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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair  
2025 - 2026 Regular

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**Bill No:** AB 1753                      **Hearing Date:** June 16, 2026  
**Author:** Stefani  
**Version:** May 18, 2026  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** AB

**Subject:** *Protective orders: firearms and ammunition: notice and procedures*

## HISTORY

**Source:** Department of Justice; Giffords Law Center to End Gun Violence

**Prior Legislation:** AB 1363 (Stefani), Ch. 574, Stats. of 2025  
AB 824 (Stefani), held in Senate Appropriations, 2025  
AB 1344 (Irwin), Ch. 573, Stats. of 2025  
SB 899 (Skinner), Ch. 544, Stats. of 2024  
AB 3083 (Lackey), Ch. 541, Stats. of 2024  
AB 2907 (Zbur), Ch. 538, Stats. of 2024  
AB 2621 (Gabriel), Ch. 532, Stats. of 2024  
AB 732 (Fong), Ch. 240, Stats. of 2023  
AB 818 (Petrie-Norris), Ch. 242, Stats. of 2023  
SB 320 (Eggman), Ch. 685, Stats. of 2021

**Support:** Brady California; Brady United Against Gun Violence; California Police Chiefs Association; Everytown for Gun Safety Action Fund; Moms Demand Action for Gun Sense in America; Students Demand Action for Gun Sense in America

**Opposition:** California Rifle and Pistol Association; National Rifle Association – Institute for Legislative Action

**Assembly Floor Vote:** 62 - 6

## PURPOSE

*The purpose of this bill is to, pursuant to a protective order requiring the relinquishment of firearms, require the restrained party to also relinquish any ammunition in their possession; to require courts to permit to permit a party, support person, or witness to appear remotely at a hearing for specified restraining orders; to require a peace officer to follow procedures that apply to a sheriff or marshal when serving process issued by a superior court; to require a prosecutor to conduct a search of the Department of Justice (DOJ) Automated Firearms System (AFS) on any charge involving acts of domestic violence; to clarify when courts may conduct a search of AFS in conjunction with a protective order; to impose several notification requirements on law enforcement and prosecuting agencies with regard to protective orders; to authorize a law enforcement agency to seek enforcement of a valid extreme risk protection order issued by another jurisdiction; to expand reporting requirements related to information regarding protective orders communicated through the California Restraining and Protective*

***Order System (CARPOS); to authorize DOJ to obtain funding for Wyland's law via grants and other sources; to add several misdemeanor offenses, including those related to gun violence restraining orders (GVROs) and hate crimes, to the list of crimes resulting in a 10-year ban on the purchase and possession of firearms and ammunition.***

*Existing law* generally sets forth procedures and requirements related to temporary civil restraining orders. (Code of Civil Procedure (CCP), § 527 et. seq.)

*Existing law* provides that a temporary restraining order (TRO) shall not be granted without notice to the opposing party, unless specified requirements are satisfied. (CCP, § 527, subd. (c).)

*Existing law* 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. (CCP, § 527, subd. (d)(1).)

*Existing law* 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. (CCP, § 527, subd. (d)(2).)

*Existing law* authorizes a party or witness to a civil restraining order petition to appear remotely at the hearing on a petition and 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, § 527.6, subd. (i).)

*Existing law* 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, § 527.8.)

*Existing law* sets forth standards and procedures under which a chief administrative officer of a postsecondary educational institution, or an officer or employee designated by the chief administrative officer to maintain order on the school campus or facility, may, with the written consent of a student who has suffered a credible threat of violence, as specified, seek a temporary restraining order and an order after hearing on behalf of the student, and, at the discretion of the court, any number of other students at the campus who are similarly situated. (CCP, § 527.85.)

*Existing law* requires a person who is the subject of a civil harassment, workplace violence or postsecondary violence temporary restraining order or injunction, elder abuse restraining order, or a restraining order issued during the pendency of criminal proceedings or following specified criminal convictions, to relinquish any firearm in that person's immediate possession or control, or subject to that person's immediate possession or control, within 24 hours of being served with the order, either by surrendering the firearm to the control of local law enforcement officials, or by selling the firearm to a licensed gun dealer, as specified. (CCP, § 527.9, subd. (a), (b).)

*Existing law* provides that the court when it receives relevant information, at any noticed civil injunction or TRO hearing, that a restrained person has a firearm, the court shall consider that information to determine, by a preponderance of the evidence, whether the person subject to a defined order has a firearm in, or subject to, their immediate possession or control in violation of the order. (CCP, § 527.11, subd. (a).)

*Existing law* provides that the court may consider a sales or storage receipt of relinquishment from the restrained person or whether an exemption was granted to the restrained person's prohibition on possessing firearms when making a determination of whether the restrained person is in violation of the relinquishment order. (Civ. Code, § 527.11, subd. (b).)

*Existing law* requires a peace officer, upon the request of a petitioner, to serve any TRO, order after hearing, or protective order issued pursuant to specified provisions of existing law, on the respondent, whether or not the respondent has been taken into custody, as specified. (CCP, § 527.12.)

*Existing law* requires a sheriff or marshal to comply with various procedures related to the service of process and notice, as provided. (Gov. Code, § 26660 et. seq.)

*This bill* sets forth various legislative findings and declarations 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, among others.

*This bill* prohibits a court, except as provided in existing provisions of law, from requiring 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.

*This bill* provides that a petitioner shall not be required to establish exceptional circumstances to file an application for a temporary or ex parte protective or restraining order without providing pre-filing notice to the proposed respondent.

*This bill* provides that a party, support person, or witness may appear remotely at a hearing on a petition for a workplace violence restraining order or a school violence restraining order, and that no fee may be charged to appear remotely.

*This bill* provides that a peace officer required to serve a civil restraining or protective order, as specified, shall comply with existing procedures and requirements to which sheriffs and marshals are subject, and that a peace officer required to serve such an order may submit a billing to the superior court for payment of fees for service of the order.

