
THIRD READING

Bill No: AB 451
Author: Petrie-Norris (D)
Amended: 6/25/25 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/24/25

AYES: Arreguín, Seyarto, Caballero, Gonzalez, Pérez, Wiener

SENATE JUDICIARY COMMITTEE: 13-0, 7/8/25

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

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25

AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 78-0, 6/2/25 - See last page for vote

SUBJECT: Law enforcement policies: restraining orders

SOURCE: Giffords Law Center to Prevent Gun Violence

DIGEST: This bill requires, on or before January 1, 2027, , California law enforcement agencies to develop, adopt, and implement written policies and standards regarding court protection and restraining orders that include firearm access restrictions, as specified.

ANALYSIS:

Existing law:

- 1) Authorizes protective orders to be issued in domestic violence cases. (Family Code (Fam. Code), § 6380 et seq.)
- 2) States that a person who is the subject of a domestic violence protective order 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.)

- 3) States that upon issuance of a domestic violence restraining order, the court shall order the respondent to relinquish any firearm in the respondent's immediate possession or control or subject to the respondent's immediate possession or control. (Fam. Code § 6389, subd. (c)(1).)
- 4) Requires the relinquishment to occur by immediately surrendering the firearm or ammunition in a safe manner, upon request of a law enforcement officer, to the control of the officer, after being served with the protective order. Alternatively, if the request is not made by a law enforcement officer, the relinquishment shall occur within 24 hours of being served, by either surrendering the firearms or ammunition in a safe manner to the control of local law enforcement, or by selling, transferring, or relinquishing for storage to a licensed gun dealer. (Fam. Code § 6389, subd. (c)(2).)
- 5) Requires a receipt to be issued to the person relinquishing the firearm or ammunition at the time of relinquishment and requires, within 48 hours after being served the order, the person to file the receipt with the court that issued the protective order and file a copy of the receipt with the law enforcement agency that served the protective order. (Fam. Code § 6389, subd. (c)(2)(A) and (B).)
- 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. (Code of Civil Procedure (Code Civ. Proc.), § 527.9, subd. (a)-(b).)
- 7) Defines a gun violence restraining order (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." (Penal Code (Pen. Code), § 18100.)

- 8) 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. (Id.)
- 9) Requires each municipal police department and county sheriff's department, the California Highway Patrol (CHP), and the University of California and California State University Police Departments to develop, adopt, and implement written policies and standards relating to GVROs, and update such policies and standards as necessary. (Pen. Code, § 18108, subd. (a).)
- 10) Provides that the policies and standards relating to GVROs shall meet specified instructive criteria and encourage officers to act in accordance with certain best practices. (Pen. Code, § 18108, subds. (b) & (c).)
- 11) Requires law enforcement GVRO policies to include standards and procedures for specified processes and actions carried out by officers when requesting and executing GVROs. (Pen. Code, § 18108, subd. (c).)
- 12) Requires POST and each local law enforcement agency to conspicuously post on their internet websites all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available to the public if a request was made pursuant to the California Public Records Act. (Pen. Code, § 13650.)

This bill:

- 1) Requires each municipal police department and county sheriff's department, the CHP, and the University of California and California State University Police Departments, on or before January 1, 2027, to develop adopt, and implement written policies and standards to promote safe, consistent, and effective service, implementation, and enforcement of court protective 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, as specified.
- 2) Specifies that the policies and standards developed pursuant to the provision above 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, including new mandates and responsibilities placed on law enforcement agencies pursuant to specified measures from previous years.

- 3) Provides that in developing these policies and standards, law enforcement agencies 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.
- 4) Specifies that 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, as specified.
- 5) Provides that the 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:
 - a) Completing the appropriate proof of service form developed by the Judicial Council for the protection or restraining order.
 - b) Filing the proof of service form with the court.
 - c) 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.
- 6) Provides that 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, and shall ensure officers consistently accomplish specified actions upon serving a protection or restraining order.
- 7) Provides that the policies and standards shall do all of the following:

- a) 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, as specified.
 - b) Instruct officers to inform the restrained person that failure to comply with the requirements and timelines above may result in fines, arrest, and criminal penalties.
 - c) 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, as specified.
 - d) 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, as specified.
- 8) States that 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.
- 9) Specifies that the policies and standards shall instruct officers to take one or more of several specified actions 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.
- 10) Provides that 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.

- 11) Provides that 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.

Comments

Existing law requires local law enforcement agencies, the CHP, and the University and Cal State University Police Departments to develop, adopt and implement written policies and standards relating to GVROs, which are required to instruct officers how to determine when the use of a GVRO is appropriate, specifically with regard to domestic violence situations and in encounters with individuals with mental health issues. Existing law provides that written policies and standards must be consistent with any POST training regarding GVROs and include standards and procedures for requesting, renewing and serving GVROs, seizing firearms and verifying the removal of firearms from the respondent, and obtaining and serving search warrants.

Additionally, existing law includes several permissive provisions suggesting that law enforcement agencies' standards and policies related to GVROs "encourage" the use of GVROs in appropriate situations to prevent future firearm violence, and that the policies encourage officers to consider obtaining a mental health evaluations in certain scenarios. Existing law also encourages, but does not require, law enforcement agencies to train officers on GVRO standards and procedures and to consult with gun violence prevention experts and mental health professions in developing the GVRO standards.

Currently, GVROs are the only type of restraining order for which law enforcement agencies must develop such standards and procedures under California law. This bill seeks to change that by requiring each municipal police department and county sheriff's department, as well as the CHP and the University of California and California State University Police Departments, by January 1, 2027, to develop, adopt and implement written policies and standards regarding court protection and restraining orders that include firearm restrictions, including all of the types of restraining orders discussed in comment 2 above. Like the policies and standards required for GVROs, those required under this bill must provide instruction to officers on what types of orders are available and when they are appropriate, so that the officers can effectively advise community members and coordinate with victims, witnesses or prosecutors. Additionally, this bill requires that agencies develop processes for serving the order on a restrained person in a

timely manner, and includes a specific process that officers must follow within one business day of serving the order. This bill prescribes a similarly specific process that officers must follow when seeking the relinquishment of firearms and other prohibited items by a restrained party, and a separate process for instances where a restrained party credibly indicates that they cannot relinquish all firearms at the time of service. This bill also requires officers to proactively identify restrained persons who are illegally armed.

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

According to the Senate Appropriations Committee:

- 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.

SUPPORT: (Verified 8/29/25)

Giffords Law Center to Prevent Gun Violence (Source)
Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California District Attorneys Association

California Department of Justice
California Narcotic Officers' Association
California Reserve Peace Officers Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Peace Officers Research Association of California
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
San Diegans for Gun Violence Prevention

OPPOSITION: (Verified 8/29/25)

None received

ASSEMBLY FLOOR: 78-0, 6/2/25

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

NO VOTE RECORDED: DeMaio

Prepared by: Alex Barnett / PUB. S. /
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