

Date of Hearing: April 7, 2026

Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1753 (Stefani) – As Amended March 24, 2026

SUMMARY: Establishes, among other things, that courts shall issue an ex parte restraining order (EPRO) or temporary restraining order (TRO) even if the respondent was not provided notice, and that courts cannot require petitioners to establish exceptional circumstances in order to grant the petitioner a temporary or ex parte restraining order. Specifically, **this bill:**

- 1) States that a petitioner may request a temporary or ex parte protective or restraining order and a permissible search shall be conducted of the Department of Justice (DOJ) Automated Firearms System (AFS) for the following orders:
 - a) A civil harassment restraining order.
 - b) A domestic violence restraining order.
 - c) An elder or dependent adult abuse restraining order.
 - d) A gun violence restraining order.
 - e) A juvenile court restraining order.
 - f) A postsecondary school violence restraining order.
 - g) A workplace violence restraining order.
- 2) Establishes that the court cannot deny a TRO or EPRO solely because the proposed respondent was not provided with notice and that the petitioner shall not be uniformly required to provide prior notice to the proposed respondent.
- 3) States that the petitioner shall not be required to establish exceptional circumstances to obtain a TRO or EPRO without providing prior notice.
- 4) States that a petitioner shall only be required to provide prior notice to the proposed respondent of a petition for a TRO or EPRO if the court determines, on a case-by-case basis, that requiring prior notice would be in the interests of justice and would not likely endanger the petitioner, proposed protected parties, or other persons.
- 5) Requires a person subject to a TRO to relinquish ammunition under specified orders.
- 6) Authorizes remote appearances at no cost for a party, support person, or witness at workplace violence and postsecondary educational institution protective order hearings.

- 7) Provides that a peace officer required to serve specified orders shall comply with defined requirements and may submit a billing to the court for payment for service of the order.
- 8) Clarifies that a court adjudicating a protective order may order a search of AFS and other databases and may develop protocols to ensure that before a hearing on the issuance, renewal, or termination of any protective order.
- 9) States that the court may conduct an AFS search when receiving a petition for any protective order, before a hearing on the issuance, renewal, or termination of any protective order, before a hearing concerning compliance with, or violation of, any protective order.
- 10) Provides that after issuing its ruling on a protective order, the court shall advise the parties that information obtained from a search shall remain confidential.
- 11) Includes valid extreme risk protection orders, including, but not limited to, orders related to domestic or family violence, in the existing requirement that certain orders shall be transmitted to DOJ.
- 12) States that all data with respect to criminal court protective orders issued, modified, extended, or terminated, and all data filed with the court shall be transmitted by the court or its designee within one business day to law enforcement personnel.
- 13) Requires all protective orders issued on forms adopted by the Judicial Council of California, and that have been approved by the DOJ, to be transmitted to the DOJ, except as specified.
- 14) Includes as protection orders certain orders issued under the federal Violence Against Women Act (VAWA).
- 15) Establishes that a law enforcement agency (LEA) may seek enforcement in this state of a valid extreme risk protection order (ERPO) issued by a tribunal under the laws of another state or jurisdiction.
- 16) States that an ERPO is valid if the order meets all of the following criteria:
 - a) The order identifies the respondent.
 - b) The order is currently in effect.
 - c) The order was issued by a tribunal under the laws of another state or jurisdiction, as defined.
 - d) The order was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued.
- 17) Requires our courts to enforce the terms of a valid ERPO. Registration or filing of an order in this state is not required for enforcement of a valid ERPO.

