
THIRD READING

Bill No: AB 1363
Author: Stefani (D), et al.
Amended: 8/29/25 in Senate
Vote: 21

SENATE JUDICIARY COMMITTEE: 13-0, 7/8/25

AYES: Umberg, Niello, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Valladares, Wahab, Weber Pierson, Wiener

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 7/15/25

AYES: Arreguín, Seyarto, Caballero, Gonzalez, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25

AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 79-0, 6/2/25 - See last page for vote

SUBJECT: Protective orders: Wyland's Law

SOURCE: GIFFORDS

DIGEST: This bill authorizes, subject to an appropriation, the Department of Justice (DOJ) to establish, directly or through a contracted vendor, an automated system to provide persons protected by a protective order, or the petitioner in a protective order case, with automated access to information about their case; and clarifies that records demonstrating a superior court's transmission of, and the DOJ's receipt of, information related to protective orders are public records.

ANALYSIS:

Existing law:

- 1) Provides that, when the following types of protective orders are issued, the court must order the subject of the order to relinquish any firearms, or firearms

and ammunition,¹ in their immediate possession control or subject to their immediate possession or control:

- a) A civil protective order to prevent harassment, workplace violence, or the threat of campus violence. (Civil Code (Civ. Code), §§ 527.6, 527.8, 527.85, 527.9.)
 - b) A restraining order or protective order issued under the Domestic Violence Prevention Act (DVPA). (Fam. Code, §§ 6218, 6389.)
 - c) A protective order to prevent the intimidation of witnesses (known as a criminal protective order). (Penal Code (Pen. Code), § 136.2.)
 - d) 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. (Welfare and Institution (Welf. & Inst. Code), § 213.5.)
 - e) A protective order to prevent the abuse of an elder or dependent adult. (Welf. & Inst. Code, § 15657.03.)
 - f) A protective order issued by a tribunal of another state and registered with the clerk of a court of this state. (Family Code (Fam. Code), §§ 6401, 6380.)
- 2) Permits 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; and 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.)
- 3) Requires each county, with the approval of the Department of Justice, to have a procedure, using existing systems, for the electronic transmission of the data described in 4) and 5) to the DOJ. The data must be electronically transmitted through the California Law Enforcement Telecommunications System (CLETS), unless the Department of Justice approves an alternative method. (Fam. Code, § 6380(a).)

¹ DVPOs already require the relinquishment of ammunition; beginning January 1, 2026, the remaining order types listed in 1) will also require the relinquishment of ammunition. (See SB 899 (Skinner, Ch. 544, Stats. 2024).)

- 4) Provides that all data relating to criminal protective orders and data filed in connection with DVPA orders on the required Judicial Council forms shall be transmitted by the court or its designee within one business day by either (1) transmitting a physical copy of the order to a local law enforcement agency authorized by the DOJ to enter orders into CLETS, or (2) with the approval of the DOJ, entering the order into CLETS directly. (Fam. Code, § 6380(a).)
- 5) Provides that, upon the issuance of an order listed in 1) or 2), 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 shall be immediately notified of the contents of the order and specified information. (Fam. Code, § 6380(b).)
- 6) Provides that all of the available information listed in 5) must be included in the notice to the DOJ, and the inability to provide all categories of information shall not delay the entry of the information available. (Fam. Code, § 6380(b).)
- 7) Provides that the transmission of the data in 5) 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:
 - a) 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.
 - b) Alternatively, the court or its designee shall transmit to law enforcement, within one business day, all information required in 3) 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(r), 527.8(s), 527.85(r); Welf. & Inst. Code, § 15657.03(p).)
- 8) Provides that the transmission of all data with respect to a juvenile court protective order shall be transmitted by the court or its designee, within one business day, to law enforcement personnel by either (1) transmitting a physical copy of the order to a local law enforcement agency authorized by the DOJ to enter orders into CLETS, or (2) with the approval of the DOJ, entering the order into CLETS directly. (Welf. & Inst. Code, § 213.5.)

