

CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 1363 Author:(Stefani)

As Amended Ver:August 29, 2025

Majority vote

SUMMARY

Authorizes, subject to an appropriation, the California Department of Justice (DOJ) to develop and implement a new system for the public to electronically request a record demonstrating that information about a protective order was transmitted to, and received by, DOJ.

Major Provisions

- 1) *Authorizes, subject to an appropriation, the department 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 department 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 or ammunition while the order is in effect.
- 2) Provides that notwithstanding any other law, a record demonstrating transmission of protective order information that a superior court maintains is required to be open to public inspection and copying.
- 3) Provides that notwithstanding any other law, a record demonstrating receipt of protective order information that the department maintains is a public record that is not exempt from disclosure in response to a public record request made pursuant to the California Public Records Act (CPRA). States that this provision does not constitute a change in, but is declaratory of, existing law.
- 4) Defines the following terms for purposes of the bill:
 - a) "Department" means the California Department of Justice.
 - b) "Personal identifying information" has the same meaning as in subdivision (b) of Penal Code Section 530.55.

Senate Amendments

Omit all clarifications and changes to existing law in relation to the process for courts to create, maintain, and make available records of transmission of a protective order to the department.

COMMENTS

This bill, also known as "Wyland's Law," is sponsored by GIFFORDS and *authorizes, subject to an appropriation, DOJ to develop 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.

Background on Domestic Violence Protective Orders. In order to prevent acts of domestic violence, existing law permits a victim or potential victim of domestic violence to seek a "protective order." Such orders may take the form of emergency protective orders (sought by law enforcement) or domestic violence restraining orders (DVRO). Both types of orders typically take the form of "stay away" or similar orders that ensure separation of the parties, at least for as long as it takes to appear in court or resolve the causes of the violence. In order to better prevent harm, emergency protective orders and temporary restraining orders are issued ex parte – that is, based upon the affidavit or testimony of only the party seeking relief. A permanent restraining order, which may last up to five years, may be issued only after a noticed hearing at which the respondent is free to testify. Because of their inherently time-sensitive manner, requests are reviewed and, if approved, issued on the same day as requested, or no later than the next business day.

The vast majority (perhaps as many as 90%) of ex parte domestic violence restraining orders are sought without assistance of counsel. The person seeking protection fills out at least four required forms with the Superior Court of the county in which they reside. These forms generally require identifying information of the person to be restrained, and the names, ages, and relationships of the person or persons to be protected. The forms include a request for temporary protective order (DV-100) and another form (DV-110) containing the same information, which, if the request is approved, is stamped by the court and serves as the official court order served upon the respondent. In addition, at the time of the request, the person seeking protection must also file a hearing notice form (DV-109), which notifies the respondent of any scheduled hearing.

The tragic death of Wyland Thomas Gomes and ongoing litigation. In December 2016, the Kings County Superior Court issued a restraining order against Victor Gomes after he threatened to murder Wyland Thomas Gomes, the son he shared with his ex-wife, Christy Camara. The restraining order was to remain in effect for nine months, until September 2017. However, the superior court never transmitted information about that order to the Department of Justice, as it was required to do pursuant to subdivisions (a) and (b) of Family Code Section 6380. In May 2017, Gomes applied to purchase a firearm. DOJ, not having a record of the order in its system, approved the background check, allowing Gomes to purchase a firearm. Shortly thereafter, Gomes used the firearm to shoot and kill 10 year-old Wyland. Gomes then took his own life.

After Wyland's murder, Camara tirelessly investigated how her son's murderer was able to pass a DOJ background check and acquire a firearm, despite being prohibited from purchasing firearms as a result of the restraining order. (Family Code Section 6389(a).) According to her attorney, Camara made eight public record requests of six different state and local agencies. DOJ refused Camara's requests *in toto*. Camara brought suit against DOJ to enforce her rights under the CPRA. (*Camara Gomes v. Dep't of Justice* (S.F. Super. Ct.) Case No. CPF-22-517886.) After litigating for over two years, a superior court in San Francisco ruled in Camara's favor, found that DOJ had unlawfully withheld public records and segregable information subject to public disclosure within its confidential records, and issued a writ of mandate requiring DOJ to disclose most of the requested records to Camara. The records clearly demonstrate that the Kings County Superior Court failed to transmit not only the December 2016 DVRO, but also *two other*

restraining orders against Gomes – all in violation of the requirements of Family Code Section 6380(a) and (b).

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 restrained 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.

Arguments in Support

Sponsor GIFFORDS writes the following to explain why the bill is important:

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.

Arguments in Opposition

None on file

FISCAL COMMENTS

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

- 1) 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:

- 1) 10 overtime hours for one Associate Governmental Program Analyst (AGPA) in the Firearm Application Review Unit (FARU) to attend joint application development (JAD) sessions.
- 2) 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.
- 3) 20 overtime hours for two AGPAs in the Customer Support Center (CSC) to attend JAD sessions.
- 4) 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.
- 5) 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:

- a) 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:

- b) 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.
- c) 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:

- d) 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.
- e) 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:

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

- i) 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.
- j) 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.

VOTES:

ASM JUDICIARY: 12-0-0

YES: Kalra, Dixon, Bauer-Kahan, Bryan, Connolly, Harabedian, Macedo, Pacheco, Lee, Sanchez, Stefani, Zbur

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: 79-0-0

YES: 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

UPDATED

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CONSULTANT: Alison Merrilees / JUD. / (916) 319-2334

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