

Date of Hearing: April 21, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 1753 (Stefani) – As Amended April 16, 2026

SUBJECT: PROTECTIVE ORDERS: FIREARMS AND AMMUNITION: NOTICE AND PROCEDURES

KEY ISSUES:

- 1) IN AN EFFORT TO PREVENT PETITIONERS FROM BEING EXPOSED TO ADDITIONAL HARM, SHOULD COURTS BE PROHIBITED FROM REQUIRING THE PETITIONER TO PROVIDE THE RESPONDENT ADVANCED NOTICE OF THEIR INTENT TO FILE AN APPLICATION FOR A TEMPORARY OR EX PARTE RESTRAINING ORDER IF REQUIRING NOTICE WOULD LIKELY ENDANGER THE APPLICANT OR OTHERS?
- 2) SHOULD CIVIL LAW RESTRAINING ORDER STATUTES BE AMENDED TO PROVIDE GREATER CONSISTENCY IN IMPLEMENTATION AND EFFICACY?

SYNOPSIS

Restraining orders (also referred to as protective orders) can take the form of civil matters relating to domestic violence, elder abuse, workplace violence, school violence, as well as criminal protective orders including gun violence restraining orders. AB 1753 proposes a plethora of changes to various restraining order provisions in order to increase the efficacy of such orders, particularly as they relate to gun violence. Of particular relevance to this Committee, this bill proposes to prohibit courts from refusing to issue ex parte and temporary civil law restraining orders where the petitioner has not complied with a pre-filing notice requirement if enforcing the requirement is likely to result in harm to the petitioner or another party. The bill also creates consistency between the various civil restraining orders by allowing parties to appear remotely for hearings on the petition at no extra cost, and attempts to promote the state statutes' compliance with the requirements of the federal Violence Against Women Act.

This bill is sponsored by the California Department of Justice (DOJ) and GIFFORDS. It enjoys support from gun violence prevention advocates, the California Partnership to End Domestic Violence, the California Police Chiefs Association, the City and County of San Francisco, and the California Chapter of the American College of Emergency Physicians. It is opposed by the California Rifle, Pistol Association and the National Rifle Association – Institute for Legislative Action, and four individuals. The bill was previously heard by the Assembly Committee on Public Safety where it was approved unanimously.

SUMMARY: Authorizes courts to issue ex parte and temporary civil law restraining orders even if the respondent was not provided notice prior to filing the petition, authorizes parties to workplace violence and postsecondary educational institution restraining orders to appear remotely, and makes other clarifying changes throughout restraining order statutes in the Code of Civil Procedure, Family Code, Welfare and Institutions Code, and Penal Code. Specifically, **this bill:**

- 1) Makes relevant findings and declarations on behalf of the Legislature regarding the risk that requiring petitioners to provide prior notice of a petition for a temporary or ex parte protective or restraining order against an individual who has engaged in violent, abusive, or other dangerous conduct may result in significant harm.
- 2) States that the Legislature finds it is necessary to establish that petitioners shall only be required to provide prior notice to the proposed respondent of a petition for a temporary or ex parte protective or restraining order based on a case-by-case determination that takes the interests of justice and safety into account, and prohibits a court from denying a temporary or ex parte restraining order solely because the proposed respondent was not provided with notice.
- 3) Prohibits a court, except as provided in existing provisions of law, to require a petitioner to provide prior notice to the proposed respondent in advance of filing an application for a temporary ex parte protective or restraining order, if requiring pre-filing notice would likely endanger the applicant or other persons' safety.
- 4) Authorizes remote appearances at no cost for a party, support person, or witness at workplace violence and postsecondary educational institution protective order hearings.
- 5) 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.
- 6) Clarifies that a court adjudicating a protective order may order a search of the Department of Justice Automated Firearms System (AFS) and other databases and may develop protocols to ensure a search is conducted before a hearing on the issuance, renewal, or termination of any protective order.
- 7) 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.
- 8) 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.
- 9) States that a petitioner for a DVRO shall not be uniformly required to provide prior notice to the proposed respondent about a petition for a temporary or ex parte protective or restraining order in all cases and shall not be required to establish exceptional circumstances.
- 10) States that a petitioner for a DVRO shall only be required to provide prior notice to the proposed respondent about a petition for a temporary or ex parte protective or restraining order if the court determines that requiring prior notice would not likely endanger the petitioner, proposed protected parties, or other persons.
- 11) States that for DVROs courts shall evaluate on a case-by-case basis whether it is in the interests of justice to provide notice to proposed respondents.
- 12) 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 the Department of Justice.

