
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 451 (Petrie-Norris) - Law enforcement policies: restraining orders

Version: June 25, 2025

Urgency: No

Hearing Date: August 18, 2025

Policy Vote: PUB. S. 6 - 0, JUD. 13 - 0

Mandate: Yes

Consultant: Liah Burnley

Bill Summary: AB 451 requires state and local law enforcement agencies to develop and adopt policies and standards pertaining to enforcing firearm relinquishment requirements associated with specified protective and restraining orders.

Fiscal Impact:

- Costs (local funds, General Fund) of an unknown but potentially significant amount to municipal police departments and county sheriff's offices to develop, adopt, and implement complying policies and standards. There are 58 sheriff's offices and hundreds of police departments in California. Costs to each individual agency may be relatively minor, but in the aggregate, costs may be in the hundreds of thousands of dollars statewide. General Fund costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.
- Likely minor and absorbable costs to CHP, if any, to ensure its existing policies comply with the bill's requirements. CHP reports it already has a written policy and trains officers about domestic violence incidents, providing victim assistance, and protective orders.
- CSU anticipates administrative costs in updating policies for implementation.
- UC estimates an annual ongoing workload cost of approximately \$30,000 to develop, adopt, and implement complying policies and standards.
- The Department of Justice (DOJ) reports no significant fiscal impact. The DOJ does note, however that, the impact of AB 451 would not pose a significant impact to the DOJ, as numerous bills this session may result in no significant impact to the DOJ, should an aggregate of these bills pass, the DOJ would submit a workload BCP for additional resources to process the increase to the DOJ workload.

Background: According to the author, "California has some of the strongest gun violence prevention laws in the nation, but inconsistent enforcement of firearm relinquishment laws continues to put lives at risk. Under current law, individuals subject to protective orders with firearm restrictions are required to surrender their firearms. However, in practice, enforcement of these orders varies widely from county to county. Some law enforcement agencies diligently ensure firearm relinquishment, while others lack clear policies, creating a dangerous gap in public safety. Survivors of domestic violence, stalking, and workplace harassment deserve the full protection of the law, but

when firearm surrender laws are not uniformly enforced, these individuals remain vulnerable to potential harm.”

“In 2023 alone, nearly 290,000 protective orders were issued in California, a 20% increase from 2020. Despite this high volume, some counties account for a disproportionate share of enforcement actions, while others rarely pursue firearm relinquishment at all. This disparity undermines the effectiveness of protective orders and creates an unequal system of justice where an individual's safety depends largely on their geographic location. No one should have to fear for their life simply because their county lacks enforcement policies that others have in place.”

Proposed Law:

- Each municipal police department and county sheriff’s department, the Department of the California Highway Patrol, and the University of California and California State University Police Departments shall, on or before January 1, 2027, develop, adopt, and implement written policies and standards to promote safe, consistent, and effective service, implementation, and enforcement of court protection and restraining orders that include firearm access restrictions, including, but not limited to, civil harassment restraining orders, criminal protective orders, domestic violence restraining orders, emergency protective orders, juvenile restraining orders, postsecondary school violence restraining orders, workplace violence restraining orders, and elder or dependent adult abuse restraining orders other than orders described related to financial abuse.
- The policies and standards shall ensure that the agency consistently complies with the requirements of California laws governing service and enforcement of protection and restraining orders and governing relinquishment of firearms by individuals who are armed and subject to those court orders.
- In developing these policies and standards, the law enforcement agency shall also review and update existing protocols, policies, or standards pertaining to protection or restraining orders and law enforcement responses to domestic violence incidents to ensure these relevant protocols, policies, and standards are consistent with one another and current law and to ensure that they provide consistent and accessible guidance to law enforcement officers.
- The policies and standards shall provide a standard agency process for law enforcement to serve the order against a restrained person in a timely manner and ensure the agency consistently complies with the requirements of California law governing service of protection and restraining orders. These policies and standards shall ensure that officers who have served protection or restraining orders consistently accomplish all of the following steps as soon as possible and within one business day of serving the order:
 - Completing the appropriate proof of service form developed by the Judicial Council for the protection or restraining order;
 - Filing the proof of service form with the court; and,