- 18) States that a valid ERPO shall be registered with a court of this state under the same process for registration of foreign protection orders in order to be entered in the California Restraining and Protective Order System (CRPOS).
- 19) Provides that an ERPO valid on its face is prima facie evidence of its validity and that absence of any of the criteria for validity of an ERPO is an affirmative defense in an action seeking enforcement of the order.
- 20) Provides that defined immunities, liabilities, and precedents shall apply to ERPOs.
- 21) States that a law enforcement officer of this state, upon determining that there is probable cause to believe that a valid ERPO exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. If the ERPO is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid ERPO exists.
- 22) States that if a law enforcement officer of this state determines that an otherwise valid ERPO cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the order is sufficient notice.
- 23) Requires the Judicial Council to create statewide forms, as defined, for use by litigants in civil proceedings to request service of process or notice by a marshal or sheriff, or by a peace officer required to serve a protective order. A peace officer shall accept an electronic signature. A wet signature on the form or forms shall not be required.
- 24) Specifies that Judicial Council forms and the information contained therein shall not be subject to disclosure and shall be kept confidential.
- 25) States that when a court issues a criminal protective order, the prosecuting agency shall ensure the people protected by the order are promptly notified about the terms of the order.
- 26) Requires every identified prosecuting agency to, on or before January 1, 2028, develop, adopt, and implement written policies and standards for the agency governing notice to protected parties, receiving and responding to violations of a protective order, and violations of firearm relinquishment orders.
- 27) Includes AFS in the existing requirement that any charge of domestic violence requires the prosecuting agency to perform a search of specified databases that shall be presented to the court for consideration during certain steps in the trial process.
- 28) Specifies that in developing and updating the standards and policies, prosecuting agencies are encouraged to consult and collaborate with domestic violence service providers and survivor advocates, local law enforcement and court administration representatives, and any guidance, technical assistance, or recommendations issued by the DOJ.

- 29) States that a person who is committed to a state hospital or other treatment facility, and subject to a protective order, shall relinquish their firearms, not seek to secure a firearm, and makes violations punishable by specified firearms prohibitions.
- 30) Requires the court in which a criminal proceeding stemming from a hate crime is filed, upon request by a prosecutor or victim or on the court's own motion, to consider issuing a criminal protective order against the defendant.
- 31) States that if the court does not issue any protective order against the defendant to protect any identified person, the court shall, upon request by a prosecutor or victim or on the court's own motion, consider issuing a protective order equivalent to a firearms prohibition.
- 32) Establishes that a person convicted of defined violations who owns or possesses a firearm or ammunition, with knowledge that they are prohibited from doing so by a TRO or gun violence restraining order (GVRO), shall be prohibited from having custody or control of firearm or ammunition for 10 years.
- 33) States that any person who is convicted of specified misdemeanor violations, or any other offense that is defined as a hate crime, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$1,000, or by both that fine and imprisonment.
- 34) Requires LEA's and defined prosecuting agencies to designate a responsible person to access and receive notifications of a restrained person's violation of firearms relinquishment requirements and ensure the clerk of the superior court has updated contact information.
- 35) States that LEA's operating in the same jurisdiction may designate one lead agency for their jurisdiction responsible for receiving noncompliance notifications from the court, and for coordinating follow up actions and information sharing.
- 36) Defines "extreme risk protection order" as an injunction, restraining order, or other civil or criminal court order issued by a tribunal under the laws of the issuing state or jurisdiction, that does not name a protected individual, but prohibits the respondent from possessing, owning, controlling, purchasing, or receiving, firearms for the duration of the order based on evidence that the respondent poses a danger to themselves or others. Extreme risk protection orders are similar or equivalent to civil orders known as GVRO's.
- 37) Makes legislative declarations and findings.
- 38) Makes conforming changes.

EXISTING LAW:

- 1) Sets procedures for temporary civil restraining orders. (Civ. Proc. Code, § 527, et seq.)
- 2) Establishes procedures for domestic violence restraining orders. (Fam. Code, § 6300, et seq.)

