

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

SB 320 (Eggman)
Version: February 4, 2021
Hearing Date: March 23, 2021
Fiscal: Yes
Urgency: No
JT

SUBJECT

Domestic violence protective orders: possession of a firearm

DIGEST

This bill changes family court procedures to better effectuate the existing requirement that a party subject to a domestic violence restraining order relinquish their firearms.

EXECUTIVE SUMMARY

When issuing a domestic violence protective order, a court must perform a search to determine if the respondent has a firearm and order them to relinquish it. Restraining orders include instructions for the restrained person to satisfy this requirement by selling the firearm to, or storing it with, a licensed firearm dealer, or surrendering it to law enforcement. After being served with the order, the respondent must surrender the firearm immediately upon request by law enforcement. If law enforcement does not make the request directly, the respondent must, within 24 hours of service, relinquish the firearm and, within 48 hours of service, provide documentation to the court. Consequences for a failure to comply with these requirements may include a finding of contempt of court, a misdemeanor conviction, and restrictions on child custody and visitation.

This bill seeks to fill procedural gaps in the implementation of these provisions. Specifically, the bill would: (1) codify a rule of court governing hearings to determine whether the relinquishment requirement has been violated; (2) make certain changes to enhance communication with law enforcement related to identifying people subject to, or in violation of, the relinquishment requirement; and (3) require a court to consider relinquishment violations in making custody and visitation determinations. The bill is sponsored by the Giffords Law Center to Prevent Gun Violence. It is supported by prosecutors, social workers, and organizations that work on behalf of victims of domestic violence, and has no known opposition. The Senate Public Safety Committee passed the bill by a vote of 4-0. An amendment is described on pages 9-10.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Domestic Violence Protection Act ([DVPA] Fam. Code § 6200 et seq.),¹ which sets forth procedural and substantive requirements for the issuance of a “protective 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. (§§ 6218, 6300 et seq.)
- 2) Requires, before a hearing on a protective order, that the court ensure a search of specified records and databases is conducted to determine if the subject of the proposed order, has, among other things, a registered firearm. (§ 6306(a).)
- 3) Prohibits a person subject to a protective order from owning, possessing, purchasing, or receiving a firearm while the order is in effect, a violation of which is a crime. (§ 6389(a); *see also* Pen. Code §§ 166(c)(3)(A), 273.6(c)(1).)
- 4) Authorizes the issuance of a temporary restraining order (§ 240 et seq.), which generally requires notice to the respondent unless there is a showing that great or irreparable injury would result to the petitioner before the matter can be heard on notice (§ 241), but expressly authorizes ex parte restraining orders for several purposes under the DVPA (§ 6320 et seq.). Provides that a temporary restraining order generally lasts 21 days, although the court may grant continuances for a reasonable period. (§ 242, 245.) Generally requires that the respondent be personally served with a copy of the petition, the temporary restraining order, if any, and the notice of the hearing on the petition, at least five days before the hearing. (§ 243.)
- 5) Upon issuance of a protective order, requires the court to order the respondent to relinquish any firearm in the respondent’s possession or control. (§ 6389(c)(1).) After being served with the order, the respondent must surrender the firearm immediately upon request by law enforcement. (§ 6389(c)(2).) If law enforcement does not make the request directly, the respondent must, within 24 hours of service, relinquish the firearm and, within 48 hours of service, provide documentation to the court. (*Id.*)
- 6) Provides that an ex parte restraining order may be extended for up to five years (and subsequently renewed) following a hearing for which notice was provided to the respondent at least five days before the hearing. (§§ 6320.5, 6340, 6345, 6302.)
- 7) Requires a court, when making a protective order where both parties are present to inform them of the terms of the order, including notice that the respondent is

¹ All further statutory references are to the Family Code, unless otherwise specified.

prohibited from possessing or controlling a firearm or ammunition, and notice of the penalty for violation. (§ 6304.)

