
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1344 **Hearing Date:** July 8, 2025
Author: Irwin
Version: June 23, 2025
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Restrictions on firearm possession: pilot project*

HISTORY

Source: Ventura County District Attorney Erik Nasarenko

Prior Legislation: AB 3014 (Irwin), not heard in Senate Public Safety, 2024
AB 301 (Bauer-Kahan), Ch. 234, Stats. 2023
AB 2870 (Santiago), Ch. 974, Stats. 2022
AB 538 (Rubio), Ch. 686, Stats. 2021
AB 2617 (Gabriel), Ch. 286, Stats. 2020
AB 2532 (Irwin), never heard in Sen. Public Safety, 2020 (contained similar provision)
AB 12 (Irwin), Ch. 724, Stats. 2019
AB 61 (Ting), Ch. 725, Stats. 2019
AB 339 (Irwin), Ch. 727, Stats. 2019
SB 1200 (Skinner), Ch. 898, Stats. 2018
AB 2888 (Ting), vetoed, 2018
SB 505 (Jackson), Ch. 918, Stats. 2014
AB 1014 (Skinner), Ch. 872, Stats. 2014

Support: California District Attorneys Association; El Dorado County District Attorney's Office; Giffords Law Center to Prevent Gun Violence; Santa Clara County District Attorney's Office

Opposition: ACLU California Action

Assembly Floor Vote: 69 - 3

PURPOSE

The purpose of this bill is to authorize the Counties of Alameda, El Dorado, Santa Clara, and Ventura to establish, until January 1, 2032, a pilot program authorizing a district attorney to request a gun violence restraining order (GVRO).

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. (Pen. Code, § 18100.)

Existing law requires a petition for a GVRO to describe the number, types, and locations of any firearms and ammunition presently believed by the petitioner to be possessed or controlled by the subject of the petition. (Pen. Code, § 18107.)

Existing law requires law enforcement agencies in California to develop and implement written policies and standards relating to GVROs, as specified. (Pen. Code, § 18108.)

Existing law requires the court to notify Department of Justice (DOJ) when a GVRO is issued, renewed, dissolved, or terminated. (Pen. Code, § 18115.)

Existing law prohibits a person that is subject to a GVRO from having in his or her custody any firearms or ammunition while the order is in effect. (Pen. Code, § 18120, subd. (a).)

Existing law provides that the court order the restrained person to surrender all firearms and ammunition in their control, or which the person possesses or owns, and requires the law enforcement officer serving a GVRO to request that all firearms and ammunition be immediately surrendered. (Pen. Code, § 18120, subd. (b)(1) & (2).)

Existing law requires, if the request is not made by a law enforcement officer, the surrender to occur within 24 hours of being served with the order, as specified. (Pen. Code, § 18120, subd. (b)(3).)

Existing law authorizes law enforcement to obtain a temporary GVRO if the officer asserts, and the court finds, that there is reasonable cause to believe the following:

- The subject of the petition poses an immediate and present danger of causing injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition; and,
- A temporary emergency GVRO is necessary to prevent personal injury to the subject of the order or another because less restrictive alternatives have been tried and been ineffective or have been determined to be inadequate or inappropriate under the circumstances. (Pen. Code, § 18125, subd. (a).)

Existing law provides that a temporary emergency GVRO and an *ex parte* GVRO expire after 21 days. (Pen. Code, §§ 18125, subd. (b); 18155, subd. (c).)

Existing law requires a law enforcement officer who requests a temporary GVRO do all of the following:

- If the request is made orally, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council;
- Serve the order on the restrained person, if the restrained person can reasonably be located;
- File a copy of the order with the court as soon as practicable, but not later than 3 court days, after issuance; and,

- Have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice. (Pen. Code, § 18140.)

Existing law authorizes a judicial officer to issue a temporary GVRO orally based on the statements of a law enforcement officer, as specified. (Pen. Code, § 18145, subd. (a).)

Existing law allows any of the following individuals to file a petition requesting that the court issue an ex parte GVRO enjoining a person from having in his or her custody or control, owning, purchasing, or receiving a firearm or ammunition:

- An immediate family member of the subject of the petition;
- An employer of the subject of the petition;
- A coworker, if they have had substantial and regular interactions with the subject for at least one year and have obtained the approval of the employer;
- An employee or teacher of a school that the subject has attended in the past 6 months, if the employee or teacher has obtained the approval of a school administrator or a school administration staff member with a supervisory role;
- A law enforcement officer;
- A roommate of the subject of the petition;
- An individual who has a dating relationship with the subject of the petition; or,
- An individual who has a child in common with the subject of the petition, if they have had substantial and regular interactions with the subject for at least one year. (Pen. Code, § 18150, subd. (a)(1).)

Existing law defines “immediate family member” to mean “any spouse, whether by marriage or not, domestic partner, parent, child, any person related by consanguinity or affinity within the second degree, or any person related by consanguinity or affinity within the fourth degree who has had substantial and regular interactions with the subject for at least one year.” (Pen. Code, § 18150, subd. (a)(3).)

Existing law allows a court to issue an ex parte GVRO if an affidavit, made in writing and signed by the petitioner under oath, or an oral statement, and any additional information provided to the court shows there is a substantial likelihood that both of the following are true:

- The subject of the petition poses a significant danger, in the near future, of causing personal injury to himself, herself, or another by having under his or her custody and control, owning, purchasing, possessing, or receiving a firearm as determined by balancing specified factors.
- An ex parte GVRO is necessary to prevent personal injury to the subject of the petition or another because less restrictive alternatives either have been tried and found to be ineffective, or are inadequate or inappropriate for the circumstances of the subject of the petition. (Pen. Code, §§ 18150, subd. (b) & 18155.)