- 13) 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.
- 14) Requires all protective orders issued on forms adopted by the Judicial Council of California, and that have been approved by the Department of Justice, to be transmitted to the Department, except as specified.
- 15) Includes as protection orders certain orders issued under the federal Violence Against Women Act (VAWA).
- 16) 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.
- 17) 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.
- 18) 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.
- 19) 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).
- 20) 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.
- 21) Provides that defined immunities, liabilities, and precedents shall apply to ERPOs.
- 22) 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.
- 23) 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.

- 24) 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.
- 25) Specifies that Judicial Council forms and the information contained therein shall not be subject to disclosure and shall be kept confidential.
- 26) 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.
- 27) 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.
- 28) 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.
- 29) 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.
- 30) 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.
- 31) 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.
- 32) 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.
- 33) 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.
- 34) 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.

- 35) Requires LEAs 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.
- 36) States that LEAs 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.
- 37) 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.
- 38) Makes legislative declarations and findings.
- 39) Makes conforming changes.

EXISTING LAW:

- 1) Sets forth standards and procedures under which a person may seek a temporary civil restraining order and an order after hearing. (Code of Civil Procedure (CCP) Section 527.6.)
- 2) Authorizes a party or witness to a civil restraining order petition to appear remotely at the hearing on a petition. Prohibits courts from charging a fee for a party to appear remotely and requires the courts to develop local rules and instructions for remote appearances. (CCP Section 527.6 (i).)
- 3) Sets forth standards and procedures under which an employer or collective bargaining representative of an employee may seek a civil restraining order on behalf of an employee who has suffered harassment, unlawful violence, or a credible threat of violence that can reasonably be construed to be carried out or to have been carried out at the workplace. (CCP Section 527.8.)
- 4) Establishes the Domestic Violence Protection Act (DVPA) setting forth procedural and substantive requirements for the issuance of a "protective order," whether issued ex parte, after notice and hearing, or in a judgment, that enjoins specified acts of abuse, excluding a person from a dwelling, or enjoining other specified behavior. (Family Code Section 6200 *et seq.*)
- 5) Authorizes a party, support person, or witness to appear remotely at the hearing on a petition for a domestic violence restraining order. Beginning January 1, 2027, prohibits a fee for a party, support person, or witness to appear remotely at the hearing. (Family Code Section 6308.)
- 6) Provides that a domestic violence restraining order (DVRO) may be issued to restrain a person, as specified, based on an affidavit or testimony and any additional information provided to the court that shows, to the satisfaction of the court, reasonable proof of a past act or acts of abuse. Specifies that a court may issue an order under this part based solely on

the affidavit or testimony of the person requesting the restraining order. (Family Code Section 6300 (a).)