- 8) Establishes, in the Rules of Court, processes for a family court to determine whether a restrained party has a firearm in their control, and, if a protective order has been issued, to determine if the restrained party has properly disposed of the firearm. (Cal. Rules of Court, § 5.495.)
 - a. Requires, when relevant information is presented at a court at any noticed hearing that the person has a firearm, that the court consider that information to determine whether, by a preponderance of the evidence, the person subject to the protective order is violating the requirements established under 1), above. (*Id.* at (c).)
 - b. Authorizes the court to make this determination at a noticed hearing when a protective order is issued, at a subsequent review hearing, or at any subsequent family law hearing while the order remains in effect. (*Id.* at (d)(2).) A review hearing must be set within 10 days after the noticed hearing at which the information was presented. (*Id.* at (e)(2).) If the restrained person is not present when the court sets the review hearing, the protected person must provide notice of the review hearing to the restrained person at least two court days before the review hearing, by personal service, or by mail to the restrained person's known address. (*Id.*)
 - c. Authorizes the court to extend the date of the review hearing for a reasonable period or remove it from the calendar. (*Id.* at (e)(3).)
 - d. Requires the court to order the restrained person to appear at the review hearing, but permits the court to conduct the review hearing in their absence. (*Id.* at (e)(4), (5).) Provides that a party may appear telephonically. (*Id.* at (e)(6).)
 - e. Requires the court, if it determines the restrained person has violated the relinquishment requirement, to consider this determination in deciding custody and visitation orders, as specified. (*Id.* at (f).)
 - f. Provides that a relinquishment violation may be considered in an order for monetary sanctions or to show cause for contempt, as specified. (*Id.* at (g).)

This bill:

- 1) Generally codifies Rule of Court 5.495, described above, in relevant portions of the Family Code. Specifically:
 - a. Requires the court, at a noticed hearing relating to a domestic violence protective order in family court or juvenile court, to consider information presented that the restrained person has possession or control of a firearm.
 - b. Authorizes the court, upon making this finding, to set a review hearing, as specified, to determine whether the person has possession or control of a firearm in violation of the relinquishment requirement. Incorporates the procedures in Rule 5.495 for this process.

- c. Requires the court, if it determines the restrained person has violated the relinquishment requirement, to consider this determination in deciding custody and visitation orders, as specified.
- 2) Makes changes to enhance communication with law enforcement related to identifying people subject to, or in violation of, the relinquishment requirement. Specifically:
- a. Requires the court, in performing the search to see if the person has a registered firearm, to make a written record as to whether the person has relinquished their firearm, and if evidence has not been provided, to notify law enforcement officials, who must then take all actions necessary to ensure the individual relinquishes the firearm.
 - b. Requires the court to notify the parties of how any firearms still in the restrained party's possession are to be relinquished and how to submit a receipt to the court.
 - c. Requires a court holding a hearing regarding the firearm relinquishment requirement to review the file to determine whether the receipt regarding relinquishment has been filed and to inquire as to whether the person has complied with the requirement.
 - d. Requires violations of the relinquishment requirement to 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.

COMMENTS

1. Domestic violence generally

According to Katie Ray-Jones, the National Domestic Violence Hotline's Chief Executive, "[d]omestic violence is rooted in power and control."² When abusers lose control of their intimate partners, they resort to a variety of tactics to subjugate them. The Center for Disease Control states that intimate partner violence may consist of physical violence, sexual violence, and psychological aggression, which includes expressive aggression (insulting, name calling) and coercive control (behaviors that involve monitoring, controlling, or threatening the victim).³ Statistics on domestic

² Newberry, Laura & Santa Cruz, Nicole, *Domestic abuse victims in 'worst-case scenario' during outbreak, providers say* (March 24, 2020) Los Angeles Times, available at <https://www.latimes.com/california/story/2020-03-24/womens-shelters-brace-for-surge-in-domestic-violence-as-coronavirus-quarantines-isolate-survivors> (as of May 16, 2020).

³ *The National Intimate Partner and Sexual Violence Survey: 2010-2012 State Report* (April 2017), p. 14, available at <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf> (as of May 16, 2020).

violence, which likely underrepresent its true extent, are harrowing. A fact sheet by the National Coalition to End Domestic Violence states:

- At least one in three women in California have experienced domestic violence.
- 166,890 domestic violence-related calls were made to law enforcement in California in 2018.
- In 2018, domestic violence homicides comprised 10.7 percent of California homicides in 2018 and accounted for 20 percent of all violent crimes.
- In a single day in 2019, 81 percent of California domestic violence shelters served 5,644 adults and children. 1,236 requests for service went unmet due to lack of resources.⁴

Meanwhile, changes to everyday life associated with the COVID-19 pandemic have led to increased rates of domestic violence.⁵ Shelter-in-place orders, job losses, and school closures deteriorate strained relationships and keep victims confined with abusers. Many victims find it more difficult to seek help, escape to a safe location, report abuse to law enforcement, or go to court to get a restraining order.