- 3) Specifies procedures for elder abuse and dependent adult restraining orders. (Welf. & Inst. Code, § 15657.03, et seq.)
- 4) States procedures for gun violence restraining orders. (Pen. Code, § 18100, et seq.)
- 5) Establishes procedures for a juvenile court restraining order. (Welf. & Inst. Code, § 213.5, et seq.)
- 6) States procedures for postsecondary school violence restraining orders. (Civ. Proc. Code, § 527.85, et seq.)
- 7) Provides procedures for workplace violence restraining orders. (Civ. Proc. Code, § 527.8, et seq.)
- 8) Authorizes a party or witness to a civil restraining order petition to appear remotely at the hearing on a petition beginning January 1, 2027. (Civ. Proc. Code, § 527.6, subd. (i)(2).)
- 9) States that a preliminary injunction may be granted at any time before judgment upon a verified complaint showing the existence of satisfactory and sufficient grounds. No preliminary injunction shall be granted without notice to the opposing party. (Civ. Proc. Code, § 527, subd. (a).)
- 10) Establishes that no TRO shall be granted without notice to the opposing party, unless both of the following requirements are satisfied:
 - a) It appears from facts shown by affidavit or by verified complaint that great or irreparable injury will result to the applicant before the matter can be heard on notice.
 - b) The applicant or the applicant's attorney certifies one of the following to the court under oath:
 - i) That within a reasonable time prior to the application the applicant informed the opposing party or the opposing party's attorney at what time and where the application would be made.
 - ii) That the applicant in good faith attempted but was unable to inform the opposing party and the opposing party's attorney, specifying the efforts made to contact them.
 - iii) That for reasons specified the applicant should not be required to so inform the opposing party or the opposing party's attorney. (Civ. Proc. Code, § 527, subd. (c).)
- 11) States that in cases where a TRO is granted without notice, the matter shall be returnable on an order not later than 15 days or, if good cause appears to the court, 22 days from the date the TRO is issued. (Civ. Proc. Code, § 527, subd. (d)(1).)
- 12) Establishes that the party who obtained the TRO shall, within five days from the date the TRO is issued or two days prior to the hearing, whichever is earlier, serve the opposing party a copy of the complaint. (Civ. Proc. Code, § 527, subd. (d)(2).)

- 13) Provides that a person subject to a defined TRO or injunction shall relinquish firearms and ammunition. (Civ. Proc. Code, § 527.9, subd. (a).)
- 14) Specifies that when relevant information is presented to the court at any noticed hearing that a restrained person has a firearm, the court shall, by a preponderance of evidence, consider that information to determine whether the person has a firearm in violation of the order. (Civ. Proc. Code, § 527.11, subd. (a).)
- 15) Requires a peace officer to, upon the request of a petitioner, serve any TRO, order after hearing, or protective order on the respondent. (Civ. Proc. Code, § 527.12, subd. (a).)
- 16) States that counties, with the approval of the DOJ, shall develop a procedure, using existing systems, for the electronic transmission of protective order data, as described. (Fam. Code, § 6380, subd. (a).)
- 17) Specifies that DOJ may establish an Armed Prohibited Persons System (APPS) to provide a protected person with automated access to information in CRPOS, as specified. (Fam. Code, § 6380.5, subd. (b).)
- 18) Authorizes a person of this state to seek enforcement of a protection order issued by another tribunal. (Fam. Code, § 6402, subd. (a).)
- 19) States that the Judicial Council shall create a statewide form or forms to be used by litigants in civil actions or proceedings to request service of process or notice by a marshal or sheriff. (Gov. Code, § 26666.10, subd. (a).)
- 20) Provides that on any charge involving acts of domestic violence, the district attorney or prosecuting city attorney shall perform a thorough investigation of the defendant's history. (Pen. Code, § 273.75, subd. (a).)
- 21) Establishes that in the case of a person who is convicted of any defined offenses, including hate crimes, the court shall make an order protecting the victim or known immediate family of the victim. (Pen. Code, § 422.85, subd. (a).)
- 22) States that a person who is committed to a state hospital or other treatment facility because of any defined offenses, including hate crimes, may be ordered by the court to complete training in the area of civil rights as a condition of outpatient status or conditional release. (Pen. Code, § 422.865, subd. (a).)
- 23) Specifies that courts shall take all actions reasonably required to safeguard the health, safety, or privacy of the alleged victim, or of a person who is a victim of a hate crime, during a criminal proceeding involving a hate crime. (Pen. Code, § 422.88, subd. (a).)
- 24) Requires the court to notify DOJ when a GVRO is issued, renewed, dissolved, or terminated. (Pen. Code, § 18115.)
- 25) Prohibits a person that is subject to a GVRO from having in their custody any firearms or ammunition while the order is in effect. (Pen. Code, § 18120, subd. (a).)