- 7) Provides that an ex parte DVRO shall not be denied solely because the other party was not provided notice. (Family Code Section 6300 (b).)
- 8) Provides that an ex parte DVRO may not be rejected for filing by the county clerk if it is submitted on mandatory Judicial Council forms, includes any other required forms, and identifies the party submitting the request and the party who is the subject of the order. (Family Code Section 6300 (c).)
- 9) Requires an ex parte DVRO to be issued or denied on the same day that the application is submitted to the court, unless the application is filed too late in the day to permit effective review, in which case the order shall be issued or denied on the next day of judicial business, as specified. Provides the ex parte order shall not be denied because the other party was not provided with notice. (Family Code Section 6326.)
- 10) Sets forth standards and procedures under which an elder or dependent adult who has suffered abuse may seek protective orders. (Welfare and Institutions Code (WIC) Section 15657.03.)
- 11) Beginning January 1, 2027, requires a court that receives petitions for protective orders to permit those petitions and any filings related to the petitions to be submitted electronically at no charge to the petitioner. (WIC Section 15657.03 (r).)
- 12) Provides guidelines for courts to maintain self-help centers for self-represented litigants in various civil matters. (California Rule of Court Rule 10.960.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: Existing law authorizes courts to issue a wide variety of orders to protect one or more individuals from harm by a restrained party. Restraining orders (also referred to as protective orders) can take the form of civil matters relating to domestic violence, elder abuse, workplace violence, school violence, as well as criminal protective orders including gun violence restraining orders. AB 1753 proposes a plethora of changes to various restraining order provisions in order to increase the efficacy of such orders, particularly as they relate to gun violence. 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.

Among its numerous provisions, *this bill* addresses a number of issues within the jurisdiction of this Committee relating to remote appearances in civil restraining order proceedings, notice

requirements ahead of issuance of a temporary domestic violence restraining order, service of restraining orders by law enforcement and concurrent reimbursement authority, and authority to search the Department of Justice Automated Firearms System in relevant restraining order proceedings.

Remote appearances. In 2021, the Legislature passed SB 538 (Rubio) Chap. 686, Stats 2021. SB 538 required courts to accept electronic filings for DVRO petitions and authorized a party seeking a DVRO, their support person, or a witness to appear remotely in a hearing on the petition. (Family Code Sections 6307, 6308, respectively.) Last year, the Legislature passed AB 561 (Quirk-Silva) Chap. 267, Stats 2025, which enacted various changes to the statutes governing restraining orders including domestic violence restraining orders, EADACPA, and civil harassment restraining orders. In relevant part, AB 561 made the following changes beginning January 2027: prohibited courts from charging a fee to parties who appear remotely in DVRO proceedings; authorized parties seeking civil restraining orders to appear remotely for a hearing on the petition and prohibited collecting fees to do so; required courts to accept electronic filings without an accompanying fee; and made the same conforming changes to EADACPA for elder and dependent adult restraining orders. In sum, SB 538 and AB 561 have worked in tandem to eventually allow parties to petition for various types of restraining orders to file their petitions electronically and appear remotely for the hearing on the petition, without additional fees.

However, AB 561 did not make conforming changes to either the workplace violence or postsecondary educational institution violence restraining order statutes. Therefore, petitioners and witnesses for both types of restraining order proceedings are required to appear in person for a hearing on the petition. It is not clear why either statute was left out of AB 561. The impetus underlying allowing parties to file petitions remotely in other types of restraining order cases – to allow protected parties and witnesses to maintain distance from the restrained party and ease access to the proceeding, and in doing so encourage parties to seek restraining orders where necessary – appears to remain the same in the context of workplace violence and violence in postsecondary educational institutions. Thus, providing the same opportunities to file petitions electronically and allowing parties and witnesses to appear remotely in hearings seems a reasonable proposal.

On March 24, this Committee heard and approved AB 2179 (Patel), which likewise amended the workplace violence restraining order statute to authorize remote appearances with no additional cost. *The author may wish to consider consolidating efforts with the author of AB 2179 in order to avoid duplicative language.*

AB 1753 makes an additional conforming change to encourage self-help centers and other stakeholders who provide resources to survivors of violent, abusive, or other dangerous conduct to inform those individuals about their ability to appear remotely at such hearings.

