

## ASSEMBLY THIRD READING

AB 1753 (Stefani)

As Amended May 18, 2026

Majority vote

**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.

**Major Provisions**

- 1) Authorizes a person asking for a restraining order, in combination with provisions of existing law, to certify with the court under oath that notice could not be provided because providing notice to the party to be restrained in advance of filing an application for a temporary restraining order would likely endanger the applicant or other person's safety.
- 2) States the court shall not require exceptional circumstances, nor adopt rules inconsistent with statute, for issuance of unnoticed TROs.
- 3) Requires a person subject to a TRO to relinquish ammunition under specified orders.
- 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 Automated Firearms System (AFS) and other databases and may develop protocols to ensure that 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 bases 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 (DOJ).
- 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 using defined methods, unless an alternative method is otherwise expressly authorized by statute.
- 14) 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.
- 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 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.
- 36) 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.
- 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) Includes severability clause.
- 39) Makes legislative declarations and findings and removes provision that the findings and declarations shall become operable on July 1, 2027.
- 40) Makes conforming changes.

## COMMENTS

### **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."

### **Arguments 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."

### **Arguments 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 Section 527.6), workplace violence (Section 527.8), private postsecondary (Section 527.85), elder/dependent adult (Section 15657.03), domestic violence (Family Code Section 6383), and gun violence restraining orders (Penal Code Sections 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 Section 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."

## FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Workload costs to the Department of Justice (General Fund, special funds) of an unknown but potentially minor to moderate amount to, among other things, receive and process expanded protective order data transmissions, including criminal court protective orders, out-of-state extreme risk protection orders (ERPOs), and additional Judicial Council-form protective orders; and develop guidance and technical assistance.
- 2) Judicial Council identifies about \$80,000 in costs for additional hearing time and clerk workload to determine if a person is in possession of a firearm. (Trial Court Trust Fund, General Fund). Judicial Council does not have any fiscal concerns at this time.
- 3) Workload costs to local law enforcement agencies (local funds) to designate responsible personnel to access and receive firearm relinquishment violation notifications, coordinate follow-up actions and information sharing, and (where applicable) seek reimbursement for service of protective orders. The bill authorizes peace officers to submit a billing to the superior court for payment of service fees, which would offset some local costs. General Fund costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.
- 4) Local costs, possibly reimbursable by the state (General Fund), of an unknown but potentially significant amount to law enforcement agencies (LEAs) to maintain custody of seized ammunition. Costs for each instance will likely be low, but costs could be significant in the aggregate statewide, with actual costs depending on the volume of ammunition that must be seized and maintained by LEAs. General Fund costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

## **VOTES**

### **ASM PUBLIC SAFETY: 9-0-0**

**YES:** Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

### **ASM JUDICIARY: 9-1-2**

**YES:** Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

**NO:** Sanchez

**ABS, ABST OR NV:** Macedo, Dixon

### **ASM APPROPRIATIONS: 11-0-4**

**YES:** Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

**ABS, ABST OR NV:** Hoover, Dixon, Ta, Tangipa

## **UPDATED**

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