- 26) Requires relinquishment of firearms pursuant to a TRO within 24 hours of being served with the order, as specified. (Pen. Code, § 18120, subd. (b)(3).)
- 27) Punishes with a misdemeanor every person who owns or possesses a firearm or ammunition with knowledge that they are prohibited from doing so by a restraining order. (Pen. Code, § 18205, subd. (a).)
- 28) States a temporary GVRO and an *ex parte* GVRO expire after 21 days. (Pen. Code, §§ 18125, subd. (b), 18155, subd. (c).)
- 29) States that a person who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding \$1,000, or by both that imprisonment and fine. (Pen. Code, § 29085, subd. (a)(1).)
- 30) Defines “foreign protection order” as a protection order issued by a tribunal of another state, state or jurisdiction. (Fam. Code, § 6401, subd. (1).)
- 31) Defines “protection order” as an injunction or other order, issued by a tribunal under the domestic violence, family violence, or other laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to, an individual. (Fam. Code, § 6401, subd. (5).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “AB 1753 takes on one of the most critical gaps in survivor protection by making sure California's protective order laws actually work. The bill tackles the problem from multiple angles. It strengthens firearm surrender requirements, improves coordination between courts and law enforcement when someone is illegally armed in violation of a protective order, registers more protective orders in law enforcement and background check databases, and ensures that people convicted of dangerous misdemeanors fail background checks. Too often, survivors get a protective order and assume they're safe, only to find that the system meant to back it up is broken. This bill closes the gap between what the law promises and what survivors actually experience.”
- 2) **Effect of the Bill:** AB 1753 attempts to address various issues, particularly as those issues relate to protective orders.

Among other things, this bill would: 1) increase misdemeanor convictions that trigger 10-year firearm or ammunition prohibition, 2) authorize courts to obtain an AFS and CLETS check at any stage of a protective order case involving firearm prohibitions, 3) make LEA's eligible to receive reimbursement for serving protective orders, 4) require LEA's and prosecuting agencies to designate a position responsible for accessing and receiving notices regarding firearm relinquishment orders, 5) provide enforcement of foreign protective orders under the VAWA, 6) require prosecuting agencies to attempt notification of victims and

witnesses when a court issues a protective order on their behalf, and 7) change the law so that TROs can be issued without notice to the proposed respondent.

California law currently provides for numerous protective orders, including: 1) civil harassment restraining orders, 2) domestic violence restraining orders, 3) elder or dependent adult abuse restraining orders, 4) gun violence restraining orders, 5) juvenile court restraining orders, 6) postsecondary school violence restraining orders, and 7) workplace violence restraining order. TRO's and EPRO's are commonly available for these protective orders. TRO's and EPRO's can be issued without notice and an opportunity to be heard in limited circumstances. (See, e.g., Fam. Code, § 6300.) These orders are generally issued in emergency situations where a person is at risk of imminent physical danger. A TRO allows a person petitioning for the order to restrict the person subject to the order from getting in close physical proximity and forcing the respondent to relinquish their firearms to LEA's (Civ. Proc. Code, § 527.9, subd. (a).) Due to concerns around fairness and constitutional due process obligations, TROs are limited in duration (fewer than 30 days) and subject to the petitioner generally establishing a need for the order.¹

DVRO's, for example, can take the form of emergency protective orders, which are sought by law enforcement, or TROs, which are sought by the victim. Temporary DVRO's can be based *only* upon the affidavit or testimony of the party seeking relief. (Fam. Code, § 6300.) A permanent restraining order, on the other hand, may be issued only after a hearing before an impartial tribunal where the respondent has been notified of the hearing ahead of time. (Civ. Proc. Code, § 527.) Because of the time-sensitive nature of many TRO's, requests for TRO's are often immediately reviewed and issued.²

It is easily understood how potentially difficult or dangerous it may be for a victim of domestic violence to provide advance notice to an abuser before filing an application for a TRO. While many of the provisions of AB 1753 do not present significant legal or constitutional concerns, the proposed changes in this bill that partly abrogate existing notice requirements could create procedural due process problems.

