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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair  
2021 - 2022 Regular Session

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### AB 2870 (Santiago) - Firearms: gun violence restraining orders

**Version:** June 30, 2022

**Urgency:** No

**Hearing Date:** August 1, 2022

**Policy Vote:** PUB. S. 3 - 1

**Mandate:** No

**Consultant:** Matthew Fleming

**Bill Summary:** AB 2870 would expand who can file a petition for a gun violence restraining order (GVRO) to include any person related by consanguinity or affinity within the 4th degree, an individual who has a child in common with the subject, or a roommate, classmate, or dating partner of the subject of the order.

#### Fiscal Impact:

- **Judicial Branch:** Unknown cost pressures due to increased court workload in order to adjudicate additional gun violence restraining orders that are filed by the expanded list of persons who are able to do so under the provisions of this bill (Special Fund – Trial Court Trust Fund, General Fund).
- **DOJ:** The Department of Justice (DOJ) reports one-time costs of \$35,000 in Fiscal Year (FY) 2023-24 develop, test, and implement modifications to existing IT systems, including the California Retraining Protective Order System (General Fund).

**Background:** California's GVRO laws, modeled after domestic violence restraining order laws, went into effect on January 1, 2016. (AB 1014 (Skinner), Ch. 872, Stats. 2014.) A GVRO prohibits 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.

The statutory scheme establishes three types of GVRO's: a temporary emergency GVRO, an ex parte GVRO, and a GVRO issued after notice and hearing. A temporary emergency GVRO may only be sought by a law enforcement officer and it is not affected by the provisions of this bill. The other two kinds of GVROs are ex-parte (direct communication to the court without the knowledge of the subject of the order) and a GVRO that is issued after notice to the subject and a hearing at which the person has an opportunity to be heard. Current law limits who can file a GVRO to specific immediate family members, employers, specified coworkers, specified employees or teachers, and law enforcement officers. Existing law defines immediate family members as a spouse, whether by marriage or not, domestic partner, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

This bill expands who may file a petition for a GVRO. Specifically, this bill would expand family members who may petition for a GVRO to include any person related by

consanguinity or affinity within the 4th degree who has had substantial and regular interactions with the subject for at least one year. Additionally, the bill would allow a classmate, an individual who has a child in common with the subject, or dating partner to file one of these types of GVROs.

The DOJ has statutory authority to collect GVRO data. According to DOJ's data, since the law went into effect in 2016, courts issued GVROs 86 times in 2016 and 104 times in 2017. Los Angeles County had the highest number of GVROs issued for a total of 32 from 2016 to 2017. The county with the second highest number was Santa Barbara with 21 GVROs. The county that had the highest number of GVROs per capita was Contra Costa. In 2018, 424 GVROs were issued throughout the state. San Diego County accounted for the majority of the increase with 185 orders issued; the nine Bay Area counties accounted for 53 GVROs with only one issued in San Francisco. In 2019, 700 GVROs were issued and in 2020, 1,284 GVROs were issued. The data shows that a Law enforcement petitioner accounted between 95 and 97 percent of the GVRO orders issued overall.

**Proposed Law:**

- Authorizes the following people to petition to the court for a GVRO (ex-parte or after notice and a hearing) or ask that one be renewed:
  - A roommate, as defined;
  - A classmate
  - A dating partner; or,
  - An individual who has a child in common with the subject of the petition.
- Expands who qualifies as an immediate family member for purposes of filing a GVRO to include any person related by consanguinity or affinity within the second degree, or any person related by consanguinity or affinity within the fourth degree who has had substantial and regular interactions with the subject for at least one year.

**Proposed Author Amendments:** The author's staff has indicated that they may remove classmates from the bill, or at least narrow which persons can qualify as a classmate under the bill. They have also indicated they may pursue clarifying who qualifies as a dating partner or a person who has a child in common with the subject of the order.

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