
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1363 **Hearing Date:** July 15, 2025
Author: Stefani
Version: July 10, 2025
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Protective orders: Wyland's Law*

HISTORY

Source: Giffords Law Center to Prevent Gun Violence

Prior Legislation: SB 899 (Skinner), Ch. 544, Stats. of 2024
AB 3209 (Berman), Ch. 169, Stats. of 2024
SB 1089 (Jackson), Ch. 89, Stats. of 2018

Support: County of San Diego; Everytown for Gun Safety Action Fund; Moms Demand Action for Gun Sense in America; San Diegans for Gun Violence Prevention; San Francisco District Attorney Brooke Jenkins; San Francisco Marin Medical Society; Students Demand Action

Opposition: None known

Assembly Floor Vote: 79 - 0

PURPOSE

The purpose of this bill is to require a superior court that issues a protective order to make information demonstrating when the court or its designee transmitted information to the Department of Justice (DOJ) available, upon request; require DOJ to keep a record demonstrating its receipt of information transmitted about a protective order; authorize DOJ, upon an appropriation, to establish an automated protected person information and notification system to provide a petitioner or protected person with automated access to information about their case; and require a record demonstrating whether the court has fulfilled its transmission obligations or a record demonstrating DOJ has received information about a protective order to be open to public inspection.

Existing law requires, when the following types of protective orders are issued, the court to order the subject of the order to relinquish any firearms in their immediate possession or control or subject to their immediate possession or control:

- A civil protective order to prevent harassment, workplace violence, or the threat of campus violence. (Code Civ. Proc., §§ 527.6, 527.8, 527.85, 527.9.)
- A domestic violence restraining order or protective order (DVRO). (Fam. Code, §§ 6218, 6389.)

- A protective order to prevent the intimidation of witnesses (known as a criminal protective order). (Pen. Code, § 136.2.)
- A juvenile court order related to domestic violence, including orders to protect a parent, legal guardian, or caretaker of a child who is a dependent or ward of the juvenile court. (Welf. & Inst. Code, § 213.5.)
- A protective order to prevent the abuse of an elder or dependent adult. (Welf. & Inst. Code, § 15657.03.)
- A protective order issued by a tribunal of another state and registered with the clerk of a court of this state. (Fam. Code, §§ 6401, 6380.)

Existing law additionally prohibits a person subject to a DVRO from owning, possessing, purchasing, or receive ammunition while that protective order is in effect. (Fam. Code, § 6389, subd. (a).)

Existing law authorizes a court sentencing a defendant for specified retail crimes, including shoplifting, any theft from a retail establishment, and organized retail theft, to issue an order prohibiting the defendant from entering the retail establishment, and if the retail establishment is a chain or a franchise, any other retail establishments in the chain or franchise within a specified geographic range, if specified conditions are met. Permits a prosecuting attorney or attorney representing the retail establishment to request such an order be issued against a person in lieu of a citation. (Pen. Code, § 490.8.)

Existing law requires each county, with the approval of DOJ, to have a procedure, using existing systems, for the electronic transmission of specified data to the DOJ. Requires the data to be electronically transmitted through the California Law Enforcement Telecommunications System (CLETS), unless the DOJ approves an alternative method. (Fam. Code, § 6380, subd. (a).)

Existing law requires that all data relating to criminal protective orders and data filed in connection with the Domestic Violence Prevention Act (DVPA) orders be transmitted by the court or its designee within one business day by either transmitting a physical copy of the order to a local law enforcement agency authorized by the DOJ to enter orders into CLETS, or with the approval of the DOJ, entering the order into CLETS directly. (Fam. Code, § 6380, subd. (a).)