- 3) **Procedural Due Process:** Procedural due process generally requires state actors to provide specific procedural protections before they deprive a person of any protected life, liberty, or property interest. (*Morrissey v. Brewer* (1972) 408 U.S. 471, 481.) The Fourteenth Amendment's Due Process Clause imposes the same procedural due process limitations on the states as the Fifth Amendment does on the Federal Government. (*Ibid.*) While the particular procedures required by the constitution vary depending on the circumstances, a key consideration in evaluating whether sufficient procedures are present that do not subject individuals to the arbitrary exercise of government power before depriving a person of a life, liberty, or property right. (*Marchant v. Pennsylvania R.R.* (1894) 153 U.S. 380, 386.)

A fundamental, classic liberty interest is the right to be free from bodily restraint. (*Board of Regents v. Roth* (1972) 408 U.S. 564, 572.) A liberty interest additionally exists in the ability to exercise constitutional rights. (*Ibid.*) AB 1753, in combination with existing law, could

¹ *Temporary restraining orders*. Cornell Law School Legal Information Institute
<https://www.law.cornell.edu/wex/temporary_restraining_order> [as of Apr. 3, 2026].

² *Ibid.*

work to deprive a person of their liberty interests because protective orders act as bodily restraints and the right to possess a firearm for self-defense is a constitutionally protected right. Being forced to surrender property, like firearms, to the government following issuance of a protective order implicates due process property rights, too. This is particularly true where, as is the case with this bill, an absence of notice that a person could be subject to a TRO and relinquishment requirements may become far more common.

The appropriate framework for due process analyses of criminal procedure concerns involves a narrow inquiry into whether the law is offensive to fundamental concepts of fairness. (*Medina v. California* (1992) 505 U.S. 437, 443.) In the civil context, however the Court applies a three-part balancing test that evaluates the procedures against 1) the private interest affected, 2) the risk of erroneous deprivation of that interest under the chosen procedure, and 3) the government interest at stake. (*Mathews v. Eldridge* (1974) 424 U.S. 319, 335.) Both tests could be relevant in the context of the protective orders impacted by this bill. It is unclear, however, whether AB 1753's erosion of existing procedural requirements would survive judicial scrutiny either under the three-part civil test or narrow inquiry criminal test.

Additional United States Supreme Court precedent suggests some concern is warranted with the constitutionality of the bill's notice language. The Court found that the procedures required by due process are constitutional questions to be answered by the judiciary, not statutory questions for the legislature. (*Cleveland Bd. of Educ. v. Loudermill* (1984) 470 U.S. 532.) In another case, the Court held prejudgment seizure of property provisions were a deprivation of property without due process "insofar as they deny the right to a prior opportunity to be heard before chattels are taken from their possessor." (*Fuentes v. Shevin* (1972) 407 U.S. 67.) Interestingly, in *Loudermill*, the Chief Justice advanced criticism of the *Mathews* balancing test saying, "[the test is] simply an ad hoc weighing which depends a great extent upon how the Court subjectively views the underlying interests at stake." (*Loudermill, supra*, at p. 562 [Rehnquist, C.J., dissenting].) Firearms are chattels. A person subject to a TRO in California is required to relinquish their firearms or face criminal punishment. TRO's are issuable without prior notice or an opportunity to be heard. Thus, certain notice provisions in the bill could create procedural due process problems.