Firearms and ammunition. Existing law requires individuals subject to certain types of restraining orders to relinquish any firearms and ammunition. In 2024, the Legislature enacted SB 899 (Skinner & Blakespear) Chap. 544 Stats. 2024, which extended existing procedures in the Domestic Violence Prevention Act (DVPA) relating to relinquishment of firearms and ammunition occur in other types of protective and restraining orders, including orders issued during the pendency of criminal proceedings and following specified criminal convictions. However, it appears that some relevant provisions omitted reference to ammunition, and only

required relinquishment of the firearm. This bill proposes changes throughout various Code of Civil Procedure and Family Code sections and the Penal Code to ensure that where a restrained party is required to relinquish their firearm, they are also required to relinquish their ammunition.

Service by law enforcement agencies. Existing law requires law enforcement to serve restraining orders on the restrained party if requested by the petitioner. (Civil Code Section 527.12.) Government Code Section 26600 provides guidelines for law enforcement in completing service of process. Government Code Section 6103.2 authorizes sheriffs and marshals to request prepayment by a public agency for a fee incurred in connection with the service of process or notice in certain circumstances. This bill applies both sections to service of restraining orders by law enforcement, thereby allowing law enforcement agencies to offset costs associated with service.

Existing law also requires Judicial Council to create unified forms for use by litigants in civil actions to request service of process by a marshal or sheriff. (Government Code Section 26666.10.) This bill would require Judicial Council to modify those standard forms to account for the bill's numerous changes by January 1, 2028.

Department of Justice Automated Firearms System search. Existing law requires courts to ensure that a respondent in a domestic violence restraining order proceeding with a history of specified criminal convictions or domestic violence convictions and defendants in gun violence restraining order proceedings are subject to extensive specified records search, including the Department of Justice Automated Firearms System, the California Sex and Arson Registry, the Supervised Release File, a state summary of criminal history information maintained by the Department of Justice, the Federal Bureau of Investigation's nationwide database, and locally maintained criminal history records or databases. This bill clarifies that a court may also order a search of any of the enumerated databases in a proceeding for any type of civil restraining order.

It is highly unlikely that *every* restraining order proceeding would necessitate a search of any of these databases. Nevertheless a search of any one of those databases may very well turn up relevant information that could prompt a court to issue or modify the protective order. Clarifying to the extent necessary that courts have the discretion to conduct such searches where applicable could be a helpful tool to courts in ensuring protected parties receive the most effective restraining orders possible.

Pre-filing notice of temporary restraining order. California law generally requires every party to litigation to be served with notice of the pending litigation, referred to as service of process. Service of process occupies an important role in ensuring litigants' due process rights because it provides them an opportunity to respond and be heard in court. Restraining order proceedings present a complication to due process in that each petition for a restraining order, be it a domestic violence restraining order or workplace violence restraining order, may be accompanied by a temporary emergency order, also referred to as an emergency or temporary restraining order. Emergency protective orders and temporary restraining orders are issued *ex parte* – that is, based only upon the affidavit or testimony of the party seeking relief, whereas a permanent restraining order, on the other hand, may be issued only after a hearing at which the respondent is free to attend and testify. Because of their inherently time-sensitive manner, requests are reviewed and, if approved, issued on the same day as requested, or the next business day at the latest. Once a restraining order has been issued, it is immediately entered into a law enforcement database and may be enforced. Existing law typically requires that, in an effort to preserve due process, a party

seeking a restraining order provide the respondent prior notice of their intent to file the petition. However, existing law already recognizes that, in many situations, it may be difficult, or even dangerous, for someone to provide prior notice of their intent to file. Existing Code of Civil Procedure Section 527 prohibits issuance of a temporary restraining order absent notice unless the party can demonstrate that the person will suffer irreparable injury before the matter can be heard with notice and the applicant certifies that one of three conditions were satisfied including that, “for reasons specified the applicant should not be required to so inform the opposing party or the opposing party’s attorney.” Therefore, under circumstances where a party is at significant risk of harm and can specify as much, a court may proceed with a TRO even absent the pre-filing notice to the respondent.

