
THIRD READING

Bill No: AB 1344
Author: Irwin (D), et al.
Amended: 6/23/25 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 7/8/25
AYES: Arreguín, Caballero, Gonzalez, Pérez, Wiener
NO VOTE RECORDED: Seyarto

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/29/25
AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 69-3, 6/2/25 - See last page for vote

SUBJECT: Restrictions on firearm possession: pilot project

SOURCE: Ventura County District Attorney Erik Nasarenko

DIGEST: This bill authorizes the Counties of Alameda, El Dorado, Santa Clara, and Ventura to establish, until January 1, 2032, a pilot program authorizing a district attorney to request a gun violence restraining order (GVRO).

ANALYSIS:

Existing law:

- 1) Defines a GVRO as an order, in writing, signed by the court, prohibiting and enjoining a named person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition. (Penal (Pen.) Code, § 18100.)
- 2) Requires a petition for a GVRO to describe the number, types, and locations of any firearms and ammunition presently believed by the petitioner to be possessed or controlled by the subject of the petition. (Pen. Code, § 18107.)

- 3) Requires law enforcement agencies in California to develop and implement written policies and standards relating to GVROs, as specified. (Pen. Code, § 18108.)
- 4) Requires the court to notify Department of Justice (DOJ) when a GVRO is issued, renewed, dissolved, or terminated. (Pen. Code, § 18115.)
- 5) Prohibits a person that is subject to a GVRO from having in his or her custody any firearms or ammunition while the order is in effect. (Pen. Code, § 18120, subd. (a).)
- 6) Provides that the court order the restrained person to surrender all firearms and ammunition in their control, or which the person possesses or owns, and requires the law enforcement officer serving a GVRO to request that all firearms and ammunition be immediately surrendered. (Pen. Code, § 18120, subd. (b)(1) & (2).)
- 7) Requires, if the request is not made by a law enforcement officer, the surrender to occur within 24 hours of being served with the order, as specified. (Pen. Code, § 18120, subd. (b)(3).)
- 8) Authorizes law enforcement to obtain a temporary GVRO if the officer asserts, and the court finds, that there is reasonable cause to believe the following:
 - a) The subject of the petition poses an immediate and present danger of causing injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition; and,
 - b) A temporary emergency GVRO is necessary to prevent personal injury to the subject of the order or another because less restrictive alternatives have been tried and been ineffective or have been determined to be inadequate or inappropriate under the circumstances. (Pen. Code, § 18125, subd. (a).)
- 9) Provides that a temporary emergency GVRO and an ex parte GVRO expire after 21 days. (Pen. Code, §§ 18125, subd. (b); 18155, subd. (c).)
- 10) Requires a law enforcement officer who requests a temporary GVRO to complete specified actions after the request is made. (Pen. Code, § 18140.)
- 11) Authorizes a judicial officer to issue a temporary GVRO orally based on the statements of a law enforcement officer, as specified. (Pen. Code, § 18145, subd. (a).)

- 12) Allows only specified individuals to file a petition requesting that the court issue an ex parte GVRO enjoining a person from having in his or her custody or control, owning, purchasing, or receiving a firearm or ammunition, including immediate family members, employers, coworkers, roommates, and law enforcement officers, among others. (Pen. Code, § 18150, subd. (a)(1).)
- 13) Allows a court to issue an ex parte GVRO if an affidavit, made in writing and signed by the petitioner under oath, or an oral statement, and any additional information provided to the court shows there is a substantial likelihood that both of the following are true:
 - a) The subject of the petition poses a significant danger, in the near future, of causing personal injury to himself, herself, or another by having under his or her custody and control, owning, purchasing, possessing, or receiving a firearm as determined by balancing specified factors.
 - b) An ex parte GVRO is necessary to prevent personal injury to the subject of the petition or another because less restrictive alternatives either have been tried and found to be ineffective, or are inadequate or inappropriate for the circumstances of the subject of the petition. (Pen. Code, §§ 18150, subd. (b) & 18155.)
- 14) Requires an ex parte GVRO to be issued or denied on the same day that the petition is submitted to the court unless the petition is filed too late in the day to permit effective review, in which case the order is required to be issued or denied on the next judicial business day. (Pen. Code, § 18150, subd. (d).)
- 15) Specifies what factors a court shall consider and what factors it may consider in determining whether grounds for a GVRO exist. (Pen. Code, § 18155, subd. (b)(1), (2).)
- 16) Authorizes defined persons to file a petition requesting that the court issue a GVRO after notice and a hearing enjoining a person from having in his or her custody or control, owning, purchasing, or receiving a firearm or ammunition. (Pen. Code, § 18170.)
- 17) States that at the hearing, the court shall consider evidence of the facts identified in Section 18155, and that the petitioner has the burden of proof, which is to establish by clear and convincing evidence that a GVRO is necessary, as specified. (Pen. Code, § 18175, subd. (a)-(b).)