- 9) Provides that the information conveyed to the DOJ pursuant to 4) shall also indicate whether the respondent was present in court to be informed of the contents of the court order, as specified, and whether the respondent failed to appear. (Fam. Code, § 6380(c).)
- 10) Requires the proof of service of a protective order to be provided to the DOJ as follows:
 - a) When the protective order was served by a law enforcement officer, the officer shall submit the proof of service, within one business day of service, directly into the DOJ California Restraining Order and Protective System, including the officer's name and law enforcement agency, and shall transmit the original proof of service form to the issuing court.
 - b) When the protective order was served by a person other than a law enforcement officer, the court, within one business day of receipt of proof of service, shall submit the proof of service directly into the DOJ California Restraining and Protective Order System, including the name of the person who served the order; if the court is unable to provide this notification to the DOJ by electronic transmission, the court shall, within one business day of receipt, transmit a copy of the proof of service to a local law enforcement agency, which shall submit the proof of service directly into the DOJ California Restraining and Protective Order System within one day of receipt from the court. (Fam. Code, § 6380(d).)
- 11) Requires the DOJ to maintain a California Restraining and Protective Order System and make available to court clerks and law enforcement personnel, through computer access, all information regarding the protective and restraining orders and injunctions described in 1), whether or not served on the respondent. (Fam. Code, § 6380(e).)
- 12) Provides that, if a court issues a modification, extension, or termination of a protective order, it shall be on forms adopted by the Judicial Council and approved by the DOJ, and the transmitting agency for the county shall immediately notify the DOJ, by electronic transmission, of the terms of the modification, extension, or termination. (Fam. Code, § 6380(f).)
- 13) Provides that "electronic transmission" includes computer access through CLETS. (Fam. Code, § 6380(h).)
- 14) Provides that only protective and restraining orders issued on forms adopted by the Judicial Council and approved by the DOJ shall be transmitted to the DOJ,

except for valid protective or restraining orders relating to domestic or family violence issued by a tribunal of another state, which shall be registered upon request, as specified. (Fam. Code, § 6380(i).)

- 15) Establishes the California Public Records Act (CPRA), which provides for the people's access to government records. (Gov. Code, tit. 1, div. 10, §§ 7920.000 et seq.)

This bill:

- 1) States that the Legislature finds and declares that subdivisions (a) and (b) of Section 6380 of the Family Code impose a mandatory duty on the superior court to transmit a protective order issued pursuant to the DVPA, with the exception of an order issued pursuant to Section 6271 of the Family Code, to
- 2) Subject to an appropriation by the Legislature, permits the DOJ 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 California Restraining and Protective Order System about their case, including all of the following:
 - a) Whether the DOJ has received a record of the protective order.
 - b) If the protective order has been successfully served on the restrained person.
 - c) If the restrained person has violated the protective order by attempting to purchase or acquire a firearm while the order is in effect.
- 3) Provides that, notwithstanding any other law, a record demonstrating whether a superior court has fulfilled its obligation to transmit a protective order under Section 6380 of the Family Code is required to be open to public inspection and copying.
- 4) Provides that a record demonstrating transmission of information about a protective order to the DOJ is not exempt from disclosure pursuant to the California Public Records Act (Gov. Code, tit. 1, div. 10, §§ 7920.000 et seq.), and states that this provision does not constitute a change in, but is declaratory of, existing law; and states that this provision is declaratory of existing law.

Comments

Current law requires courts to transmit information about protective orders, including orders issued under the Domestic Violence Prevention Act (DVPA), to the DOJ when such orders are issued or modified. Current law also provides that the DOJ's records relating to protective orders—including whether they received records from a superior court—must be made available to the public on request under the California Public Records Act (CPRA). These requirements are intended to ensure that terms of the order—such as the prohibition on a restrained person owning and possessing firearms—are transmitted to law enforcement and to any person conducting a background check in connection with a firearm sale.

The existing laws relating to the transmittal of protective order information, however, are not always followed. This bill is intended to provide persons protected by protective orders with confirmation that the information was transmitted to the DOJ. To that end, the bill authorizes the DOJ, subject to an appropriation by the Legislature, to establish, or contract with a vendor to establish, an automated system through which a protected person can access information relating to their case. The bill also clarifies that records demonstrating whether a superior court has fulfilled its obligation to transmit information about a protective order to the DOJ, or demonstrating receipt of such information by the DOJ, are public records that are open to public inspection and copying.