*This bill* provides that a court may order a search of the AFS in any of the following circumstances:

- Upon receiving a petition for any of several specified restraining or protective orders, including civil harassment restraining orders, domestic violence restraining orders, elder or dependent adult abuse restraining orders, GVROs, juvenile court restraining orders, and school and workplace violence restraining orders.
- Before a hearing on the issuance, renewal, or termination of those orders; or
- Before a hearing concerning the respondent's compliance with, or violation of those orders.

*This bill* authorizes courts and designated law enforcement partners to develop protocols to ensure that before a hearing on the issuance, renewal, or termination of any protective order or restraining order that includes firearm prohibitions, a search is conducted of, at a minimum, the Department of Justice Automated Firearms System in order to inform the court's findings about whether the respondent owns, possesses, or controls firearms and has relinquished all firearms in compliance with a court order or state law.

*This bill* requires the court, after its ruling, to advise the parties pursuant to existing procedures and keep information obtained from a search confidential, as specified.

*Existing law* establishes the Domestic Violence Protection Act (DVPA), which sets forth procedural and substantive requirements for the issuance of a restraining 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. (Fam. Code, §§ 6200 et seq.)

*Existing law* 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. (Fam. Code, § 6300, subd. (a).)

*Existing law* provides that an ex parte DVRO shall not be denied solely because the other party was not provided notice. (Fam. Code, § 6300, subd. (b).)

*Existing law* 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. (Fam. Code, § 6300, subd. (c).)

*Existing law* requires counties, with the approval of the DOJ, shall develop a procedure, using existing systems, for the electronic transmission of protective order data to the DOJ, as described. (Fam. Code, § 6380, subd. (a).)

*Existing law*, known as Wyland's law, provides that, subject to an appropriation by the legislature, the DOJ may establish, or contract with a vendor to establish, an automated protected person information and notification system to provide a petitioner or protected person in a protective order case with automated access to information maintained in CARPOS about their case, which shall include specified elements. (Fam. Code, § 6380.5, subd. (b).)

*Existing law* provides that a DVRO, whether a temporary restraining order, emergency protective order, or an order issued after hearing pursuant to the DVPA, shall, on request of the petitioner, be served on the respondent by a law enforcement officer, as specified, who is present at the scene of reported domestic violence involving the parties to the proceeding or who receives a request from the petitioner to provide service of the order. (Fam. Code, § 6383, subd. (a).)

*Existing law* states that a person who is the subject of DVRO issued by the court shall not own, possess, purchase, or receive a firearm or ammunition while the protective order is in effect. A violation of this prohibition is punishable as either a misdemeanor (owning or possessing a

firearm when prohibited from doing so by a restraining order) or a wobbler (purchasing or receiving or attempting to purchase or receive a firearm when prohibited from doing so by a restraining order). (Fam. Code, § 6389; Pen. Code, § 29825.)

*Existing law*, the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act (UIEA), provides that a person authorized by the laws of California to seek enforcement of a protection order may seek enforcement of a valid foreign protection order – an order issued by a tribunal of another state – in a tribunal of this state, but a tribunal of this state may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order. (Fam. Code, § 6402, subs. (a)-(b).)

*Existing law* defines “protection order,” for the purposes of UIEA as an injunction or other order, issued by a tribunal under the domestic violence, family violence, or anti-stalking 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, another individual.

*This bill* provides 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.

*This bill* provides 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 on a case-by-case basis, if the court determines that requiring prior notice would not likely endanger the petitioner, proposed protected parties, or other persons.

*This bill* expands the types of protective and restraining orders information for which must be electronically transmitted to the DOJ, including valid “extreme risk protection orders” issued by the tribunal of another state or jurisdiction.

*This bill* provides that the creation of information and notification systems pursuant to Wyland’s law may be subject to the availability of necessary funding through grants and other sources.

*This bill* provides that a peace officer required to serve a DVRO shall comply with existing procedures and requirements to which sheriffs and marshals are subject, and that a peace officer required to serve such an order may submit a billing to the superior court for payment of fees for service of the order.

*This bill* expands the definition of “protective order” for the purposes of UIEA to include any other injunction or order defined as a protection order under the federal Violence Against Women Act, including both of the following:

- (Any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

- Any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to state, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.

*This bill* provides that a law enforcement agency or officer in this state may seek enforcement in a tribunal of this state of a valid extreme risk protection order issued by a tribunal under the laws of another state or jurisdiction, where “extreme risk protection order” (ERPO) means 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, similar or equivalent to GVROs and specified criminal protective orders under the laws of this state.

*This bill* provides that for the purposes of the above provision, an ERPO is valid if it meets all of the following criteria:

- The order identifies the respondent.
- The order is currently in effect.
- The order was issued by a tribunal under the laws of another state or jurisdiction that had jurisdiction over the parties and subject matter under the law of the issuing state or jurisdiction.
- 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, in a manner consistent with the rights of the respondent to due process.

*This bill* provides that an ERPO valid on its face is prima facie evidence of its validity, and absence of any of the criteria for validity of an ERPO is an affirmative defense in an action seeking enforcement of the order.

*This bill* provides 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. Presentation of an ERPO that identifies the respondent and, on its face, is currently in effect, constitutes, in and of itself, probable cause to believe that a valid extreme risk protection order exists. For the purposes of this provision, the extreme risk protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form, and presentation of a certified copy of an extreme risk protection order is not required for enforcement.

*This bill* specifies that if an 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.

*This bill* specifies 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.

*Existing law* authorizes the trial court in a criminal case to issue protective orders when there is a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur. (Pen. Code, § 136.2, subd. (a).)

*Existing law* provides that a person violating a protective order may be punished for any substantive offense described in provisions of law related to intimidation of witnesses or victims, or for contempt of court. (Pen. Code, § 136.2, subd. (b).)

*Existing law* requires the court, at the time of sentencing, to consider issuing an order restraining the defendant from any contact with a victim of the crime when the defendant has been convicted of a crime involving domestic violence, as specified, human trafficking, rape, statutory rape, spousal rape, pimping, pandering, a gang-related offense, elder abuse, stalking, a sexual offense involving a minor victim, or a crime that requires the defendant to register as a sex offender. Provides that the order may be valid for up to 10 years, as determined by the court. (Pen. Code, §§ 136.2, subd. (i)(1), 368, subd. (l), 646.9, subd. (k), 1201.3, subd. (a).)

