thousands of attorneys to the fight against gun violence in California.

- 2) **GVROs.** California's GVRO laws went into effect on January 1, 2016. A GVRO will prohibit the restrained person from purchasing or possessing firearms or ammunition and authorizes law enforcement to remove any firearms or ammunition already in the individual's possession. There are three types of GVRO's: a temporary emergency GVRO, an ex parte GVRO and a GVRO issued after notice and hearing. A law enforcement officer may seek a temporary emergency GVRO by submitting a written petition to or calling a judicial officer to request an order at any time of day or night. In contrast, an immediate family member or a law enforcement officer can petition for either an ex parte GVRO or a GVRO after notice

and a hearing. This bill will allow DAs to file GVROs on behalf of law enforcement and represent law enforcement at GVRO hearings.

- 3) **Related Legislation.** AB 61 (Ting), Chapter 725, Statutes of 2019, expanded the category of persons that may file for a GVRO to include an employer, a coworker who has substantial and regular interactions with the subject of the petition for at least one year and has obtained the approval of the employer, and an employee or teacher of a secondary school, or postsecondary school the subject has attended in the last six months and who has the approval of a school administrator.

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