- Ensuring proof of service information is entered into the California Restraining and Protective Order System through the California Law Enforcement Telecommunications System to record that the order has been served on the restrained person.
- The policies and standards shall ensure that officers effectuate firearm relinquishment at the time of service by requesting, at the time of service, that the restrained person immediately and safely relinquish to the officer's control any firearms, ammunition, body armor, and other prohibited items in the restrained person's possession or control, or subject to the restrained person's possession or control. The policies and standards should ensure officers consistently accomplish the following steps upon serving a protection or restraining order:
 - Notify the restrained person that they are required to immediately transfer all firearms and prohibited items they possess or control to the officer serving the order;
 - Request that the restrained party immediately transfer to the officer, safely and unloaded, any firearms or other prohibited items they possess or control;
 - Conduct a lawful search as necessary for the protection of the officer or other individuals present and take custody of any firearms or other prohibited items in plain sight or discovered pursuant to the lawful search;
 - Complete the appropriate proof of firearm relinquishment form developed by the Judicial Council that serves as the receipt to document relinquished firearms and other prohibited items and issue the receipt form to the restrained person;
 - Ensure the Automated Firearms System is updated to record any firearms that the restrained person relinquished to the law enforcement officer; and,
 - Determine whether the restrained person possesses or controls other firearms that they have not relinquished to the officer. In making such a determination, the officer should be instructed to consider all relevant information, to the extent possible, including by reviewing the protection or restraining order to determine if the court made a finding that the restrained person has firearms, querying the Automated Firearms System to determine whether the restrained person is recorded as having legally acquired firearms in that database, and asking the restrained person or, if it is safe to do so, other persons present.
- The policies and standards shall do all of the following:
 - Provide a standard agency process for officers to promote firearm relinquishment compliance in circumstances where a restrained person owns, possesses, or controls firearms but credibly indicates that they cannot relinquish all firearms at the time of service, including circumstances where those firearms are stored in another location;

- Instruct officers to inform the restrained person that failure to comply with the requirements and timelines may result in fines, arrest, and criminal penalties;
 - Require officers to encourage restrained individuals to relinquish any firearms they cannot immediately relinquish to the officer through a designated third party or with law enforcement supervision to reduce the risk that the restrained person will access the firearms or other items to threaten or harm individuals protected by the court order or to otherwise harm themselves or others. The policies and standards shall encourage officers to proactively follow up with the restrained person to confirm that the restrained person relinquished all firearms and provided receipt forms verifying relinquishment within the required timeline; and,
 - Instruct officers about how to respond if the restrained person credibly indicates that they do not possess or control firearms that had been associated with the restrained person in the Automated Firearms System, the court order, or other sources, including informing the restrained person to complete and submit to the court a standard form developed by the Department of Justice that declares under penalty of perjury that the restrained person is no longer in possession of one or more firearms, along with their response to the protection or restraining order and any other supporting documentation to verify that the restrained person no longer possesses or controls firearms.
- The policies and standards shall provide a process for the agency, in coordination with court staff and other law enforcement agencies and stakeholders, to proactively identify restrained persons who are illegally armed in violation of the court order and state law.
 - The policies and standards shall instruct officers to take one or more of the following steps, as appropriate for the circumstances, to ensure firearm relinquishment compliance and the safety of any individuals protected by the court order, if the agency receives credible information indicating that the restrained person has not relinquished all firearms or other prohibited items as required:
 - Contact the restrained person to facilitate and verify immediate firearm relinquishment compliance;
 - Take custody of firearms or other prohibited items at a location where there is probable cause to believe those items are located, including through a lawful search or by requesting a search warrant to search for and seize these items;
 - Notify appropriate partners, such as court clerks, prosecutors, and petitioners or protected parties who may be in danger, that the restrained person has violated the protection or restraining order's firearm relinquishment requirements; and,
 - Arrest the restrained person for violating the court order and state law.

- The law enforcement agency shall make the standards and policies developed pursuant to this section available to the public upon request and shall post information on the agency's website about how petitioners may request service of protection or restraining orders by that agency and how prohibited persons and other community members may relinquish firearms to the custody of the agency.
- In developing and updating the standards and policies developed pursuant to this section, law enforcement agencies are encouraged to consult and collaborate with domestic violence service providers and survivor advocates, gun violence prevention experts, local court staff, and guidance, technical assistance, or recommendations issued by the Department of Justice.

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