DVROs do not always require advance notice before the application is filed, or the order is issued. State law expressly states that a court may not deny an application for a DVRO based “solely” on failure to provide notice. (Family Code Section 6300 (a).) In addition, California Rule of Court 1.151 treats DVROs as a special case. This rule provides that an application for emergency restraining orders – though not necessarily DVROs – must be accompanied by a written statement that declares one of the following: (1) that notice has been provided to the other party; (2) that the applicant made a good faith effort to provide notice but failed to do so, specifying the efforts made to inform the other party; or (3) that, for reasons specified, the applicant should not be required to inform the opposing party. (California Rule of Court 1.151 (e)(2)(C).) However, while this rule applies to emergency orders generally, it exempts DVROs unless specifically included. (California Rule of Court 1.151 (a).) In any civil restraining order proceeding, a court must generally have evidence that a respondent was served with notice of the petition and hearing before issuing a full restraining order after hearing, regardless of whether a petitioner was permitted to proceed without the pre-filing notice.

This bill seeks to mirror the exemption to the notice requirement for DVRO petitions for *every* type of civil restraining order. The bill amends existing exemptions to notice requirements in Code of Civil Procedure Section 527 to require a petitioner or their attorney to certify that providing notice to the restrained party prior to filing the application for a TRO would likely endanger the applicant or another persons’ safety. It also adds proposed Section 527.1 to allow petitioners for temporary restraining orders, except as established by Family Code Sections 6300 and 6326, to prohibit a court from requiring a petitioner to provide prior notice to a restrained party ahead of filing an application for a TRO if requiring the pre-filing notice would endanger the applicant or other persons’ safety. Proposed section 527.1 also prohibits a court from requiring a petitioner to establish exceptional circumstances to file an application for a TRO without providing pre-filing notice to the proposed respondent.

The bill also amends Family Code Section 6300 to prohibit a petitioner from being uniformly required to provide prior notice to the respondent about a petition for temporary or ex parte orders in all cases, or from being required to establish exceptional circumstances, and would prohibit a court from adopting or maintaining any rule, form, or practice that is inconsistent with this prohibition. Additionally, the bill would only require petitioners to provide notice of a petition ahead of filing on a case-by-case basis, if the court determines that requiring prior notice would be in the interest of justice and not likely to endanger the petitioner or any other person.

Recognizing the risk any individual facing threats or harassment may face any time they interact with their abuser, this bill would authorize a petitioner requesting any restraining order to certify under oath that they were unable to provide notice because doing so would likely endanger their

safety or the safety of another person. As a brief note, this Committee heard and approved AB 1657 (Rogers) on March 10, which also modifies Family Code Section 6300 to achieve the same goal but with slightly different language. *The author may wish to consider consolidating efforts with AB 1657 to avoid duplication.*

The Violence Against Women Act (VAWA). The federal Violence Against Women Act, which provides a federal framework for protecting victims of domestic violence, intimate violence, sexual assault, and stalking, requires states to give full faith and credit to protective orders issued by courts in other jurisdictions. VAWA does not limit the definition of protective orders to solely domestic violence-related restraining orders. In order to ensure thorough compliance with VAWA, this bill modifies the definition of “protection order” to include “any other injunction or order defined as a ‘protection order’” under VAWA, as specified. The bill also makes changes throughout the relevant statutes to authorize enforcement of orders issued by another *jurisdiction* in addition to any other state, and incorporates authorization to enforce “extreme risk protection orders” issued in another state or jurisdiction.

At first glance, this new provision seems to provide a new type of civil restraining order. However, there are no procedures, standards, or timelines established for obtaining an EPRO. Instead it seems that the intent of the language is simply to explicitly require the state to recognize restraining orders administered in other jurisdictions. *Recognizing the potential for confusion, the author may wish to amend this section to simply state that California courts are required to recognize restraining orders, including extreme risk protection orders, validly issued in other jurisdictions in order to comply with VAWA.*

The bill also makes various other technical changes throughout the state’s numerous protective order statutes to streamline efficacy.