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

According to the Senate Appropriations Committee, the fiscal impact is as follows:

- DOJ anticipates a fiscal impact of approximately \$3 million or less (General Fund). DOJ notes implementation of this bill will be dependent upon the appropriation of funds. The DOJ will be unable to absorb the costs to comply with or implement the requirements of the bill within existing budgeted resources. Electronic transmittal of the records will be managed through the California Law Enforcement Telecommunications System (CLETS). The Information Security Branch (ISB) within DOJ's Office of General Counsel would be responsible for supporting the Information Security Programs for all CLETS and California Justice Information access requests. To address the increase in workload, ISB will require 1.0 Information Technology Specialist II and 1.0 Information Technology Specialist I beginning on January 1, 2027 and ongoing. This bill will have an impact to the General Fund. The Tort and Condemnation Section (TORT), within the Civil Law Division anticipated an increase in workload representing BOF in lawsuits arising out of a failure to protect or discharge new statutory duties and to consult with BOF on related

matters upon the enactment of AB 1363. TORT will require the following resources in each fiscal year beginning January 1, 2026: FY 2025-26: 100 Deputy Attorney General Supervisor (SDAG) hours and 100 Deputy Attorney General (DAG) hours; Ongoing: 200 SDAG hours and 200 DAG hours.

To implement the mandates of AB 1363, the Division of Law Enforcement (DLE), Bureau of Firearms (BOF) would require the following resources in FY 2025-26:

- 10 overtime hours for one Associate Governmental Program Analyst (AGPA) in the Firearm Application Review Unit (FARU) to attend joint application development (JAD) sessions.
- 30 overtime hours for one AGPA in FARU to conduct user acceptance testing (UAT) and enter transactions to ensure information is being checked against California Restraining and Protective Order System (CARPOS) and sent to CJIS.
- 20 overtime hours for two AGPAs in the Customer Support Center (CSC) to attend JAD sessions.
- 60 overtime hours for two AGPAs in the CSC to conduct UAT and enter transactions to ensure information is being checked against CARPOS and sent to CJIS.
- Additional ongoing funding will also be required for Deputy Attorney General (DAG) consultation costs to consult and review information prior to releasing any BOF records to CJIS for storing, releasing and uploading to CARPOS. The billable rate is \$228 per hour for 10 DAG hours annually.

AB 1363 would require that a record demonstrating receipt of information about a protective order maintained by DOJ is a public record not exempt from disclosure. While it is unknown what the volume of requests would be, the assumption is that this type of PRA request would be publicized and encouraged for individuals to utilize. The DOJ estimates 700 requests to be worked per business day (175,000 is half of DOJ's annual number of active records in the system divided by about 250 business days in the year), if 1% of requests were submitted through a PRA request, that would amount to 1,750 new requests per year that would require about 2.25 hours each to process.

To implement the mandates of this bill, the Regulations, Training, and PRA Section, within CJIS, would need the following resources:

- 2.0 Associate Governmental Program Analyst (AGPA) – Permanent beginning 1/1/2026 The AGPAs would process PRA requests related to a ‘Wyland’s Law Records Request’, including, request intake, tracking, routing, reviewing, redacting, drafting response letters, obtaining approvals, and disseminating responses.

To implement the mandates of this bill, JDIS would require the following resources:

- 1.0 AGPA – Permanent beginning 1/1/2026. The AGPA would act as the subject matter expert surrounding legislation related to ‘Wyland’s Law Record Requests’, create program procedures and other internal documents for maintaining the automated protected person information and notification system, create testing scripts and scenarios for the technical testing of the automated protected person information and notification system, be responsible for drafting language to be made available to requestors, track firearm violation notices to ensure timely entry of violation messages into CARPOS, analyze data and provide statistics in response to data requests, and internal requests, and review PRAs surrounding “Wyland’s Law” requests.
- 2.0 Crime Analyst (CA) II – Permanent beginning 1/1/2026. The CA IIs would complete internal and public-facing testing of the automated protected person information and notification system. Review any partial matches received from the Dealer Record of Sale (DROS) application process and compare to active CARPOS records. Complete firearm violation entries based on partial match results. Act as the liaison between JDIS and BOF regarding firearm violation notices. Monitor the automated protected person information and notification system and work with the HDC to troubleshoot any technical errors. Assist with providing data in response to PRAs.