*Existing law* provides that the duration of a restraining order issued by the court be based upon the seriousness of the facts before the court, the probability of future violations, the safety of a victim and the victim's immediate family, and any information provided to the court, as specified. (Pen. Code, § 136.2, subd. (i)(1).)

*Existing law* prohibits a person who is subject to a protective order from owning, possessing, purchasing, attempting to purchase or receive, a firearm while the protective order is in effect. Requires the court to order a person subject to the protective order to relinquish ownership or possession of any firearms. (Pen. Code, § 136.2, subd. (d).)

*Existing law* requires the court, at the time of sentencing, to consider issuing an order restraining the defendant from contact with a victim of the crime when the defendant has been convicted of domestic violence involving corporal injury resulting in a traumatic condition. Provides that the order may be valid for up to 15 years, as determined by the court. Authorizes the issuing court, upon a written petition by the prosecuting attorney, defendant, or victim, to modify or terminate a protective order for good cause provided the prosecuting attorney, defendant, and victim are notified at least 15 days before the hearing on the petition. (Pen. Code, § 273.5, subd. (j)(1) & (2).)

*Existing law* provides that a willful and knowing violation of a criminal protective order constitutes contempt of court, a misdemeanor, punishable by imprisonment in a county jail for up to one year or a fine of \$1,000, or both. (Pen. Code, §§ 166, subds. (a)(4) & (c)(4), 273.6, subd. (a).)

*Existing law* 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, and that the prosecuting attorney shall search or cause to be searched specified criminal databases. (Pen. Code, § 273.75, subd. (a).)

*This bill* provides that if a court issues a criminal protective order to protect one or more individuals, as specified, the prosecuting agency shall seek to ensure the protected person or protected people named in that order are promptly notified about the issuance, terms, and duration of the protective order, unless the protected person or people were notified about the order through their presence in court.

*This bill* provides that each prosecuting agency, as specified, shall, on or before January 1, 2028, develop, adopt, and implement written policies and standards for the agency governing all of the following:

- Ensuring protected parties are notified about the issuance, terms, and duration of criminal protective orders.
- Receiving and responding to notifications from the court that a person subject to a gun violence restraining order, or any civil or criminal protective or restraining order, has violated the order's firearm relinquishment requirements and may unlawfully possess or control firearms or ammunition in violation of court order and state law.
- Receiving and responding to notifications that a person convicted of a crime prosecuted by that agency has violated the firearm relinquishment requirements of Section 29810 and may unlawfully possess or control firearms or ammunition in violation of court order and state law.

*This bill* provides that on any charge involving acts of domestic violence, the prosecuting attorney shall search or cause to be searched the AFS as part of the investigation into the defendant's criminal history.

*Existing law* 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).)

*Existing law* 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).)

*This bill* specifies that a person subject to a protective order issued pursuant to the preceding two provisions shall not own, possess, have custody or control of, purchase, receive, or attempt to purchase or receive a firearm or ammunition while the protective order is in effect, and shall relinquish their firearms and ammunition, as specified.

*Existing law* 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).)

*This bill* provides that the court in which a criminal proceeding stemming from a hate crime or alleged hate crime is filed shall, upon request by a prosecutor or victim or on the court's own motion, consider issuing a criminal protective order against the defendant to protect a victim or potential victim.

*This bill* provides that if the court does not issue any protective order against the defendant to protect any victim or potential victim, the court shall, upon request by a prosecutor or victim or on the court's own motion, consider issuing a protective order equivalent to the firearm prohibition order that is part of a criminal protective order, as specified.

*This bill* provides that for the purposes of the process a court must follow in determining whether the person subject to a relinquishment order related to specified restraining orders has violated that order, and the process of conducting a background check through specified databases, the definition of firearm includes the frame or receiver of the weapon, including both a completed frame or receiver, or a firearm precursor part.

*Existing law* defines a GVRO as "an order, in writing, signed by the court, prohibiting and enjoining a named person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition," and establishes a civil restraining order process to prohibit and enjoin the subject of a GVRO from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition. (Pen. Code, § 18100.)

*Existing law* provides that a person subject to a GVRO shall not have in the person's custody or control, own, purchase, possess, or receive any firearms or ammunition while that order is in effect. (Pen. Code, § 18120, subd. (a).)

*Existing law* provides that upon the issuance of a GVRO, the court shall order the restrained person to surrender all firearms and ammunition in the restrained person's custody or control, or which the restrained person possesses or owns. (Pen. Code, § 18120, subd. (b)(1).)

*Existing law* provides that when issuing a GVRO, the court shall provide the respondent with information on how any firearms and ammunition still in the restrained party's possession are to be relinquished, according to local procedures, and the process for submitting a receipt to the court showing proof of relinquishment. (Pen. Code, § 18120, subd. (b)(6).)

*Existing law* provides that violations of the GVRO firearms prohibition shall be reported to the prosecuting attorney in the jurisdiction where the order has been issued within 2 business days of the court hearing, as specified, and that if the person does not file a receipt with the court within 48 hours after receiving the order for a firearm in their possession, the court shall notify law enforcement, as specified. (*Ibid.*)

*Existing law* states that the court when it receives relevant information, at any GVRO hearing, that a restrained person has a firearm, the court shall consider that information to determine, by a preponderance of the evidence, whether the person subject to a defined order has a firearm in or subject to their immediate possession or control in violation of the order. (Pen. Code, § 18120.5, subd. (a).)

*Existing law* provides that the court may consider a sales or storage receipt of relinquishment from the restrained person or whether an exemption was granted to the restrained person's prohibition on possessing firearms when making a determination of whether the restrained person is in violation of the GVRO relinquishment order. (Pen. Code, § 18120.5, subd. (b)(1).)

