

THIRD READING

Bill No: AB 1753
Author: Stefani (D), et al.
Amended: 8/21/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 6/16/26

AYES: Arreguín, Caballero, Cortese, Pérez, Wiener

NO VOTE RECORDED: Seyarto

SENATE JUDICIARY COMMITTEE: 12-0, 6/30/26

AYES: Umberg, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern,
Valladares, Wahab, Weber Pierson, Wiener

NO VOTE RECORDED: Niello

SENATE APPROPRIATIONS COMMITTEE: 5-0, 8/13/26

AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab

NO VOTE RECORDED: Seyarto, Dahle

ASSEMBLY FLOOR: 62-6, 5/26/26 - See last page for vote

SUBJECT: Protective orders: firearms and ammunition: notice and procedures

SOURCE: Department of Justice (DOJ); Giffords Law Center to End Gun Violence

DIGEST: This expansive bill makes a host of changes regarding protective orders and associated firearm restrictions. This bill requires, pursuant to a protective order requiring the relinquishment of firearms, the restrained party to also relinquish any ammunition in their possession; requires courts to permit to permit a party, support person, or witness to appear remotely at a hearing for specified restraining orders; requires a peace officer to follow procedures that apply to a sheriff or marshal when serving process issued by a superior court; requires a prosecutor to conduct a search of the DOJ Automated Firearms System (AFS) on any charge involving acts of domestic violence; clarifies when courts

may conduct a search of AFS in conjunction with a protective order; imposes several notification requirements on law enforcement and prosecuting agencies with regard to protective orders; authorizes a law enforcement agency to seek enforcement of a valid extreme risk protection order issued by another jurisdiction; expands reporting requirements related to information regarding protective orders communicated through the California Restraining and Protective Order System (CARPOS); authorizes DOJ to obtain funding for Wyland's law via grants and other sources; and adds 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.

Senate Floor Amendments of 8/21/26 address chaptering conflicts and delay, to July 1, 2029, the operative date of provisions related to the issuance of protective orders in hate crime cases.

ANALYSIS:

Existing law:

- 1) Sets forth, generally, procedures and requirements related to temporary civil restraining orders. (Code of Civil Procedure (CCP), § 527 et. seq.)
- 2) 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).)
- 3) 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).)
- 4) 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.)
- 5) 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.)

- 6) 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).)
- 7) 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).)
- 8) 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.)
- 9) Requires a sheriff or marshal to comply with various procedures related to the service of process and notice, as provided. (Government (Gov.) Code, § 26660 et. seq.)
- 10) 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. (Family (Fam.) Code, §§ 6200 et seq.)
- 11) 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).)

- 12) Provides that an ex parte DVRO shall not be denied solely because the other party was not provided notice. (Fam. Code, § 6300, subd. (b).)
- 13) 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).)
- 14) 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).)
- 15) 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.)
- 16) 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, subds. (a)-(b).)
- 17) 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. (Penal (Pen.) Code, § 136.2, subd. (a).)
- 18) 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).)

- 19) 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).)
- 20) Provides that on any charge involving acts of domestic violence, the district attorney or prosecuting city attorney shall perform a thorough investigation of the defendant's history, and that the prosecuting attorney shall search or cause to be searched specified criminal databases. (Pen. Code, § 273.75, subd. (a).)
- 21) Establishes that in the case of a person who is convicted of any defined offenses, including hate crimes, the court shall make an order protecting the victim or known immediate family of the victim. (Pen. Code, § 422.85, subd. (a).)
- 22) 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.)
- 23) 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).)
- 24) 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, subds. (a), (h).)

This bill:

- 1) Specifies that for civil restraining orders other than DVPA orders, a court shall not require notice to be provided to the party to be restrained in advance of accepting a filing for, or deciding, an application for an ex parte restraining order if the applicant or the applicant's attorney certifies to the court under oath that providing notice to the party to be restrained in advance of filing the petition would likely endanger the safety of the petitioner or other persons.
- 2) Provides that, commencing January 1, 2028, 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.
- 3) Provides that if AB 2179 (Patel) is enacted, then the above provision would not become operative.
- 4) Provides that, commencing January 1, 2028, 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.
- 5) 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.
- 6) 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.