The author cites a 2008 Judicial Council report³ in support of AB 1753, which in part circumscribes existing notice requirements. This report is nearly 20 years old, so the data is a bit stale. Moreover, the report appears to focus on domestic violence orders, not all protective orders. Support for this focus can be found in the online description of the report. The description states, "Created by the Judicial Council of California in January of 2008, this document details recommended guidelines and practices for improving the administration of justice *in domestic violence cases*."⁴ The DVRO statute already provides for some of the notice limitations AB 1753 would apply to every protective order. (Fam. Code, § 6300, subd. (a) ("An ex parte [domestic violence] restraining order shall not be denied solely because the other party was not provided with notice.")) Furthermore, AB 1753 conforms its statutory language to the 2008 report but then adds additional notice limitation provisions. The additional language states, "the petitioner shall only be required to provide prior notice if the

³ *Final Report of the Domestic Violence Practice and Procedure Task Force* (Jan. 2008) Judicial Council of California <<https://www.allianceforhope.org/family-justice-center-alliance/resources/final-report-domestic-violence-practice-procedure-task-force>> [as of Apr. 3, 2026].

⁴ *Ibid* [italics added].

court determines that requiring prior notice would be in the interests of justice and would not likely endanger the petitioner, proposed protected parties, or other persons.” Inclusion of this extra language arguably further corrodes constitutional notice requirements.

Given the age of the report, and the state of existing law, it is not clear whether specific notice provisions in the bill would fall within existing constitutional boundaries.

- 4) **The Bruen Analysis:** AB 2310 would allow issuance of TRO’s in many cases without procedural due process. Existing law provides for mandatory surrender of firearms within 24 hours of a person being subject to a TRO. The combination of AB 2310’s notice provisions and existing law provisions regarding firearms relinquishment produces relatively restrictive regulation of plain text Second Amendment conduct.

To be subject to Second Amendment scrutiny, a law must first infringe on plain text Second Amendment conduct. (*New York State Rifle & Pistol Association, Inc. v. Bruen*, (2022) 597 U.S. 1, 17.) Justifying a law or regulation that purports to place restrictions on protected Second Amendment conduct requires the government to demonstrate the law is “consistent with the nation’s historical tradition of firearms regulation.” (*Id.* at p. 24.) A firearms regulation is constitutional if the government establishes the proposed law is “relevantly similar” to historical laws, regulations, and traditions. (*Id.* at p. 29.)

The United States Supreme Court has already ruled on a related issue. In 2023, the Court held that when an individual has been found by a court to pose a credible threat to the physical safety of another, that individual may be temporarily disarmed consistent with the Second Amendment. (*United States v. Rahimi* (2024) 602 U.S. 680, 685.) Key to this holding, however, was the fact that the person who was temporarily disarmed received procedural due process. (*Rahimi, supra*, at p. 711 [finding going armed laws relevantly similar to the federal statute at issue in the case thereby constitutionally permitting a court to disarm a dangerous person only . . . after notice and [a] hearing.”].) While it is ultimately unclear whether the Court would have reached a different conclusion in *Rahimi* absent the defendant receiving procedural due process, mandatory relinquishment of a person’s firearms upon issuance of a protective order, where the person surrendering their firearm has had no meaningful opportunity to be made aware or heard on the order due to statutory limitations on requiring notice, may exceed the constitutional bounds of the Second Amendment.

- 5) **Argument in Support:** According to the *American College of Emergency Physicians*, “Our state has made significant advances in some public health and safety arenas. Mortality from motor vehicle accidents has been significantly reduced from laws related to seat belts, child safety seats, motorcycle helmets, and drunk driving. Meanwhile, despite advances in trauma care, deaths from firearms have remained relatively steady and fatalities from gun violence recently surpassed those from automobiles, according to the CDC.

“It is well documented that abuser access to firearms is a risk factor for lethality. AB 1753 expands existing firearm relinquishment procedures to include civil harassment restraining orders, workplace violence restraining orders, postsecondary school restraining orders, and elder or dependent adult abuse restraining orders.

“As emergency physicians, we are often the first—and only—physicians to treat victims of gun violence. To reduce firearm-related deaths and injuries, we must prevent people from getting shot in the first place.

“For these reasons, California ACEP is pleased to support AB 1753.”

- 6) **Argument in Opposition:** According to the *California Rifle and Pistol Association*, “This legislation expands California's already expansive regime of firearm and ammunition restrictions through civil protective orders, further eroding due process and property rights for law-abiding citizens.