2. The urgency of removing firearms from perpetrators of domestic violence

The author writes:

In California, 33% of women and 27% of men experience some form of domestic violence during their lifetimes. We know that the presence of a firearm in the home during an incident of domestic violence increases the risk of homicide by at least 500%. Although California has led the charge when it comes to comprehensive firearm legislation, recovering firearms from those who are mandated to relinquish them has proven to be more difficult.

The Armed Prohibited Persons System (APPS) data show consistently that over 20,000 people in California are armed and prohibited – and that’s only identifying those with firearms known to the state of California. California DOJ has consistently recommended that steps be taken at the local level to ensure relinquishment as close to the time of prohibition as possible.

Supporters of the bill include prosecutors, social workers, and organizations that work on behalf of victims. They emphasize the urgency of removing firearms from perpetrators of domestic violence. The California Partnership to End Domestic Violence, in a passage echoed by other supporters, writes:

⁴ National Coalition Against Domestic Violence, *Domestic Violence in California*, available at https://assets.speakcdn.com/assets/2497/ncadv_california_fact_sheet_2020.pdf (as of Feb. 20, 2021).

⁵ Newberry, Laura & Santa Cruz, Nicole, *Domestic abuse victims in ‘worst-case scenario’ during outbreak, providers say* (March 24, 2020) Los Angeles Times, available at <https://www.latimes.com/california/story/2020-03-24/womens-shelters-brace-for-surge-in-domestic-violence-as-coronavirus-quarantines-isolate-survivors> (as of February 20, 2020).

Research shows that the presence of a firearm in the home during an incident of domestic violence increases the risk of homicide by at least 500%. In fact, over half of the female victims of domestic violence homicide in the United States are killed with a firearm. Additionally, every month an average of 52 women are shot and killed in the United States by an intimate partner. California lawmakers have passed important legislation providing criminal and civil remedies to address this public health issue, however, a gap remains around the procedures for ensuring respondent understand and comply with the firearms prohibitions in these matters. This bill addresses that important issue and offers what can be a life-saving opportunity to ensure the relinquishment or seizure takes place.

3. Legal background

a. Domestic violence restraining orders

The DVPA seeks to prevent acts of domestic violence, abuse, and sexual abuse, and to provide for a separation of persons involved in domestic violence for a period sufficient to enable them to seek a resolution. The DVPA's "protective purpose is broad both in its stated intent and its breadth of persons protected" (*Caldwell v. Coppola* (1990) 219 Cal.App.3d 859, 863) and courts are required to construe it broadly in order to accomplish the statute's purpose (*In re Marriage of Nadkarni* (2009) 173 Cal.App.4th 1483, 1498). The act enables a party to seek a "protective order," also known as a restraining order, which may be issued to protect a petitioner who presents "reasonable proof of a past act or acts of abuse." (§ 6300; see § 6218.)

Victims of domestic violence who need immediate protection may seek a temporary restraining order, which may be decided *ex parte* (without notice to the respondent) and generally must be issued or denied the same court day the petition is filed. (See §§ 241, 6320 et seq.) Because the restrained party would not have had the opportunity to defend their interests, *ex parte* orders are short in duration. If a noticed hearing is not held within 21 days (or 25 if the court finds good cause), a temporary restraining order is no longer enforceable, unless a court grants a continuance. (§§ 242 & 245.) The respondent must be personally served with a copy of the petition, the temporary restraining order, if any, and the notice of the hearing on the petition, at least five days before the hearing. (§ 243.) After a duly noticed hearing, the court is authorized to extend the original temporary restraining order for up to five years, which may then be renewed. (§§ 6302, 6340, 6345.) Additionally, a protective order may be issued in a judgement entered in a proceeding for dissolution of marriage, nullity of marriage, legal separation of the parties, or in a parentage action. (§ 6360.)