*Existing law* provides that every person who owns or possesses a firearm or ammunition with knowledge that they are prohibited from doing so by a GVRO or similar out of state order is guilty of a misdemeanor, and is prohibited from owning, purchasing or possessing a firearm for a 5-year period commencing upon the expiration of the GVRO. (Pen. Code, § 18205, subd. (a).)

*This bill* specifies that certain processes and requirements related to firearm and ammunition relinquishment ordered pursuant to a civil harassment restraining order, a workplace violence restraining order, a school violence restraining order, a criminal protection order, or an elder abuse or dependent adult restraining order also apply to ammunition possessed or owned by the restrained party, per the following:

- A restrained party may comply with the requirement that ammunition be relinquished within 24 hours of being served the order by selling the ammunition to a licensed gun dealer.
- Violations of the ammunition prohibition of any restraining order shall be reported to the prosecuting attorney in the jurisdiction where the order has been issued within two business days of the court hearing, unless the restrained party provides a receipt showing compliance at a subsequent hearing or by direct filing with the clerk of the court.
- If the person does not file a receipt with the court within 48 hours after receiving the order for ammunition in their possession, the court must notify law enforcement.
- The restraining order shall state on its face that the ammunition shall be relinquished to the local law enforcement agency or sold to a local gun dealer, as specified.
- The restraining order requiring a person to relinquish a firearm or ammunition shall prohibit the person from possessing or controlling any ammunition for the duration of the order, as specified.

*This bill* includes the possession of ammunition by a party subject to a civil harassment restraining order, workplace violence restraining order, school violence restraining order, criminal protection order, elder abuse or dependent adult restraining order or GVRO into provisions of existing law setting forth the process that a court must follow in determining whether violations of relinquishment requirements have occurred, per the following:

- When relevant information is presented to the court at any noticed hearing that a restrained person has ammunition, the court shall consider that information to determine, by a preponderance of the evidence, whether the person subject to a restraining order has ammunition in, or subject to, their immediate possession or control in violation of the order.

- In making this determination, the court may consider whether the restrained person filed an ammunition relinquishment, storage or sales receipt, or if an exemption from the ammunition prohibition was granted.
- If the court makes a determination that the restrained person has ammunition in violation of the order, the court must make a written record of the determination, as specified.

*This bill* provides that a peace officer shall take temporary custody of any ammunition in plain sight or discovered pursuant to a consensual or otherwise lawful search as necessary for the protection of the peace officer or other persons present in any of the following circumstances:

- The peace officer is at the scene of a domestic violence incident involving a threat to human life or a physical assault.
- The peace officer is serving a DVRO.
- The peace officer is serving a GVRO.

*Existing law* provides that persons convicted of specified serious or violent misdemeanors are prohibited from possession of firearms for a period of 10 years and that a violation of that prohibition is punishable as a misdemeanor with imprisonment up to one year or as a state prison felony. (Pen. Code, § 29805, subd. (a).)

*Existing law* includes within the list of misdemeanors triggering a 10-year firearm prohibition (also known as the “10-year list”) the crimes of stalking, sexual battery, assault with a deadly weapon, battery with serious bodily injury, brandishing a firearm of deadly weapon, assault with force likely to produce great bodily injury, battery on a peace officer, corporal injury to spouse, cohabitant or fellow parent, child abuse, elder abuse, unsafe storage of a firearm, threats of bodily injury or death, as well as specified crimes related to undetectable firearms, unserialized firearms, computer numerical control (CNC) milling machines, 3d printers used to manufacture firearms, assault weapons, .50 BMG rifles, multiburst trigger activators, and other firearms, among other misdemeanors. (Pen. Code, § 29805, subs. (a), (h).)

*Existing law* provides that persons with the knowledge that they have an outstanding warrant for any of the specified serious or violent misdemeanors that result in a 10-year prohibition are guilty of a crime if they possess a firearm while the warrant is outstanding. Provides that a violation is punishable as a misdemeanor, with imprisonment up to one year, or as a state prison felony. (Pen. Code, §§ 29805, subd. (a), 29851.)

*Existing law* provides that any person who purchases or receives a firearm, knowing that they are prohibited from doing so due to a restraining order, as specified, is guilty of a wobbler. (Pen. Code, § 29825, subd. (a).)

*Existing law* provides that any person who owns or possesses a firearm, knowing that they are prohibited from doing so due to a restraining order, as specified, is guilty of a misdemeanor. (Pen. Code, § 29825, subd. (b).)

*This bill* adds several misdemeanors to the 10-year list, including violation of specified protective orders, criminal threats, hate crimes, GVRO violations, among others.

*This bill* provides that each law enforcement agency and each specified prosecuting agency shall do both of the following:

- Designate a person responsible for accessing or receiving notifications from the superior court indicating that a restrained person has violated a protective or restraining order's firearm relinquishment requirements, as specified.
- Regularly ensure that the clerk of the superior court has updated contact information for the person responsible for accessing and receiving such notifications from the court on behalf of the agency.

*This bill* provides that law enforcement agencies operating in the same jurisdiction may agree to designate one lead agency for their jurisdiction responsible for receiving noncompliance notifications from the court and for coordinating follow-up actions and information sharing necessary to investigate and address the violation of the protective or restraining order, including, but not limited to, required safety responses.

## COMMENTS

### 1. Need for This Bill

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 This Bill

This is an expansive measure that contains 32 distinct sections amending 4 different codes: the Penal Code, Family Code, Government Code, and Code of Civil Procedure. In so doing, the bill makes an array of changes to the procedures for and enforcement of several different types of protective and restraining orders<sup>1</sup>, including those related to civil harassment, workplace or school violence, elder or dependent adult abuse, gun violence, certain criminal convictions, among others. Many of these provisions, including those that expand relinquishment mandates to ammunition, require peace officers service process to follow specific protocols, expand pre-hearing background checks, allow for the enforcement of out-of-state gun violence restraining orders, and establish new firearm prohibitions, among others, are within the jurisdiction of this Committee and will be discussed in turn below, whereas other of the bill's provisions fall outside that jurisdiction (see comment 3).

