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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair  
2025 - 2026 Regular

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**Bill No:** AB 824                      **Hearing Date:** July 1, 2025  
**Author:** Stefani  
**Version:** June 19, 2025  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** AB

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

### HISTORY

**Source:** Giffords Law Center to Prevent Gun Violence

**Prior Legislation:** SB 1002 (Blakespear), Ch. 526, Stats. of 2024  
SB 899 (Skinner), Ch. 544, Stats. of 2024  
AB 2907 (Zbur), Ch. 538, Stats. of 2024  
AB 36 (Gabriel), held in Assembly Appropriations, 2023  
AB 818 (Petrie-Norris), Ch. 242, Stats. of 2023  
SB 320 (Eggman), Ch. 685, Stats. of 2021  
AB 339 (Irwin), Ch. 727, Stats. of 2019

**Support:** California Chapter of the American College of Emergency Physicians; California District Attorneys Association; California Police Chiefs Association; CFT-A Union of Educators & Classified Professionals, AFT, AFL-CIO; San Diegans for Gun Violence Prevention; San Francisco Marin Medical Society

**Opposition:** None known

**Assembly Floor Vote:** 78 - 0

### PURPOSE

*The purpose of this bill is to require courts to permit a party, support person, or witness to appear remotely at a hearing for specified restraining orders, and to specify that certain firearm relinquishment procedures and prohibitions related to restraining and protective orders also apply to any ammunition in a restrained party's possession.*

*Existing law* authorizes a person who has suffered harassment to seek a temporary restraining order (TRO) and an order after hearing prohibiting harassment. (Code of Civ. Proc., § 527.6, subd. (a).)

*Existing law* sets forth standards and procedures under which a public or private employer may seek a civil restraining order on behalf of an employee who has suffered from 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. (Code of Civ. Proc., § 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. (Code of Civ. Proc., § 527.85.)

*Existing law* authorizes the trial court in a criminal case to issue a protective order 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, and 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, subds. (a)-(b).)

*Existing law* authorizes an elder or dependent adult who has suffered abuse to seek protective orders, as specified. (Welf. and Inst. Code, § 15657.03.)

*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. (Code Civ. Proc., § 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. (Civ. Code, § 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* 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* states that a person who is the subject of a domestic violence restraining order (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* states that upon issuance of a DVRO, 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).)

*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. (Fam. Code, § 6383, subd. (a).)

*Existing law* provides that a peace officer shall take temporary custody of any firearm or other deadly weapon 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 situations:

- 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 protective order issued pursuant to this part.
- The peace officer is serving a gun violence restraining order (GVRO). (Fam. Code, § 6383, subd. (a).)

*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. (*Id.*)

*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 the definition of "firearm," for the purposes of civil harassment orders, school protection orders and workplace violence protection orders, includes the frame or receiver of the weapon, including both a completed frame or receiver, or a firearm precursor part. (Pen. Code, § 16520, subd. (b)(25).)

*This bill* states that, effective July 1, 2026, the Legislature encourages court self-help centers and other stakeholders that provide information and safety planning support to survivors of violent, abusive, or other dangerous conduct to inform individuals considering protective or restraining orders that they may appear remotely at hearings on petitions for these orders through the use of remote technology, and that such appearances are at no charge to the petitioner.

*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* requires the superior court of each county to develop local rules and instructions for remote appearances for hearings on petitions for workplace violence restraining orders or school violence restraining orders.

*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 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.

*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, the definition of firearm includes the frame or receiver of the weapon, including both a completed frame or receiver, or a firearm precursor part.

*This bill* provides that violations of the ammunition prohibition of any GVRO 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, and that if the person does not file a receipt within 48 hours after receiving the order for ammunition in their possession, the court must notify law enforcement.

## COMMENTS

### 1. Need for This Bill

According to the Author:

AB 824 will expand upon the awareness and protections in existing law that permit an individual to appear remotely during requests for protective orders and restraining orders at no cost. It expands remote hearing access in school violence and workplace violence restraining order cases, while also encouraging the courts to make people aware of the ability to appear remotely through their self-help centers. Ensuring awareness and access to this important protection can save lives. Just recently, a couple from San Diego was shot and killed by the very individual they had sought protection from only two blocks from the courthouse. The couple had a hearing scheduled that morning regarding a restraining order against a spurned ex-romantic partner of the wife, which provided the ex-partner with the knowledge of where and when he could target them. Increased awareness of the ability to participate remotely helps to avoid these potentially deadly situations. Importantly, this bill also makes clarifying changes to the procedures relating to protective orders by explicitly requiring a restrained person to relinquish, in addition to any firearm, any ammunition in that person's immediate possession or control.