b. The firearm relinquishment requirement

Family Code section 6389 makes it a misdemeanor or a wobblers for a person subject to a domestic violence protective order to own, possess, purchase, or receive a firearm or ammunition while the protective order is in effect. (§ 6389(a); Pen. Code § 29825.) Firearms that are within the possession or control of the restrained person must be relinquished: “[u]pon issuance of a protective order, as defined in Section 6218, 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.” (§ 6389(c)(1).) The relinquishment process “shall occur by immediately surrendering the firearm in a safe manner, upon request of any law enforcement officer, to the control of the officer, after being served with the protective order.” (§ 6389(c)(2).) “Alternatively,” if there is no request for relinquishment, “the relinquishment shall occur within 24 hours of being served with the order, by either surrendering the firearm in a safe manner to the control of local law enforcement officials, or by selling the firearm to a licensed gun dealer” (*Id.*) Within 48 hours of service of the order, the restrained person must file a receipt with the court that issued the order and the law enforcement agency that served it showing that the firearm was surrendered to law enforcement or sold to a licensed gun dealer. (§ 6389(c)(2).)

4. Codifies a rule of court and improves communication between courts and law enforcement

a. Adds a statute governing hearings regarding the relinquishment requirement

Rule 5.495 establishes a similar process applicable to domestic violence restraining orders. “When relevant information is presented to the court at any noticed hearing that a restrained person has a firearm, the court must consider that information to determine, by a preponderance of the evidence, whether the person subject to a protective order as defined in Family Code section 6218 ... has a firearm in or subject to his or her immediate possession or control in violation of Family Code section 6389.” (*Id.* at (c).) “The court may make the determination at any noticed hearing when a domestic violence protective order is issued, at a subsequent review hearing, or at any subsequent family or juvenile law hearing while the order remains in effect.” (*Id.* at (d)(2).) “The review hearing must be held within 10 court days after the noticed hearing at which the information was presented.” (*Id.* at (e)(2).) “If the restrained person is not present when the court sets the review hearing, the protected person must provide notice of the review hearing to the restrained person at least 2 court days before the review hearing ... by personal service, or by mail to the restrained person’s known address.” (*Id.*) “The court may for good cause extend the date of the review hearing for a reasonable period or remove it from the calendar.” (*Id.* at (e)(3).) The court must order the restrained person to appear at the review hearing, but may conduct the review hearing in their absence. (*Id.* at (e)(4), (5).) Finally, the rule provides that a party may appear telephonically. (*Id.* at (e)(6).)

This bill generally codifies these provisions.

b. Expressly factors relinquishment violations into custody and visitation determinations

“Under California’s statutory scheme governing child custody and visitation determinations, the overarching concern is the best interest of the child.” (*Montenegro v. Diaz* (2001) 26 Cal.4th 249, 255; see §§ 3011, 3020, 3040 & 3041.) That scheme “allows the court and the family the widest discretion to choose a parenting plan that is in the best interest of the child.” (§ 3040(c).) When determining the best interest of a child, a court may consider any relevant factors, and must consider the following: the health, safety, and welfare of the child; any history of abuse by the party seeking custody; the nature and amount of contact with the parents; and substance abuse by a parent. (§ 3011; see also § 3020.) Custody and visitation orders are reviewed under the deferential “abuse of discretion” standard, under which reversal is warranted only “if there is no reasonable basis upon which the trial court could conclude that its decision advanced the best interests of the child.” (*Ed H. v. Ashley C.* (2017) 14 Cal.App.5th 899, 904.)

Section 3044(a) establishes a rebuttable presumption that an award of sole or joint physical or legal custody to a party found to have perpetrated domestic violence in the previous five years is detrimental to the best interest of the child. The presumption may be overcome by a preponderance of the evidence. (*Id.*) In determining whether the presumption has been rebutted, the court must consider specified factors, including whether the perpetrator is restrained by a protective order and has failed to comply with its terms and conditions. (§ 3044(b).) Under Rule of Court 5.495(f)(1), a court must specifically consider whether a restrained party violated the requirement under section 6389 that they relinquish their firearm. The bill would codify this requirement.