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<sup>1</sup> Though there is some legal distinction between restraining and protective orders, all such orders for the purposes of this analysis will be referred to as "restraining orders."

*Ammunition Prohibitions and Relinquishment*

As referenced above, existing law generally sets forth six separate categories of pre-conviction restraining orders that occur in the civil (i.e. non-criminal) context, including DVROs (which can also be ordered after a criminal conviction), civil harassment restraining orders, elder abuse restraining orders, GVROs, workplace violence restraining orders, and school violence restraining orders.<sup>2</sup> DVROs are issued to protect a petitioner who presents “reasonable proof of a past act or acts of abuse,” and are among the most common restraining orders issued throughout the state, and can be issued either pretrial or post-conviction.<sup>3</sup> Civil harassment restraining orders offer protection against someone with whom the petitioner does not have a close relationship, such as a neighbor, certain relatives, a landlord, or a co-worker. Further, elder abuse restraining orders protect adults aged 65 or above or other dependent adults from someone abusing or neglecting them, while workplace and school violence protection orders allow employers and school administrators to petition for an order protecting an employee or student, respectively. Unlike the preceding types of restraining order, under which the primary focus is restricting contact between parties, GVROs are designed to temporarily remove firearms from individuals who pose a significant danger of causing injury to themselves or others.<sup>4</sup>

In addition to these six types of restraining order, courts can also issue protective orders in conjunction with a criminal case, which generally seek to protect victims either prior to trial or after conviction. These criminal protective orders (CPOs) are usually related to interpersonal abuse, such as victim or witness intimidation, elder or dependent adult abuse, stalking and domestic violence. Generally, these orders may be valid for up to 10 years at the judge’s discretion, and the Legislature has repeatedly expressed its intent that the length of these orders be based on the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and their immediate family.<sup>5</sup>

The statutes establishing the six types of restraining orders discussed above, as well as both pretrial and post-conviction CPOs, also subject the restrained party to certain firearm restrictions. These provisions are fairly standard across all types of restraining order or CPO, and in addition to prohibiting the restrained party from possessing, purchasing, or receiving, or attempting to purchase or receive firearms while the orders are in effect, these provisions require the court to order the relinquishment of firearms under the subject’s control and prescribe penalties for a violation of the prohibition.<sup>6</sup>

In 2024, the Legislature passed SB 899 (Skinner), Chapter 544, Statutes of 2024, which sought to promote uniformity of firearm relinquishment procedures by extending the firearm and ammunition relinquishment procedures for most other restraining orders into alignment with those that exist for DVROs.<sup>7</sup> These changes generally require that upon the issuance of a restraining order, the subject of the order must relinquish control of any firearms or ammunition within 24 hours, and must provide the court with proof of relinquishment within 48 hours of receiving the order. Under SB 899, the court must provide instructions to the restrained party on

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<sup>2</sup> Fam. Code § 6389; Code of Civil Procedure §§ 527.6, 527.8, 527.85; Welf. & Inst. Code, § 15657.03; Penal Code § 18100 et. seq.; For more info, see <https://selfhelp.courts.ca.gov/types-restraining-orders>

<sup>3</sup> Fam. Code, §§ 6218, 6300.

<sup>4</sup> GVROs can only be requested by certain parties, usually by law enforcement, but in certain cases by the subject’s immediate family, employer, co-worker, employee or teacher.

<sup>5</sup> Pen. Code §136.2.

<sup>6</sup> For an example of these firearm restriction provisions, see Code of Civil Procedure, § 527.8, subd. (t).

<sup>7</sup> SB 899 (Skinner), Chapter 544, Statutes of 2024; see Family Code, § 6389; Code of Civil Procedure, § 527.9.

how to comply with these relinquishment provisions, and must notify law enforcement regarding any non-compliance. SB 899 also established a court process for determining whether a restrained party has violated the firearm restrictions associated with a restraining order.<sup>8</sup> Another relevant provision of existing law (not enacted by SB 899) requires peace officers serving a DVRO or GVRO, or at the scene of certain DV incidents, to take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a search.<sup>9</sup>

While some language from the provisions described in the preceding paragraph refers to “firearms and ammunition,” other language, such as that relating to how a firearm may be relinquished, the consequences of violation, how relinquishment may be verified to the court, how relinquishment provisions are stated on the face of the restraining order, and other clauses, only refer to “firearms” and omit “ammunition.” This bill adds the term “ammunition” to this language to ensure that all of the provisions described above apply consistently to the possession of ammunition by a restrained party.

A separate provision of existing law requires a peace officer to serve a DVRO on the restrained party, whether or not they have been taken into custody, when the officer is present at the scene of reported domestic violence involving the parties to the order or has received a request to serve the order from the protected party. This provision also requires the officer to take into temporary custody any firearm or other deadly weapon in plain sight or discovered pursuant to a lawful search under certain circumstances.<sup>10</sup> This bill also requires the officer to take custody of any ammunition in plain sight or discovered pursuant to a lawful search.<sup>11</sup>

#### *Service of Process by Peace Officers*

Similar to the provision referenced in the preceding paragraph regarding DVRO service by peace officers, existing law requires peace officers to serve, upon request of the petitioner, any CPO or restraining order based on civil harassment, workplace or school violence, or elder or dependent adult abuse.<sup>12</sup> Both of these provisions impose guardrails and prescribe certain processes that must be followed by the peace officer in effecting such service. For instance, both provisions state that a fee shall not be charged for such service and that verbal notice constitutes legal notice. Another set of existing provisions impose certain requirements on sheriffs and marshals serving process, most of which are ministerial in nature, but notably, these provisions do not apply to peace officers. This bill provides that these service of process requirements apply to peace officers serving DVROs, CPOs, and restraining orders based on civil harassment, workplace or school violence, or elder or dependent adult abuse. This provision of the bill also falls within the jurisdiction of the Senate Judiciary Committee (see comment 3) and may be further analyzed there should the bill pass out of this Committee.