“AB 1753 amends multiple sections of the Code of Civil Procedure, Family Code, Penal Code, and Welfare and Institutions Code to explicitly require that individuals subject to various protective or restraining orders—such as civil harassment (CCP §527.6), workplace violence (§527.8), private postsecondary (§527.85), elder/dependent adult (§15657.03), domestic violence (Family Code §6383), and gun violence restraining orders (Penal Code §§18120 et seq.)—relinquish not only firearms but also any ammunition in their immediate possession or control. It makes conforming changes to definitions (e.g., Penal Code §16520), relinquishment procedures, and enforcement mechanisms.

“While the bill is framed as ‘clarifying,’ it substantively broadens the scope of ammunition bans in civil proceedings that frequently:

“Are issued *ex parte* (without the accused present or able to respond initially).

“Rely on allegations rather than proven facts or criminal convictions.

“Apply to broad categories of disputes (harassment, workplace conflicts, campus issues) where no violence or threat of violence has been adjudicated.

“Result in immediate disarmament and potential criminal penalties for non-compliance, even in cases of mistaken or abusive filings.

“Key concerns include:

“Due Process Deficiencies: Civil restraining orders often impose lifetime or long-term ammunition prohibitions with minimal evidentiary standards. Expanding to ammunition—essential for lawful use of firearms (hunting, sport shooting, self-defense)—effectively nullifies Second Amendment rights without the robust protections required for criminal proceedings. This conflicts with U.S. Supreme Court precedents emphasizing historical tradition and individualized assessments (e.g., Bruen).

“Risk of Abuse and Overreach: Protective orders are sometimes used strategically in family, employment, or neighbor disputes. Automatically triggering ammunition surrender increases the potential for harassment or false claims, leaving respondents defenseless and facing felony-level consequences for technical violations.

“No Demonstrated Public Safety Benefit: Existing laws already mandate firearm relinquishment in these orders, with prohibitions on possession. Extending to ammunition

does little to prevent misuse (prohibited persons cannot lawfully acquire it anyway) but burdens compliant owners who store firearms safely and unloaded.

“Disproportionate Impact: Law-abiding hunters, competitive shooters, collectors, and self-defense practitioners face unnecessary confiscation or restrictions on property they lawfully own, often without prompt hearings or easy return mechanisms.

“CRPA urges the Committee to reject AB 1753. California's firearm laws are among the strictest in the nation; further expansions through low-threshold civil processes undermine constitutional rights without enhancing safety. Focus instead on enforcing criminal laws against actual threats and abusers.”

7) **Related Legislation:**

- a) AB 1657 (Rogers) would prohibit a court from requiring that notice be provided to the party to be restrained in advance of filing an application for an ex parte restraining order. AB 1657 would also prohibit a court from requiring an explanation or declaration to substantiate a party's decision not to provide notice in advance of filing. AB 1657 is pending a vote on the Assembly floor.
- b) AB 1974 (Stefani) would authorize LEA's to implement a voluntary firearm safe storage program. AB 1974 is pending hearing in the Assembly Public Safety Committee.
- c) AB 2179 (Patel) would allow any party or witness to a petition for a restraining order to appear remotely at a hearing and would prohibit any fee for appearing remotely. AB 2179 is pending hearing in the Assembly Appropriations Committee.
- d) SB 1374 (Niello) would authorize a chief administrative officer of the postsecondary educational institution or an officer or employee designated by the chief administrative officer to maintain order on the school campus or facility to seek a temporary restraining order and an injunction on behalf of the postsecondary educational institution, upon a showing of unlawful violence or a credible threat of violence directed at it. SB 1374 is pending hearing in the Senate Education Committee.

8) **Prior Legislation:**

- a) AB 383 (Davies), Chapter 362, Statutes of 2025, applied relinquishment procedures to firearms or ammunition in custody or control of a juvenile who is prohibited from owning, possessing, or having under their custody or control a firearm until they are 30 years of age.
- b) AB 451 (Quirk-Silva), Chapter 693, Statutes of 2025, required local LEAs to adopt standard policies and procedures to implement requirements governing service, implementation, and enforcement of protective orders.
- c) AB 561 (Quirk-Silva), Chapter 267, Statutes of 2025, expanded e-filing for elder abuse restraining orders.