Section 6323 authorizes a court to issue an ex parte order determining the temporary custody and visitation of a minor, and requires the court, when making the order, to consider the best interest of the child in determining whether visitation or custody should be supervised, suspended, or denied. (*Id.* at (d).) Rule 5.595(f)(2) specifically references this provision. The bill would require the court to specifically consider violations of the relinquishment rule.

c. Improves information flow to better effectuate the relinquishment requirement

In 2008, Judicial Council issued a report recommending guidelines for improving the administration of justice in domestic violence cases. On the issue of firearms relinquishment, the report stated that while California and federal law bars persons subject to restraining orders from possessing or purchasing firearms or ammunition, a court’s orders to relinquish firearms are not self-implementing. The restrained party is

responsible for surrendering any firearms to law enforcement or selling them to a licensed gun dealer but some gun owners are reluctant to comply.⁶

The report states:

Ultimately, public safety is best served when law enforcement and the entire justice system take immediate action to remove firearms, whether registered or not, from the hands of a person who is statutorily barred from possessing them. The courts have a necessary and important role in achieving this goal, but because they are not investigative or enforcement agencies, the courts must rely on justice system entities to provide necessary information and to enforce compliance with firearm relinquishment orders.⁷

The bill makes changes to enhance communication with law enforcement related to identifying people subject to, or in violation of, the relinquishment requirement.

Specifically, the bill:

- Requires the court to notify the parties of how any firearms still in the restrained party's possession are to be relinquished and how to submit a receipt to the court.
- Requires a court holding a hearing regarding the firearm relinquishment requirement to review the file to determine whether the receipt regarding relinquishment has been filed and to inquire as to whether the person has complied with the requirement.
- Requires violations of the relinquishment requirement to 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.
- Requires the court, in performing the search to see if the person has, among other things, a registered firearm, to make a written record as to whether the person has relinquished their firearms, and if evidence has not been provided, to notify law enforcement officials, who must then take all actions necessary to ensure the individual relinquishes the firearms.

With respect to this last change, the author has agreed to a clarifying amendment. The search pursuant to section 6306(a) must take place in conjunction with a temporary restraining order, order issued after a noticed hearing, a renewal of an existing order, or an order regarding a separate matter. So this search can occur when a person is or is not already subject to the relinquishment requirement. In order to avoid confusion as to

⁶ *Recommended Guidelines and Practices for Improving the Administration of Justice in Domestic Violence Cases: Final Report of the Domestic Violence Practice and Procedure Task Force* (Jan. 2008) Administrative Office of the Courts, p. 21 https://www.courts.ca.gov/documents/dvpp_rec_guidelines.pdf (as of Mar. 17, 2021).

⁷ *Id.*

whether the court is supposed to look for evidence of relinquishment from a person who is not subject to the relinquishment requirement in the first place, the author has agreed to cross-reference the relinquishment requirement under section 6389(c). The amendment would be made as follows:

Amendment

In Section 3 of the bill, make the following change to subdivision (f) of section 6306:

Sec. 6306:

[...]

(f) If the results of the search conducted pursuant to subdivision (a) indicate that the subject of the order owns a registered firearm or if the court receives evidence of the subject's possession of a firearm, the court shall make a written record as to whether the subject has relinquished the firearm and provided proof of the required storage, sale, or relinquishment of the firearm. If evidence of compliance with firearms prohibitions is not provided *pursuant to subdivision (c) of Section 6389*, the court shall order the clerk of the court to immediately notify, by the most effective means available, appropriate law enforcement officials of the issuance and contents of a protective order, information about the firearm, and of any other information obtained through the search that the court determines is appropriate. The law enforcement officials so notified shall take all actions necessary to obtain those and any other firearms owned, possessed, or controlled by the restrained person and to address any violation of the order with respect to firearms as appropriate and as soon as practicable.

d. Author's statement

The author writes:

Codifying Rule of Court 5.495, and strengthening requirements for courts to communicate with law enforcement when an order has been violated, demonstrates California's commitment to removing firearms from prohibited persons at the earliest point in time while also ensuring consistent and robust implementation of the policy across all 58 counties of our state.

The inconsistency in implementation is especially concerning in the civil context because the only person with the ability to address the firearm prohibition as close to the time of prohibition as possible is the judge hearing the case. Unlike in the criminal context, there is no outside law enforcement, probation officer, or prosecutor present in the courtroom to address compliance or violations with the firearms relinquishment process.

In civil domestic violence restraining order cases the burden is too often on the victim to know about the rule of court process and to request that the court conduct a hearing to ensure the restrained person is no longer armed. Making sure courts, litigants, and attorneys know how important it is to address the firearms prohibition at the earliest point possible will protect victims of domestic violence, their families and communities, and law enforcement.