Existing law requires, upon the issuance of specified protective and restraining orders, including any such orders issued in connection with an order for modification of a custody or visitation order issued pursuant to a dissolution, legal separation, nullity, or paternity proceeding, the DOJ to be immediately notified of the contents of the order and the following information:

- The name, race, date of birth, and other personal descriptive information of the respondent as required by a form prescribed by the DOJ.
- The names of the protected persons.
- The date of issuance of the order.
- The duration or expiration date of the order.
- The terms and conditions of the protective order, including stay-away, no-contact, residency exclusion, custody, and visitation provisions of the order.
- The department or division number and the address of the court.
- Whether or not the order was served upon the respondent.
- The terms and conditions of any restrictions on the ownership or possession of firearms. (Fam. Code, § 6380, subd. (b).)

Existing law requires that all available information be included in the notice to the DOJ. Prohibits the inability to provide all categories of information from delaying the entry of the information available. (Fam. Code, § 6380, subd. (b).)

Existing law requires a law enforcement officer who served a protective order to submit the proof of service directly into the DOJ California Restraining Order and Protective System (CARPOS) within one business day of service and to transmit the original proof of service form to the issuing court. (Fam. Code, § 6380, subd. (d).)

Existing law requires the court, when the protective order was served by a person other than a law enforcement officer, to submit the proof of service directly into CARPOS, within one business day of receipt of proof of service. Requires the court, if it is unable to provide notification to the DOJ by electronic transmission, to transmit a copy of the proof of service to a local law enforcement agency, within one business day of receipt. Requires the local law enforcement agency to submit the proof of service directly into CARPOS within one day of receipt from the court. (Fam. Code, § 6380, subd. (d).)

Existing law requires the DOJ to maintain CARPOS and make available to court clerks and law enforcement personnel, through computer access, all information regarding specified protective and restraining orders and injunctions, whether or not served on the respondent. (Fam. Code, § 6380, subd. (e).)

Existing law requires a court's modification, extension, or termination of a protective order to be on forms adopted by the Judicial Council and approved by DOJ. Requires the transmitting agency for the county to immediately notify the DOJ, by electronic transmission, of the terms of the modification, extension, or termination. (Fam. Code, § 6380, subd. (f).)

Existing law provides that "electronic transmission" includes computer access through CLETS. (Fam. Code, § 6380, subd. (h).)

Existing law provides that only protective and restraining orders issued on forms adopted by the Judicial Council and approved by DOJ shall be transmitted to DOJ, except for valid protective or restraining orders relating to domestic or family violence issued by a tribunal of another state. (Fam. Code, § 6380, subd. (i).)

Existing law provides that the transmission of the data in to the DOJ for a civil harassment restraining order, workplace violence prevention order, campus violence prevention order, or elder or dependent adult protective order may be accomplished as follows:

- The court shall order the petitioner or the attorney for the petitioner to deliver a copy of the order, and any subsequent proof of service, by the close of the business day on which the order was made to a law enforcement agency having jurisdiction over the residence of the petitioner and to any law enforcement agencies within the court's discretion as requested by the petitioner.
- Alternatively, the court or its designee shall transmit to law enforcement, within one business day, all information required by either transmitting a physical copy of the order or proof of service to a local law enforcement agency to enter the order into CLETS, or, with the approval of the DOJ, entering the order or proof of service into CLETS directly.

(Code Civ. Proc., §§ 527.6, subd. (r), 527.8, subd. (s), 527.85, subd. (r); Welf. & Inst. Code, § 15657.03, subd. (p).)

Existing law requires that the transmission of all data with respect to a juvenile court protective order be transmitted by the court or its designee, within one business day, to law enforcement personnel by either transmitting a physical copy of the order to a local law enforcement agency authorized by the DOJ to enter orders into CLETS, or with the approval of the DOJ, entering the order into CLETS directly. (Welf. & Inst. Code, § 213.5.)

Existing law establishes the California Public Records Act (CPRA), which provides for the people's access to government records. (Gov. Code, §§ 7920.000 et seq.)