The California Law Enforcement Telecommunication System (CLETS) Administration Section, within ADB, would be required to onboard 27 additional courts/counties for use of CLETS and LEAWeb. The following positions would be required:

- 1.0 Information Technology Specialist (ITS) I – Permanent beginning 1/1/2026. The ITS I would perform the following duties: Process New/Upgrade CLETS applications using Cloud or Cloud related software to ensure the agency system upgrades meet the technical security requirements, provide consultation and policy/statute interpretation as it

relates to system implementation/upgrade, implementation plans, testing and going live into production, participate in working sessions to assist agencies with answering questions, and research and analysis.

- 1.0 Information Technology Associate (ITA) – Permanent beginning 1/1/2026. The ITA would perform the following duties: Process New/Upgrade Service CLETS applications to ensure the agency meets the technical security requirements, troubleshoot access problems, review and maintain agreements, and make table changes as needed.

As written, AB 1363 would authorize, but not require, the DOJ to create an automated protected person information and notification system to provide automated access to information maintained in CARPOS; including, whether the department has received a record of the protective order, if the protective order has been successfully served on the restrained person and, 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. The new system would need to capture restraining order data fields necessary for either inquiry matching purposes or transaction verification purposes. Personal identifiable information (PII) fields may need to be redacted from any public interface. This new system would also need to track data for the person inquiring and the record response provided to them.

The IT project required by this bill would be subject to Project Approval Lifecycle (PAL) Stage 1-4 California Department of Technology (CDT) oversight. An exemption from CDT oversight would be required to implement this bill timely. The IT system changes would require a minimum of 18 months to complete. The project effort would consist of three months of upfront planning, followed by an eight-month development effort, four months of testing, and three months of post implementation efforts. The implementation effort would require hiring additional staff and consultants.

The CJIS Applications Unit, within ADB, would require the following resources:

- 1.0 ITS I – Permanent beginning 1/1/2026. The ITS I would perform the following duties: Analysis, contracts, testing, and ongoing maintenance.
- 1.0 ITS I – Permanent beginning 1/1/2026. The ITS I would perform the following duties: Review requirements, system testing, and implementation testing.

- IT Consultant (JAVA/SQL Developer): Term 1/1/2026 – 12/31/2026. The JAVA/SQL Developer would perform the following duties: Create new system, requirements gathering and analysis, technical analysis, design, coding, unit testing, system integration testing, implementation, knowledge transfer and technical documentation.

To complete the IT system changes, ESB would need the following resources:

- 1.0 ITS I – Permanent beginning 1/1/2026 (Project Management and Oversight Section). The ITS I would perform the following duties: Oversee the project approval lifecycle planning stages 1-4, manage the software development lifecycle project phases for design, development, implementation, post implementation monitoring and project close out.
- 1.0 ITS I – Permanent beginning 1/1/2026 (Quality Assurance Enterprise Testing Office). The ITS I would perform the following duties: Participate in application development sessions and contribute to ensuring the requirements are unambiguous and testable, serve as a resource to the project team for quality assurance, review the requirements, develop test cases and test data, perform functional and regression testing, report and document all defects identified during the functional testing and regression testing, and provide ongoing system support.
- CDT Oversight Manager: Term 1/1/2026 – 1/1/2028. Oversee and ensure successful execution of the IT project. If the DOJ is required to contract with the CDT for project approval, oversight, and tracking, based on the CDT costs associated with current DOJ projects, the cost of CDT oversight is estimated to be \$23,504 per month. The total cost of CDT oversight would be an estimated \$564,096 over the length of an 18-month effort.

SUPPORT: (Verified 8/29/25)

GIFFORDS (source)

Brady United Against Gun Violence

Everytown for Gun Safety

San Diego County Board of Supervisors

San Diegans for Gun Violence Prevention

San Francisco District Attorney's Office

San Francisco Marin Medical Society

OPPOSITION: (Verified 8/29/25)

None received

ARGUMENTS IN SUPPORT: According to GIFFORDS:

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...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.

ASSEMBLY FLOOR: 79-0, 6/2/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca

Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta,
Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
9/2/25 18:22:30

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