5. Comparison to AB 465 (Eggman, 2019)

This bill is a second incarnation of AB 465. That bill as introduced addressed a different subject in this Committee's jurisdiction and passed by a 9-0 vote. In the waning days of the 2019 session, the bill was gut-and-amended to instead codify Rule 5.495, as well as a counterpart rule applicable to criminal restraining orders, and to add provisions to enhance communication between courts and law enforcement.

However, the bill also sought to expedite and expand some of those provisions in a manner that caused some confusion and drew the opposition of the Judicial Council and California Judges Association. For instance, Section 2 of AB 465 would have required that "[w]hen a court issues a protective order, including, but not limited to, a temporary protective order, pursuant to this part, the court shall determine, by a preponderance of the evidence, whether the person subject to the protective order has possession or control of a firearm or ammunition in violation of Section 6389." The inclusion of ex parte temporary restraining orders raised questions about sequencing, as a violation of section 6389 presupposes the existence of an order requiring relinquishment in the first place.

Although courts would have applied the bill's provisions consistent with the dictates of due process regardless, the author agreed to table the bill to refine it later. This Committee passed the bill by an 8-0 vote and the bill was subsequently ordered to the inactive file as the 2019 session came to a close. In 2020, the bill was again gut-and-amended to address a different subject.

This bill does not contain its predecessor's ambiguities.⁸ Instead, it straightforwardly codifies Rule 5.495 and adds provisions to enhance communication between courts and law enforcement and provide clearer information to parties subject to the relinquishment requirement. As such, the bill has no opposition.

⁸ The bill also omits another provision of concern in AB 465 that would have provided that service may be accomplished via email. (*Id.* at § 2(b)(4).)

6. Support

According to Giffords Law Center to Prevent Gun Violence, the sponsor of this bill:

Senate Bill 320 would strengthen and clarify court processes for ensuring firearm relinquishment by people who, under current law, should not have guns because they have a domestic violence restraining order against them. When a protected party has provided information to the court about a restrained party having firearms, that case must be recognized as involving even greater risk. To address this risk, the bill would build on existing law that currently directs courts to review relevant records, as specified, prior to a hearing on issuance of a protective order, to determine whether the respondent failed to relinquish firearms. It provides for notification to law enforcement so that appropriate steps can be taken to reduce risk to that protected person and the public generally.

Additionally, this bill would codify an existing rule of court adopted by the Judicial Council that has been unevenly implemented across the state, requiring courts to consider information about unlawful firearm access and failure to comply with relinquishment requirements, including the significance of a violation, when ruling on child custody and visitation. In codifying the rule of court, the bill would also permit courts to hold compliance review hearings to verify that people subject to domestic violence-related protective orders have relinquished their firearms. As a result, this bill supports court processes and procedures by providing for clarity and consistency statewide. By ensuring that restrained parties receive necessary information about their relinquishment obligations, it also will increase the likelihood that those required to relinquish firearms as a result of a domestic violence restraining order will be able to do so effectively and safely.

SUPPORT

Giffords Law Center to Prevent Gun Violence (sponsor)
Brady California
Brady Campaign to Prevent Gun Violence
California Partnership to End Domestic Violence
National Association of Social Workers, California Chapter
Prosecutors Alliance of California
WEAVE INC

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation:

SB 24 (Caballero, 2021) authorizes courts to include in domestic violence restraining orders provisions that expressly prohibit third parties from releasing the information of a minor protected under the order to the restrained party, and would require such third parties to implement protocols to implement these provisions. That bill passed this Committee by a vote of 11-0 and is now pending on the Senate floor.

SB 374 (Min, 2021) provides that reproductive coercion is a form of domestic violence for which a restraining order may be granted under the Domestic Violence Protection Act. The bill will be considered in this Committee in the same hearing as this bill.

SB 538 (Rubio, 2021) requires courts to receive domestic violence restraining order petitions or gun violence restraining order petitions electronically. The bill also permits parties and witnesses to appear remotely at a hearing on a petition for a gun violence restraining order or domestic violence restraining order. The bill is pending in this Committee.

AB 887 (Levine, 2021) requires courts to receive domestic violence restraining order petitions electronically. The bill is pending in the Assembly Judiciary Committee.

Prior Legislation: See Comment 5.

PRIOR VOTES:

Senate Public Safety Committee (Ayes 4, Noes 0)