This bill requires a superior court that issues a protective order, upon the oral or written request of a petitioner, respondent, or protected person, or their representative, to, within one business day or, if the request is made available on the same day the order is issued, within two business days, make the following information available to the requester:

- Information demonstrating when the superior court or its designee transmitted information to DOJ pertaining to a DVRO.
- Information demonstrating when the superior court transmitted or its designee transmitted information to DOJ for a criminal protective order, or juvenile courts order related to domestic violence.
- Information demonstrating when the superior court transmitted or its designee transmitted information to DOJ, or information demonstrating that the court ordered the petitioner or the petitioner's attorney to deliver a copy of the order to a law enforcement agency for an order issued pursuant to any of the following: a protective order to prevent harassment, workplace violence, or the threat of campus violence, or a protective order to prevent the abuse of an elder or dependent adult.

This bill requires, if a superior court uses a designee to transmit information about a protective order to DOJ, the designee to confirm to the superior court, within one business day, that it transmitted information about the protective order to DOJ, and requires the superior court to maintain the record from the designee that the information about the protective order was transmitted to DOJ.

This bill requires DOJ to maintain a record demonstrating receipt of the information about a protective order transmitted to the department.

This bill authorizes DOJ, subject to an appropriation, to establish, or contract with a vendor to establish, an automated protected person information and notification system to provide a petitioner or protected person in a protective order case with automated access to information maintained in the CARPOS about their case, including all of the following:

- Whether the department has received a record of the protective order.
- If the protective order has been successfully served on the restrained person.
- Notwithstanding any other law, if the restrained person has violated the protective order by attempting to purchase or acquire a firearm or ammunition while the order is in effect.

This bill provides, notwithstanding any other law, that a record demonstrating whether the superior court has fulfilled its transmission obligations is open to public inspection and copying.

This bill provides, notwithstanding any other law, a record demonstrating receipt of information about a protective order that DOJ maintains is a public record that is not exempt from disclosure under the CPRA.

This bill provides that its provisions apply to cases pending before January 1, 2026, to the extent that information about a protective order is necessary to verify a superior court's transmission obligations.

This bill establishes that its provision are known and may be cited as Wyland's Law.

This bill includes legislative findings and declarations.

COMMENTS

1. Need For This Bill

According to the author:

Gun violence is a crisis that affects communities across California and it is now the leading cause of death for children and teens in our country. One piece of the critical gun violence protections already in current law include that Superior Courts transmit protective orders to the Department of Justice (DOJ) in order to ensure that a retrained person cannot pass a background check when attempting to purchase firearms. In 2016, a failure to transmit these life-saving orders of protection from the Superior Court to the Department of Justice resulted in lethal consequences for Wyland Thomas Gomes when his father successfully purchased a firearm and then used it to shoot and kill 10 year-old Wyland before taking his own life. AB 1363, named in Wyland's honor, seeks to provide individuals with a means of ensuring that protection orders are successfully transmitted to the Department of Justice for registration in their systems. ... This is vital for ensuring that individuals have the timely information they need to protect themselves and others from the devastating impacts of gun violence.

2. Protective Orders

California has a number of mechanism under which a person who is at risk of harassment, abuse, or other violence can obtain a protective order prohibiting the offending individual from engaging in specific acts. These include DVROs under the DVPA; civil orders to protect against threats of harassment, workplace violence, and campus violence; criminal protective orders; and protective orders against the abuse, isolation, or neglect of an elder or dependent adult. (Fam. Code, § 6380; Code Civ. Proc., §§ 527.6, 527.8, 527.85; Pen. Code § 136.2; Welf. & Inst. Code, § 15657.03.)

Under current law, a person subject to a DVRO is prohibited from possessing firearms or ammunition and is required to relinquish any firearms or ammunition in their control. (Fam. Code, § 6389.) The other protective orders listed above currently include a prohibition on

possession of firearms, and a requirement to relinquish, firearms, but not ammunition. The prohibition and relinquishment requirements will extend to ammunition beginning January 1, 2026. (See SB 899 (Skinner), Ch. 544, Stats. of 2024.)