ARGUMENTS IN SUPPORT: This bill is sponsored by the California Department of Justice (DOJ) and GIFFORDS. It enjoys support from gun violence prevention advocates, the California Partnership to End Domestic Violence, the California Police Chiefs Association, the City and County of San Francisco, and the California Chapter of the American College of Emergency Physicians. In support of the measure the Department of Justice submits:

AB 1753 was developed based on recommendations by the DOJ’s Office of Gun Violence Prevention, Giffords, the courts, and survivors’ advocates. DOJ’s Office of Gun Violence Prevention has identified improving implementation of protective orders as a leading priority for reducing gun violence in California. This bill will strengthen California’s protective order and firearm relinquishment system with a comprehensive set of reforms, including by:

- Bringing consistency in implementation and enforcement across California’s nine types of protective orders;
- Ensuring more consistent coordination and information sharing between courts, law enforcement, and prosecuting agencies to ensure prompt firearm relinquishment compliance or accountability in protective order cases;
- Improving enforceability of tribal and out-of-state protective orders;
- Expanding remote hearing access for protection order cases and removing other barriers to access for survivors;

- Authorizing more local law enforcement agencies to receive reimbursement for serving protective orders;
- Strengthening courts' authority to issue a range of firearm prohibiting protective orders in criminal hate crime cases, including when hate crime offenders are a danger to the public or large groups of people instead of specific identifiable victims;
- Closing arbitrary gaps in the list of misdemeanor offenses that result in firearm prohibitions upon conviction, to ensure people convicted of hate crimes, protective order violations, and threats of violence against schools and sensitive locations are disqualified from accessing firearms for 10 years.

ARGUMENTS IN OPPOSITION: This bill is opposed by the California Rifle and Pistol Association and the National Rifle Association, as well as four individuals. The National Rifle Association submits:

As an initial matter, NRA-ILA has consistently maintained that red flag laws, including GVRO statutes, raise serious constitutional concerns. These laws authorize the temporary deprivation of a fundamental constitutional right through a civil process that does not afford the same robust procedural protections required in criminal proceedings. Orders may be issued on an expedited basis, often prior to a full adversarial hearing, and based on evidentiary standards lower than those required to sustain a criminal conviction. When a statute permits the suspension of a fundamental right without the full measure of constitutional safeguards, it raises substantial questions under both the Second Amendment and core due process principles.

California's existing GVRO framework already allows courts to impose sweeping restrictions on an individual's ability to possess firearms and ammunition through this civil process. Assembly Bill 1753 does not create a new prohibition on ammunition possession under a GVRO. Instead, it expands the enforcement framework surrounding these orders by modifying the procedures used to determine whether a respondent is in violation of a GVRO. Specifically, this bill expands compliance determinations to include ammunition possession in addition to firearms.

While this change may be characterized as procedural, it further expands the enforcement mechanisms associated with California's red flag law framework. Expanding the compliance and enforcement mechanisms within this framework is particularly troubling in light of the fact that Gun Violence Restraining Orders are imposed through a civil proceeding that does not provide the full procedural protections traditionally required prior to restricting the exercise of a fundamental constitutional right.

REGISTERED SUPPORT / OPPOSITION:

Support

Giffords (co-sponsor)

California Department of Justice (co-sponsor)

Brady California

Brady United Against Gun Violence

California Chapter of the American College of Emergency Physicians and

California Partnership to End Domestic Violence
California Police Chiefs Association
City and County of San Francisco
Everytown for Gun Safety Action Fund

Opposition

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

Analysis Prepared by: Manuela Boucher-de la Cadena / JUD. / (916) 319-2334