

CONCURRENCE IN SENATE AMENDMENTS

AB 1344 (Irwin)

As Amended June 23, 2025

Majority vote

SUMMARY

Authorizes the Counties of Alameda, El Dorado, Santa Clara, and Ventura to establish a pilot program to permit a district attorney to file a petition for a gun violence restraining order (GVRO), as specified.

Senate Amendments

Authorize Alameda, in addition to El Dorado, Santa Clara, and Ventura counties, until January 1, 2032, to establish a pilot program to permit a district attorney to file a petition for a GVRO, as defined.

COMMENTS

As passed by the Assembly: This bill authorizes the Counties of El Dorado, Santa Clara, and Ventura to establish a pilot program to permit a district attorney to file a petition for a gun violence restraining order (GVRO), as specified.

Major Provisions

- 1) Authorized El Dorado, Santa Clara, and Ventura counties, until January 1, 2032, to establish a pilot program to permit a district attorney to file a petition for a GVRO, until January 1, 2032.
- 2) Stated that a district attorney may file a petition for a GVRO, as specified.
- 3) Stated that the district attorney of a county that establishes a pilot program shall, commencing April 1, 2027, annually submit data regarding the pilot program to the California Firearm Violence Research Center (CFVRC) at UC Davis. The data submitted shall include all of the following:
 - a) The number of petitions filed and the outcome of the petitions, if any.
 - b) Demographic data for the restrained individuals.
 - c) The reasons that the petition was filed.
 - d) Areas of success and areas for improvement in subsequent years.
- 4) Authorized CFVRC to conduct an evaluation of a pilot program's impact and effectiveness. If the center conducts an evaluation of a pilot project, the evaluation shall include, but not be limited to, the data above.
- 5) Provided that CFVRC may, commencing on or before July 1, 2027, and annually thereafter, submit the above evaluation to the Assembly and Senate Committees on Public Safety.

- 6) Authorized CFVRC, if it conducts an evaluation of more than one pilot program, to combine the evaluations into a comprehensive report and may submit the report, commencing on or before July 1, 2027, and annually thereafter, to the Assembly and Senate Committees on Public Safety.
- 7) Required the district attorney of a county that establishes a pilot program, commencing April 1, 2027, to make the data available upon request to the Department of Justice and the Judicial Council.
- 8) Established a sunset date for the above provisions of January 1, 2034.
- 9) Extended the definition of "law enforcement officer," as specified, to include any district attorney, assistant district attorney, or deputy district attorney, as defined, for the counties participating in the pilot program.
- 10) Extended the definition "law enforcement agency," as specified, to include any district attorney's office, as defined, for the counties participating in the pilot program.
- 11) Included severability provisions.
- 12) Made legislative declarations and findings.

According to the Author

"As Californians continue to endure the trauma of gun violence, I am dedicated to finding every opportunity we can to continue to make a difference in this fight. In 2019, with AB 12 and AB 339, I worked to improve Gun Violence Restraining Orders and require every law enforcement agency to create policies to use them, in hopes of increasing the awareness and use of this lifesaving tool. However we have yet to see widespread use of GVROs, with only small upticks in GVROs in areas where the State has invested in a City Attorney to provide legal assistance for petitions. District Attorneys across the state are willing to step up and provide the legal expertise to petition and defend GVROs in court. As a result of their limited jurisdiction however they have been precluded from joining City Attorneys and County Counsels. AB 1344 will create a pilot program to authorize the District Attorneys of Ventura County and El Dorado County to directly petition for GVROs, adding many attorneys to the fight against gun violence in California and allowing us to truly test whether their addition will meaningfully impact GVRO petition rates."

Arguments in Support

According to the *California District Attorneys Association* (CDAA), "GVROs are a means of intervening in potentially dangerous situations before the worst can occur. They permit a court to temporarily seize a person's firearms but only after a court process that requires proof that the person is likely to use those weapons against themselves or others. The system for GVROs provides an opportunity for the restrained person to appear and object, as well as opportunities to lift the GVRO once it is imposed.

"Currently GVROs may be sought by law enforcement officers, family members, employers, or coworkers, of the person to be restrained. But district attorneys are not included in this list. CDAA believes this is a significant omission. District attorneys are often in the best position to spot dangerous and escalating patterns of conduct and to act to protect victims and other community members from gun violence.

"AB 1344 builds upon California's existing GVRO framework by allowing prosecutors to intervene before a firearm-related tragedy occurs. El Dorado and Ventura Counties will collect and report data, analyze progress, and develop best practices in the hopes of eventually expanding this pilot program statewide."

Arguments in Opposition

According to the *National Rifle Association (NRA)*, "Denial of constitutional rights is a serious matter that requires proper due process and strong objective supporting data. Currently GVRO's can be issued for a period of one to five years and extended without limitation. The unfortunate reality is that an individual can be placed in a constant restrained state without ever being convicted of a crime or adjudicated mentally ill, but based on third party allegations."

"A foundational principle of the American judicial system is to assure that an individual is entitled to judicial due process – including notice of the relevant accusations, opportunity to appear at a hearing before a neutral judge, to present evidence in his or her favor, and access to legal representation – before the individual is denied a constitutional right. As such, individuals are entitled to judicial due process before they can be declared legally ineligible to possess firearms or forced to surrender any firearms the individual owns."

"It should also be noted that if an individual is truly dangerous, existing law already provides a variety of mechanisms to deal with the individual, all of which can lead to firearm prohibitions in appropriate cases. The issuance of a protective order does nothing to deal with the underlying cause of dangerousness, nor does it subject the person to any actual physical restraint, ongoing reporting or monitoring requirements, or treatment for any underlying mental health condition."

FISCAL COMMENTS

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."

VOTES:

ASM PUBLIC SAFETY: 8-0-1

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Ramos, Sharp-Collins

ABS, ABST OR NV: Nguyen

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 69-3-7

YES: 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

NO: DeMaio, Macedo, Tangipa

ABS, ABST OR NV: Castillo, Dixon, Hadwick, Hoover, Patterson, Ta, Wallis

UPDATED

VERSION: June 23, 2025

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FN: 0001652