3. Transmission of Protective Order Information to DOJ

Current law also requires that protective orders, or specified information relating to the parties covered by protective orders, be transferred to DOJ, generally through the CLETS system, so that the information can be entered into CARPOS. CARPOS is a statewide database that “provides courts and law enforcement agencies with access, through CLETS, to important details about court protection and restraining orders, including their terms and conditions, firearm prohibitions, expiration date, whether the respondent has received notice of the order, and who[m] the order restrains and protects.” (DOJ, *Armed and Prohibited Persons System Report 2024*, p. 11 available at <<https://oag.ca.gov/system/files/media/2024-apps-report.pdf>>.) CARPOS plays a critical role in preventing prohibited persons from acquiring firearms and ammunition. (*Ibid.*)

For DVROs, information about the order can be transmitted to DOJ directly by the court or by a law enforcement agency designated by the court. (Fam. Code, § 6380, subds. (a).) According to the Senate Judiciary Committee’s analysis of this bill, the overwhelming majority of superior courts designate a law enforcement agency to do the transmittals.

This bill was introduced to ensure that information pertaining to protective orders is timely transmitted to DOJ, and that records of the transmittal to DOJ and receipt by DOJ are maintained. This bill is named after Wyland Thomas Gomes, whose father was allowed to purchase a firearm even though he was prohibited from possessing a firearm by a DVRO. (Hailey Branson-Potts, *A 10-year-old was killed by his father; proposed California law aims to close gun loophole* (Apr. 15, 2025), available at <<https://www.latimes.com/california/story/2025-04-15/after-a-10-year-old-was-murdered-by-his-father-a-proposed-california-law-aims-to-close-gun-loophole>>). After obtaining a firearm, Wyland’s father shot and killed him and then took his own life. (*Ibid.*) After Wyland’s murder, his mother, Christy Camara, sought to find out how Gomes was able to purchase a gun despite the DVRO. Camara was unable to obtain information from DOJ about the transmittal after filing CPRA requests but was finally able to obtain that information after successfully suing the department.

This bill requires the superior court that issued a protective order to maintain a record of its transmittal of the order, or information relating to the order, to DOJ. If the court relies on a designee to transmit the order or information through CLETS, the designee must provide confirmation to the superior court and the court must maintain that record. This bill also requires DOJ to maintain a record demonstrating receipt of information about a protective order.

This bill additionally provides that the records of the court’s transmittal are open to public inspection, and that DOJ’s records of receipt are subject to disclosure under the CPRA. Finally, this bill authorizes DOJ to establish an automated protected person information and notification system to provide a petitioner or protected person in a protective order case with automated access to information maintained in CARPOS about their case, including all of the following:

- Whether the department has received a record of the protective order.
- If the protective order has been successfully served on the restrained person.

- If the restrained person has violated the protective order by attempting to purchase or acquire a firearm or ammunition while the order is in effect.

4. Argument in Support

According to Giffords Law Center to Prevent Gun Violence:

The tragic case of Wyland Thomas Gomes, who lost his life at age 10, underscores the urgent need for AB 1363. In December 2016, a restraining order, including a firearm prohibition, was issued against Victor Gomes, Wyland's father. Sadly, the Kings County Superior Court failed to timely transmit this order to the Department of Justice (DOJ), as mandated by Family Code section 6380. Because the order wasn't transmitted, Victor Gomes was able to purchase a firearm, ultimately leading to Wyland's death.

Importantly, current law does not provide a protected party the ability to confirm a protective order has been properly transmitted. In fact, it took Wyland's mother, Christy Camara Gomes, two years of litigation and eight public record requests to uncover the court's error. No victim should be denied the life-saving information that their protective order has been handled properly.

Assembly Bill 1363 (Wyland's Law) provides essential safeguards to prevent similar tragedies. By requiring superior courts to maintain records proving the transmission of protective orders, enabling the Department of Justice to create a notification system for protected parties, and by making these records readily accessible to petitioners, protected persons, and their representatives, this bill ensures accountability and transparency.

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