- 7) Requires the court, after its ruling, to advise the parties pursuant to existing procedures and keep information obtained from a search confidential, as specified.
- 8) 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.
- 9) 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.
- 10) 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.
- 11) 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 (18 U.S.C. § 2266(5)), as specified.
- 12) Provides that, commencing January 1, 2028, 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.
- 13) Specifies that an ERPO is valid if it meets all of several enumerated criteria.
- 14) 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, as specified.

- 15) Requires the Judicial Council, on or before January 1, 2028, to create statewide forms for the service of a civil protective order that can be provided to a marshal, sheriff, or peace officer, as provided, to reflect the provisions of the bill requiring peace officers to serve civil protective orders on the same terms as marshals and sheriffs.
- 16) 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.
- 17) 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 specified notification-related topics.
- 18) 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.
- 19) Prohibits a person who is the subject of a protective order entered after their conviction for specified offenses, including a hate crime, from owing, possessing, purchasing, having custody or control of, receiving, or attempting to purchase or receive, a firearm or ammunition while the protective order is in effect; the court shall order the person to relinquish any firearms or ammunition pursuant to existing procedures, and a violation of this prohibition is punishable under existing law.
- 20) Provides that, commencing July 1, 2029, 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; 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.
- 21) 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.

- 22) Adds “ammunition” to provisions of the civil protective order statutes, to bring them into conformity with existing law regarding firearm and ammunition relinquishment.
- 23) 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 specified circumstances, including when the peace officer is at the scene of a domestic violence incident involving a threat to human life or a physical assault, and when the peace officer is serving a DVRO or GVRO.
- 24) Adds several misdemeanors to the 10-year list, including violation of specified protective orders, criminal threats, hate crimes, GVRO violations, among others.
- 25) Provides that each law enforcement agency and each specified prosecuting agency shall do both of the following:
 - a) 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.
 - b) 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.
- 26) Includes a severability clause.

Comments

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, this bill makes an array of changes to the procedures for and enforcement of several different types of protective and restraining orders, including those related to civil harassment, workplace or school violence, elder or dependent adult abuse, gun violence, certain criminal convictions, among others. For a more detailed discussion of this bill’s many provisions, please see the analyses prepared by the Committees on the Judiciary and Public Safety.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

Potentially moderate workload increases to the Department of Justice (DOJ) to receive and process expanded protective order data transmissions, including criminal court protective orders, out-of-state extreme risk protection orders, and additional Judicial Council-form protective orders; and develop guidance and technical assistance (special funds, General Fund).

Up to \$80,000 annually for Judicial Council workload for additional hearing time and clerk workload to run firearm checks. Most courts do not charge for remote hearings therefore the prohibition on these cases charging for remote appearances would result in a minor revenue loss. (Trial Court Trust Fund, General Fund).

Potentially significant costs to local law enforcement agencies to designate responsible personnel to access and receive firearm relinquishment violation notifications, coordinate follow-up actions and information sharing, and seek reimbursement for service of protective orders. Law enforcement would be authorized to submit a billing to the superior court for payment of service fees, offset some local costs. Costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates (General Fund).

Potentially significant costs to local law enforcement agencies 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. Costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates (General Fund).

SUPPORT: (Verified 8/21/26)

Department of Justice (co-source)

Giffords Law Center to End Gun Violence (co-source)

Alameda; City of

Brady California

Brady United Against Gun Violence

California Chapter of the American College of Emergency Physicians
California Police Chiefs Association
Everytown for Gun Safety Action Fund
Hilde B Foundation
Los Angeles County District Attorney's Office
Moms Demand Action for Gun Sense in America
San Francisco Marin Medical Society
Students Demand Action for Gun Sense in America

OPPOSITION: (Verified 8/21/26)

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

ASSEMBLY FLOOR: 62-6, 5/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Castillo, DeMaio, Hadwick, Patterson, Sanchez, Tangipa

NO VOTE RECORDED: Davies, Dixon, Ellis, Flora, Gallagher, Hoover, Johnson, Macedo, Muratsuchi, Celeste Rodriguez, Ta, Wallis

Prepared by: Alex Barnett / PUB. S. /
8/24/26 11:39:02

**** **END** ****