#### *Background Checks via Criminal and Firearm Databases*

In 2001, the Legislature passed Senate Bill 66 (Kuehl), Chapter 572, Statutes of 2001, which added Family Code section 6306, a requirement that a court, prior to a hearing on the issuance or

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<sup>8</sup> The provisions in this paragraph are generally codified at Code of Civ. Proc. §§527.9, 527.11; the GVRO court process for determining whether the restrained party has a firearm is codified at Pen. Code, § 18120.5.

<sup>9</sup> Fam. Code, § 6383.

<sup>10</sup> Fam. Code, § 6383, subds. (a), (i).

<sup>11</sup> It should be noted that these ammunition-related provisions were included in AB 824 (Stefani), introduced last year, which was ultimately held in Senate Appropriations Committee.

<sup>12</sup> Code of Civil Procedures, § 527.12.

denial of a DVRO, conduct a background check of certain databases to determine if the proposed subject of the order has any specified prior criminal convictions or outstanding warrants, is on parole or probation, or is or was the subject of other protective or restraining orders. In 2012, that section was amended to include a requirement that the court also conduct a search of those databases to check whether the subject of a proposed DVRO has a registered firearm.<sup>13</sup> In 2024, that section was expanded once again to require the court to search the AFS to determine whether the proposed subject owns or possesses a firearm as reflected in that database.<sup>14</sup>

This bill broadens the scope of mandatory pre-hearing background checks beyond DVROs, providing that the court may, if not otherwise required to do so as specified, conduct a background check pursuant to section 6306 upon receiving a petition for, before a hearing on the issuance, renewal or termination of, or before a hearing regarding a subject's compliance with the following types of restraining orders: civil harassment orders, elder or dependent adult abuse restraining orders, GVROs, juvenile court restraining orders, and workplace and school violence restraining orders. Moreover, the bill authorizes courts and law enforcement partners to develop protocols to effectuate these background checks and ensure that, at a minimum, AFS is searched to determine the firearm ownership and relinquishment status of a subject or proposed subject of a restraining order. The bill also amends section 6306's criminal analogue (Penal Code section 273.75) to require prosecutors to search AFS when they conduct the required background check of a domestic violence defendant.

#### *Reporting Protective Orders to DOJ and Wyland's Law*

Existing law requires specified information regarding restraining orders to be submitted to DOJ by courts and law enforcement personnel via the California Law Enforcement Telecommunications System (CLETS) and the California Restraining and Protective Order System (CARPOS).<sup>15</sup> This requirement functions both to enable DOJ to maintain a statewide repository of restraining orders (via CARPOS) and transform the paper order issued by the judge into a digital record that enforceable by law enforcement statewide. Currently, this provision requires a court that has issued a CPO to transmit data regarding the issuance, modification, extension or termination of such an order to the relevant law enforcement personnel within one business day. This provision also requires information regarding a broad range of restraining orders, including CPOs, to be submitted to DOJ immediately. This bill expands the scope of CPOs subject to these requirements to include orders issued pursuant to specific domestic violence and elder abuse crimes, hate crimes, stalking, and as part of probation for a domestic violence conviction. The bill also provides that "extreme risk protection orders" (essentially GVROs from another state or territorial jurisdiction, discussed more in the subsection below) are subject to these reporting requirements.

Last year, the Legislature passed AB 1363 (Stefani), Chapter 574, Statutes of 2025, also known as Wyland's law, which authorized the DOJ, upon an appropriation by the Legislature, to establish an automated protected person information and notification system to provide a

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<sup>13</sup> SB 1433 (Alquist), Chapter 765, Statutes of 2012.

<sup>14</sup> AB 3083 (Lackey), Chapter 541, Statutes of 2024; The AFS was created in 1980 to identify lost or stolen firearms and connect firearms with persons, and tracks serial numbers of every firearm owned by government agencies, handled by law enforcement (seized, destroyed, held in evidence, reported stolen, recovered), voluntarily recorded in AFS, required to be registered with the DOJ (i.e. assault weapons or imported weapons), or handled by a firearms dealer through transactions, as well as concealed carry permit records. AFS is codified at Pen. Code, § 11106.

<sup>15</sup> Fam. Code, § 6380.

petitioner or protected person in a protective order case with automated access to information maintained in CARPOS about their case, including all of the following:

- Whether the department has received a record of the protective order.
- If the protective order has been successfully served on the restrained person.
- If the restrained person has violated the protective order by attempting to purchase or acquire a firearm or ammunition while the order is in effect.<sup>16</sup>

This bill provides that such a system may also be funded, in addition to an appropriation by the Legislature, by grants or via other sources, depending on the availability of necessary funding.

### *Extreme Risk Protection Orders*

In 2014, California enacted the nation's first gun violence restraining order law (AB 1014 Skinner, Ch. 872, Stats. of 2014), which was modeled after similar domestic violence restraining order statutes, and went into effect on January 1, 2016. A GVRO prohibits the restrained person from purchasing or possessing firearms or ammunition and authorizes law enforcement to remove any firearms or ammunition already in the individual's possession. A court is required to notify DOJ when a GVRO is issued, renewed, dissolved, or terminated. The statutory scheme establishes three types of GVRO's: (1) a temporary emergency GVRO, (2) an ex parte GVRO, and (3) a GVRO issued after notice and hearing.<sup>17</sup> Since California enacted its GVRO law over a decade ago, many more states have enacted such laws – today, laws in 22 states, the US Virgin Islands, and the District of Columbia provide for gun violence restraining orders, more commonly referred to as Red Flag orders or “extreme risk protection orders” (ERPOs).<sup>18</sup>

A provision of California law known as the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act (UIEA), elements of which have been adopted by many other states, ensure that protective orders issued outside the state can be enforced herein.<sup>19</sup> This bill provides that ERPOs issued by a court in another state or jurisdiction are enforceable by law enforcement personnel in California. To that end, the bill specifies prerequisites for determining whether an out-of-state ERPO is valid and therefore enforceable, requires California courts to enforce the terms of such orders, and sets forth other procedures that law enforcement must follow in determining whether a valid ERPO in fact exists.