- d) AB 1078 (Berman), Chapter 570, Statutes of 2025, among other things, required the review of the California Restraining and Protective Order System to include information concerning whether the applicant is reasonably likely to be a danger to self, others, or the community at large.
- e) AB 1344 (Irwin), Chapter 573, Statutes of 2025, authorized certain counties to establish a pilot program to additionally authorize a district attorney to request that the court issue a temporary emergency gun violence restraining order, as specified.
- f) AB 824 (Stefani), of the 2025-26 Legislative Session, would have made clarifying changes to the procedures relating to the protective or restraining orders by explicitly requiring the restrained person to relinquish, in addition to any firearm, any ammunition in that person's immediate possession or control. AB 824 was held in the Assembly Appropriations Committee.
- g) SB 1002 (Blakespear), Chapter 526, Statutes of 2024, required a person subject to the prohibition, because they are a danger to themselves or others as a result of a mental health disorder, to relinquish a firearm, other deadly weapon, or ammunition they own, possess, or control within 72 hours of discharge from a facility.
- h) SB 899 (Skinner), Chapter 544, Statutes of 2024, requires the court, when issuing protective orders, to provide the person how any firearms or ammunition still in their possession to be relinquished. Requires the court to review the file to determine whether the receipt was filed and inquire whether the person complied with the requirement.
- i) AB 2621 (Gabriel), Chapter 532, Statutes of 2024, expanded the requirement for law enforcement agencies to have written policies and standards for gun violence to also maintain them in accordance with changes to statute, and also expands to scope of the policies to other firearm prohibiting emergency protective orders.
- j) AB 301 (Bauer-Kahan), Chapter 234, Statutes of 2023, authorizes courts to consider evidence of acquisition of body armor when determining whether grounds for a GVRO exist.
- k) AB 303 (Davies), Chapter 161, Statutes of 2023, required the Attorney General to provide specific information to local law enforcement agencies involving prohibited persons, including, but not limited to, personal identifying information, case status, and information regarding previous contact with the prohibited person.
- l) AB 732 (Fong), Chapter 240, Statutes of 2023, required local LEA's to designate a person to access or receive Armed Prohibited Persons System (APPS) database information from DOJ and report to DOJ quarterly regarding steps taken to remove individuals from the APPS.
- m) AB 818 (Petrie-Norris), Chapter 242, Statutes of 2023, required all peace officers, not just sheriffs and marshals, to serve all types of protective orders for free upon the petitioner's request.

- n) AB 36 (Gabriel), of the 2023-2024 Legislative Session, would have provided that any person subject to a civil or criminal protective order issued on or after July 1, 2024, shall not own, possess, purchase, or receive a firearm or ammunition within three years after expiration of the order. AB 36 was held in the Assembly Appropriations Committee.
- o) AB 667 (Maienschein), of the 2023-2024 Legislative Session, would have required a court to issue a GVRO for a duration of five years if the subject of the petition displayed an extreme risk of violence, as specified, within the prior 12 months. AB 667 was held in the Senate Public Safety Committee.
- p) AB 2870 (Santiago), Chapter 974, Statutes of 2022, allowed a petition for a GVRO to be made by an individual who has a child in common with the subject, an individual who has a dating relationship.
- q) SB 320 (Eggman), Chapter 685, Statutes of 2021, codified rules related to the relinquishment of a firearm by a person subject to a civil domestic violence restraining order and requires the courts to notify law enforcement and the county prosecutor's office when there has been a violation of a firearm relinquishment order.
- r) SB 538 (Rubio), Chapter 686, Statutes of 2021, authorized remote appearances for GVRO and DVRO petitioners.

REGISTERED SUPPORT / OPPOSITION:

Support

California Chapter of the American College of Emergency Physicians
California Public Defenders Association
City and County of San Francisco
Everytown for Gun Safety Action Fund
Giffords

Opposition

California Rifle and Pistol Association, INC.
National Rifle Association - Institute for Legislative Action

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