This bill:

- 1) Provides that the Counties of Alameda, El Dorado, Santa Clara, and Ventura, may establish, until January 1, 2032, a pilot program to authorize a district attorney to file a petition for a GVRO.
- 2) Specifies that, for the purposes of the pilot project established therein, the terms “law enforcement officer” and “law enforcement agency” include a district attorney and a district attorney’s office, respectively, in the counties participating in the pilot program.
- 3) Requires, commencing April 1, 2027, a district attorney of a county that establishes a pilot program under the bill to annually submit data regarding the pilot program to the California Firearm Violence Research Center (CFVRC) at UC Davis.
- 4) Provides that the data submitted to the CFVRC shall include specified data elements.
- 5) Provides that the CFVRC may conduct an evaluation of a pilot program’s impact and effectiveness, and if the CFVRC conducts an evaluation of a pilot project, the evaluation shall include, but not be limited to, the data described above.
- 6) Provides that the CFVRC may, commencing on or before July 1, 2027, and annually thereafter, submit an evaluation described above to the Assembly and Senate Committees on Public Safety.
- 7) Provides that if the CFRVC conducts an evaluation of more than one pilot program, it may combine the evaluations into a comprehensive report and may submit the report, on or before July 1, 2027, and annually thereafter, to the Assembly and Senate Committees on Public Safety.
- 8) Requires, commencing April 1, 2027, a district attorney that establishes a pilot program to make the data provided to CFRVC also available to the DOJ and the Judicial Council.
- 9) Specifies that its provisions shall remain in effect only until January 1, 2034, and as of that date are repealed, unless that date is deleted or extended by future legislation.

Comments

In 2014, California enacted the nation’s first gun violence restraining order law (AB 1014 Skinner, Ch. 872, Stats. of 2014), which was modeled after similar

domestic violence restraining order statutes, and went into effect on January 1, 2016. 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. A court is required to notify DOJ when a GVRO is issued, renewed, dissolved, or terminated. The statutory scheme establishes three types of GVRO's: (1) a temporary emergency GVRO, (2) an ex parte GVRO, and (3) a GVRO issued after notice and hearing. For a more in-depth description of each of these types of GVRO, see the analysis prepared by the Committee on Public Safety.

Statistics compiled by the DOJ's Office of Gun Violence Prevention indicate that in the first three years GVROs were available, they were used in 58 cases of threatened mass shootings, and in every instance for which data is available, the mass shooting did not occur. Further, among a study of 379 respondents in GVRO cases, only one later died as a result of a firearm injury. Other data show that during the first few years of GVRO implementation, virtually all GVRO petitions came from law enforcement, with very few filed by family members. Even after the list of authorized petitioners expanded to include employers, coworkers, teachers and school employees, roommates, those in a dating relationship, and those who share a child in common, law enforcement was still responsible for the vast majority of GVRO petitions. In 2024, data collected by the DOJ show that out of 2,762 GVROs issued, the petitioner was a non-law enforcement party in only 27 cases.

The Author cites related data to make the argument that county district attorney's offices are well-positioned to be authorized GVRO petitioners:

Recent statistics of GVRO use across California have found one of the highest density of requests come from San Diego (21.7% of all petitions in 2021-24, with only 8.4% of state population). The high use of GVROs in San Diego can be linked to the efforts of the San Diego City Attorney's office, who as the lead civil attorney for the jurisdiction, has allocated staff and resources to assist law enforcement in filing these civil court petitions. All 58 counties have elected District Attorneys whose offices have greater staffing and capabilities than their civil counterparts. District Attorneys however are limited in their ability to represent law enforcement in legal proceedings, as their independence as prosecutors and important accountability role preclude them from forming attorney-client relationships with law enforcement.

Accordingly, the Author submits this bill, which allows 4 counties – Alameda, El Dorado, Santa Clara, and Ventura – until January 1, 2032, to establish a pilot program authorizing district attorneys (as well as their assistant DAs and deputy DAs), to petition for an ex parte GVRO or a GVRO issued after notice and hearing. The bill does not authorize district attorneys to request a temporary emergency GVRO, which would remain solely within the authority of a law enforcement officer.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

Unknown costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate additional GVRO petitions in the pilot counties and to provide the Department of Justice (DOJ) with required copies of court orders. The fiscal impact of this bill to the courts will depend on many unknowns, including the number of petitions filed and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.

SUPPORT: (Verified 8/29/25)

Ventura County District Attorney's Office (source)
California District Attorneys Association
County of Ventura Board of Supervisors
El Dorado County District Attorney's Office
Giffords Law Center to Prevent Gun Violence
Santa Clara County District Attorney's Office

OPPOSITION: (Verified 8/29/25)

ACLU California Action

ASSEMBLY FLOOR: 69-3, 6/2/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, Elhawary, Ellis, Flora, Fong, Gabriel,

Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio, Macedo, Tangipa

NO VOTE RECORDED: Castillo, Dixon, Hadwick, Hoover, Patterson, Ta, Wallis

Prepared by: Alex Barnett / PUB. S. /
8/30/25 17:26:18

**** **END** ****