### *Notification Requirements for District Attorneys and Law Enforcement Agencies*

As referenced above, existing law permits courts to issue protective orders in conjunction with a criminal case, either prior to trial, or, more often, post-conviction. Commonly, these orders are issued in conjunction with certain domestic violence and elder abuse crimes, the crime of stalking, the potential intimidation of a witness, and as part of probation for a domestic violence conviction. Given that the orders are issued in the context of a criminal proceeding where the presence of the protected party or parties is not always mandatory, it is possible that these orders might be issued without notice ever reaching the protected persons. Accordingly, this bill requires prosecuting agencies, as defined, to seek to ensure that the protected parties named in

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<sup>16</sup> Fam. Code, § 6380.5.

<sup>17</sup> California's GVRO law is codified at Pen. Code, §§ 18100, et. seq.

<sup>18</sup> “ERPO Laws by State.” *Institute for Firearm Injury Prevention, University of Michigan.*

<https://firearminjury.umich.edu/erpo-by-state/>

<sup>19</sup> UIEA is codified at Fam. Code, §§ 6400 et. seq.

the order are promptly notified about the issuance, terms, and duration of the CPO. To effectuate this requirement, the bill mandates that by January 1, 2028, prosecuting agencies develop, adopt, and implement written policies and standards for ensuring that protected parties are notified of a CPO and for receiving and responding to notifications regarding compliance with firearm relinquishment requirements attached to CPOs, GVROs, and criminal convictions.<sup>20</sup> A separate provision of this bill requires each local law enforcement agency and prosecuting agency to designate a person responsible for accessing or receiving notifications from the superior court indicating that a restrained person has violated a restraining order's firearm relinquishment requirements.

### *Firearm Prohibitions Related to Hate Crimes*

California law safeguards the rights of constitutionally protected classes through a robust and well-established set of criminal statutes addressing a wide range of conduct. These laws include the Freedom of Access to Clinic Entrances (FACE) Act, which establishes several crimes prohibiting interference with persons or property damage at places of worship or abortion clinics; misdemeanors for intentionally disturbing a religious meeting; a wobbler for knowingly committing an act of vandalism against a place of worship; a wobbler for burning or desecrating a religious symbol; a felony for threatening a person intending to cause, or causing, the person to refrain from exercising their religion; and a felony for threatening to commit a crime that will result in the death or great bodily injury to another person at a house of worship.<sup>21</sup> Perhaps the most comprehensive and well-defined criminal protections for religious freedom in California are its hate crime statutes, which include both standalone offenses and sentencing enhancements for specific conduct. Existing law defines "hate crime" as a criminal act committed, in whole or in part, because of one or more specified actual or perceived characteristics of the victim, including disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these perceived characteristics.<sup>22</sup> These statutes also provide that, in any case where a person is convicted of a hate crime (one falling under these statutes or another that falls under the broader meaning of the term as listed above), or is committed to a state hospital or other treatment facility due to commission of such a crime but subsequently released, the court must issue a protective order protecting the victim or their known immediate family or domestic partner, from further harassment.<sup>23</sup> In addition, the court in which a criminal proceeding stemming from a hate crime is filed must take all actions reasonably required, including granting a restraining order, to safeguard the alleged victim or potential victims.<sup>24</sup>

This bill modifies these provisions requiring judges to issue a restraining order and take all actions reasonably required to protect a victim by prohibiting the subject of such an order from owning, possessing, purchasing, or receiving a firearm or ammunition while the order is in effect, and requires the relinquishment of any firearms or ammunition in their possession. Moreover, the bill imposes a criminal penalty for a violation of this firearm prohibition.<sup>25</sup>

### *10-year Firearm Prohibitions for Violation of Protective Orders*

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<sup>20</sup> Individuals convicted of a long list of specified crimes must relinquish firearms and ammunition pursuant to Pen. Code, § 29810.

<sup>21</sup> Pen. Code, §§ 423.2 et. seq., 302, 594.3, 11411, 11412, 11413.

<sup>22</sup> Pen. Code, §§ 422.55 et. seq.

<sup>23</sup> Pen. Code, §§ 422.85, 422.865.

<sup>24</sup> Pen. Code, § 422.88.

<sup>25</sup> See Pen. Code, § 29825.

Existing state and federal law contains a myriad of prohibitions on the possession and attempted purchase of firearms by certain individuals. Under both state and federal law, all felony convictions lead to a lifetime prohibition.<sup>26</sup> California law goes further and imposes a 10-year prohibition on the possession and purchase of firearms for individuals convicted of numerous misdemeanor offenses that involve either violence or threat of violence as well as certain firearm-related crimes.<sup>27</sup> Since the 10-year firearm prohibition for certain misdemeanor convictions was enacted in 1991, several bills over the past several decades have sought to add offenses to the “10-year list,” which now includes over 60 misdemeanor offenses. Most recently, AB 1263 (Gipson), Chapter 636, Statutes of 2025, added over a dozen distinct firearm-related offenses to the 10-year list. This bill adds at least 9 offenses to the 10-year list that fall within two categories: 1) hate crimes and 2) criminal violations of firearm prohibitions attached to protective orders, convictions, or terms of probation.

It should be noted that legislative measures adding crimes to the 10-year list invariably impact the DOJ’s Armed and Prohibited Persons System (APPS) case backlog. That is, since the creation of the APPS system in 2001, DOJ has faced a perennial backlog of cases in which it has information that a person subject to a firearm prohibition may or does own or possess a prohibited item, and is responsible for investigating such persons and recovering any contraband. The most recent APPS report to the Legislature pursuant to SB 94 covers calendar year 2025. According to the report, in 2025, DOJ removed 10,746 prohibited persons from the APPS database, and added 12,035 prohibited persons. As of January 1, 2026, the APPS database contained 27,199 armed and prohibited persons, and included 10,893 active cases and 16,306 pending cases.<sup>28</sup> Compare this to the prior year’s report, which indicated that the system had 10,044 active cases and 15,867 pending cases. According to the DOJ, “A combination of factors resulted in a large increase in the number of individuals who were identified as subject to state or federal firearm prohibitions in 2025,” including “legislation creating new misdemeanor prohibitions, increases in the number of individuals with firearm records known to DOJ, increases in the number of prohibiting events such as convictions and restraining orders, local record auditing efforts to identify and report previously unreported prohibiting events, as well as certain state and federal process changes related to individuals subject to outstanding felony arrest warrants and criminal protective orders.”<sup>29</sup> By adding yet another sizeable set of crimes to the 10-year firearm prohibition list, this bill will inevitably add new individuals to the APPS database, requiring additional reviews, investigations and seizure operations by DOJ.