### 2. Protective Orders Involving Firearm Restrictions

California law allows for the issuance of restraining orders and protective orders in a wide range of contexts, including orders that may be issued before a criminal or civil trial occurs and orders that may only be issued upon conviction or finding of liability. As an initial matter, it is worth noting that there is often some confusion about the terminology surrounding protective orders and restraining orders. Generally, protective orders are shorter in duration (also called “temporary restraining orders, or TROs), and restraining orders are longer and issued only after notice to a respondent and a subsequent hearing (also called “restraining orders after hearing,” or ROAHs). Further, requests for protective orders are often submitted by law enforcement, or simply granted by the court sua sponte, whereas restraining order requests are usually lodged by the victim of the alleged abuse or misconduct.<sup>1</sup> For the purposes of this analysis, all such orders, both protective and restraining, will simply be referred to as “restraining orders.”

Generally, existing law sets forth six separate categories of restraining orders, including DVROs, 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

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<sup>1</sup> “Guide to Protective Orders.” California Courts Self-Help Guide. Guide to Protective Orders | California Courts | Self Help Guide; *Judges Guide to Restraining Orders: Domestic Violence Restraining Orders*. Judicial Council of California, published October 2023, pp. 8-33. DVRO-benchguide.pdf

<sup>2</sup> Family Code § 6389; Code of Civil Procedure §§ 527.6, 527.8, 527.85; Welfare and Institutions Code § 15657.03; Penal Code § 18100 et. seq.; Types of restraining orders | California Courts | Self Help Guide

<sup>3</sup> Fam. Code, §§ 6218, 6300

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>

### **3. Firearm Relinquishment Procedures and Effect of This Bill**

In 2022, the Legislature strengthened the firearm relinquishment procedures that apply to persons subject to a DVRO.<sup>7</sup> Specifically, legislation required courts to provide information about how any firearms or 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. If evidence of relinquishment has not been provided to the court, the court must notify law enforcement, and law enforcement must take all necessary actions to obtain the firearms and ammunition unlawfully in the possession of the restrained person. The law also required that if the court finds at a noticed hearing that the subject of the restraining order has violated the firearms prohibition, the violation shall be reported to the prosecuting attorney within two business days of the court hearing unless the respondent provides a receipt showing compliance at a subsequent hearing or by direct filing with the clerk of the court.

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>8</sup> These changes, which go into effect January 1, 2026, generally

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<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 320 (Eggman), Chapter 685, Statutes of 2021.

<sup>8</sup> SB 899 (Skinner), Chapter 544, Statutes of 2024; see Family Code, § 6389; Code of Civil Procedure, § 527.9.

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 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>9</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>10</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.

#### **4. Related Legislation**

AB 451 (Petrie-Norris), passed by this committee on 6/24 and awaiting a hearing in Senate Judiciary, requires law enforcement agencies, by January 1, 2027, to develop, adopt and implement written policies and standards regarding the service and enforcement of several different types of restraining orders that include firearm restrictions.

#### **5. Double Referral**

Other provisions of this bill not discussed above require courts to permit a party, support person, or witness to appear remotely at a hearing for a school violence or workplace violence restraining order at no cost to the party appearing remotely, and requires each county’s superior court to develop and post local rules for remote appearances on its websites. These provisions fall more squarely in the jurisdiction of the Senate Judiciary Committee, which will hear and analyze the bill should it pass out of this committee.

#### **6. Argument in Support**

According to the American Chapter of the American College of Physicians:

Our specialty is committed to injury and illness prevention and has long been at the forefront of public health. Our state has made significant advances in some public health and safety arenas. Mortality from motor vehicle accidents has been significantly reduced from laws related to seat belts, child safety seats, motorcycle helmets, and drunk driving. Meanwhile, despite advances in trauma care, deaths from firearms have remained relatively steady and fatalities from gun violence recently

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<sup>9</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>10</sup> Fam. Code, § 6383.



surpassed those from automobiles, according to the CDC. Gun violence restraining orders help reduce the incidence of gun violence by giving law enforcement an additional resource. This bill expands the scope of the restraining order to include ammunition. As emergency physicians, we are often the first—and only—physicians to treat victims of gun violence. To reduce firearm-related deaths and injuries, we must prevent people from getting shot in the first place.

**-- END --**