### 3. Double Referral

As mentioned in the previous comment, this bill has also been referred to the Judiciary Committee, which will hear this bill should it pass out of this Committee. For an analysis of provisions outside this Committee’s jurisdiction, such as those regarding remote appearances, pre-filing notice, the federal Violence Against Women Act, and Judicial Council forms related to service of process, see the analysis prepared by that committee.

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<sup>26</sup> 18 U.S.C. § 922(g); Penal Code § 29800.

<sup>27</sup> Pen. Code, § 29805.

<sup>28</sup> “Armed and Prohibited Persons Systems Report 2025: Annual Report to the Legislature, SB 94 Legislative Report, Calendar Year 2025.” Available at <<https://oag.ca.gov/system/files/media/2025-apps-report.pdf>>. Active cases are those for which the DOJ has not yet begun investigations or is in the process of investigating, while pending cases are those for which the DOJ has exhausted all leads or determined that the person is not within their jurisdiction.

<sup>29</sup> *Id.* at p.5.

#### 4. Amendments

The author will be taking several amendments in Committee to address issues raised by the Judicial Council and to avoid a conflict with AB 1657 (Rogers), per the following:

- Strike SEC. 10 of the bill (amending Fam. Code section 6300) in its entirety to avoid a conflict with AB 1657 (Rogers).
- Reorganize certain pre-filing notice provisions and delay operative date to January 1, 2028.
- Delay operative date of remote appearance provisions to January 1, 2028.
- Delay peace officer service of process requirements to January 1, 2028.
- Reorganize “extreme risk protection order” provisions in SEC. 16 of the bill for clarity.
- Move certain legislative findings to a separate section so as not to incorporate them with substantive changes to the law.

#### 5. Argument in Support

According to the Brady Campaign:

The bill will address critical implementation barriers and safety gaps in California’s protective order processes, ensuring our laws provide the security survivors expect and deserve. California leads the nation in gun violence prevention efforts and has consistently developed innovative forms of protection for all Californians. One of the most impactful gun violence prevention solutions the state has adopted is its nine life-saving court protection and restraining orders that carry firearm prohibitions. In 2023, nearly 290,000 protective orders were reported to the California Department of Justice, a 20% increase over 2020.

Implementation of these lifesaving tools, however, can be inconsistent throughout the state. The California Department of Justice’s (DOJ) Office of Gun Violence Prevention has observed that gun violence restraining order rates vary widely by county. Meanwhile, a 2021 CalMatters investigation found that firearm relinquishment was frequently failing to occur in domestic violence restraining order cases. In response, the California Legislature allocated just over \$30 million to a firearm relinquishment grant program and has substantially upgraded the firearm relinquishment process.

While these subsequent legislative efforts have improved rates of firearm relinquishment, the reality of firearm surrender still falls far short of statutory requirements. AB 1753 addresses lingering implementation barriers to ensure that California’s justice system takes effective, necessary action to address problematic gaps. AB 1753 adopts a multipronged approach to resolve inconsistencies across protection order types and strengthen firearm surrender requirements:

- Preventing Access to Firearms: The bill prevents individuals from accessing firearms or ammunition for 10 years following misdemeanor convictions for hate crimes or criminal threats against schools, houses of worship, or medical facilities, establishing parity with similarly situated offenses.

- **Enhancing Judicial Oversight:** It clarifies that courts may obtain Automated Firearms System (AFS) and CLETS checks at any stage of a protective order case to verify if a subject is armed.
- **Formalizing Accountability:** Prosecuting agencies would be required to develop standard protocols for responding to court notifications of firearm relinquishment noncompliance.
- **Prioritizing Safety:** The bill prohibits blanket court rules that require petitioners to provide prior notice to an opposing party before requesting a preliminary, ex-parte order. Instead, courts must make these decisions on a case-by-case basis, with careful consideration of safety concerns.
- **Modernizing Access:** It ensures survivors have access and awareness to remote hearings for all protection order types.

## 6. Argument in Opposition

According to the California Rifle and Pistol Association:

AB 1753 expands firearm and ammunition restrictions across a wide array of protective orders, mandates additional law enforcement and prosecutorial duties, authorizes enforcement of out-of-state extreme risk protection orders, and creates new criminal prohibitions. While public safety is the stated goal, the bill primarily burdens law-abiding citizens through civil processes rather than targeting actual criminals.

Key Concerns with the Amended Bill:

- **Expanded Ammunition Relinquishment and Custody:** Requiring surrender of ammunition (in addition to firearms) for civil harassment, workplace violence, postsecondary, elder abuse, DV, and GVROs creates immediate compliance burdens and criminal exposure, even in cases without proven violence. Peace officers must now take temporary custody of ammunition discovered in plain sight.
- **New Firearm Prohibitions:** Imposes 10-year bans for additional misdemeanors (including GVRO violations and hate crimes) post-2027, expanding the pool of prohibited persons through civil-adjacent mechanisms.
- **Enforcement and Notification Mandates:** Requires new agency designees, policies for victim notifications, AFS searches in more proceedings, and enforcement of out-of-state orders. This strains local resources without clear evidence of improved outcomes.
- **Due Process and Overreach Risks:** Relaxed ex parte notice rules, broad remote appearance provisions, and reliance on allegations heighten abuse potential in non-criminal contexts, chilling lawful ownership and self-defense rights.