Existing law requires an ex parte GVRO to be issued or denied on the same day that the petition is submitted to the court unless the petition is filed too late in the day to permit effective review, in which case the order is required to be issued or denied on the next judicial business day. (Pen. Code, § 18150, subd. (d).)

Existing law provides that in determining whether grounds for a GVRO exist, the court *shall* consider all evidence of the following:

- A recent threat of violence or act of violence by the subject of the petition directed toward another;
- A recent threat of violence or act of violence by the subject of the petition directed toward himself or herself;
- A violation of an emergency protective order issued that is in effect at the time the court is considering the petition;
- A recent violation of an unexpired protective order;
- A conviction for a misdemeanor offense that results in firearm prohibitions; or,
- A pattern of violent acts or violent threats within the past 12 months, including, but not limited to, threats of violence or acts of violence by the subject of the petition directed toward himself, herself, or another. (Pen. Code, § 18155, subd. (b)(1).)

Existing law states that in determining whether grounds for a GVRO exist, the court *may* consider any other evidence of an increased risk for violence, including, but not limited to, evidence of any of the following:

- The unlawful and reckless use, display, or brandishing of a firearm by the subject of the petition;
- The history of use, attempted use, or threatened use of physical force by the subject of the petition against another person;
- A prior arrest of the subject of the petition for a felony offense;
- A history of a violation by the subject of the petition of an emergency protective order;
- A history of a violation by the subject of the petition of a protective order;
- Documentary evidence, including, but not limited to, police reports and records of convictions, of either recent criminal offenses by the subject of the petition that involve controlled substances or alcohol or ongoing abuse of controlled substances or alcohol by the subject of the petition; or,
- Evidence of recent acquisition of firearms, ammunition, or other deadly weapons. (Pen. Code, § 18155, subd. (b)(2).)

Existing law provides that an ex parte GVRO expires no later than 21 days from the date the order is issued. (Pen. Code, § 18155, subd. (c).)

Existing law requires the court that issued the order, within 21 days after the date on the temporary GVRO order or the *ex parte* GVRO order, to hold a hearing to determine if a GVRO should be issued after notice and hearing. (Pen. Code, §§ 18148 and 18165.)

Existing law authorizes defined persons to file a petition requesting that the court issue a GVRO after notice and a hearing enjoining a person from having in his or her custody or control, owning, purchasing, or receiving a firearm or ammunition. (Pen. Code, § 18170.)

Existing law states that at the hearing, the court shall consider evidence of the facts identified in Section 18155, and that the petitioner has the burden of proof, which is to establish by clear and convincing evidence that a GVRO is necessary, as specified. (Pen. Code, § 18175, subd. (a)-(b).)

Existing law provides that if the court finds there is clear and convincing evidence to issue a gun violence restraining order, the court shall issue a gun violence restraining order that prohibits the subject of the petition from having in the subject's custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm, ammunition, or magazine. (Pen. Code, § 18175, subd. (c).)

This bill provides that the Counties of Alameda, El Dorado, Santa Clara, and Ventura, may establish, until January 1, 2032, a pilot program to authorize a district attorney to file a petition for a GVRO.

This bill specifies that, for the purposes of the pilot project established therein, the terms "law enforcement officer" and "law enforcement agency" include a district attorney and a district attorney's office, respectively, in the counties participating in the pilot program.

This bill requires, commencing April 1, 2027, a district attorney of a county that establishes a pilot program under the bill to annually submit data regarding the pilot program to the California Firearm Violence Research Center (CFVRC) at UC Davis.

This bill provides that the data submitted to the CFVRC shall include all of the following:

- The number of petitions filed and the outcome of petitions, if any.
- Demographic data for the restrained individuals.
- The reasons that the petition was filed.
- Areas of success and areas for improvement in subsequent years.

This bill provides that the CFVRC may conduct an evaluation of a pilot program's impact and effectiveness, and if the CFVRC conducts an evaluation of a pilot project, the evaluation shall include, but not be limited to, the data described above.

This bill provides that the CFVRC may, commencing on or before July 1, 2027, and annually thereafter, submit an evaluation described above to the Assembly and Senate Committees on Public Safety.

This bill provides that if the CFRVC conducts an evaluation of more than one pilot program, it may combine the evaluations into a comprehensive report and may submit the report, on or before July 1, 2027, and annually thereafter, to the Assembly and Senate Committees on Public Safety.

This bill requires, commencing April 1, 2027, a district attorney that establishes a pilot program to make the data provided to CFRVC also available to the DOJ and the Judicial Council.

This bill specifies that its provisions shall remain in effect only until January 1, 2034, and as of that date are repealed, unless that date is deleted or extended by future legislation.

COMMENTS

1. Need for This Bill

According to the Author:

As Californians continue to endure the trauma of gun violence, I am dedicated to finding every opportunity we can to continue to make a difference in this fight. In 2019, with AB 12 and AB 339, I worked to improve Gun Violence Restraining Orders and require every law enforcement agency to create policies to use them, in hopes of increasing the awareness and use of this lifesaving tool. However we have yet to see widespread use of GVROs, with only small upticks in GVROs in areas where the State has invested in a City Attorney to provide legal assistance for petitions. District Attorneys across the state are willing to step up and provide the legal expertise to petition and defend GVROs in court. As a result of their limited jurisdiction however they have been precluded from joining City Attorneys and County Counsels. AB 1344 will create a pilot program to authorize the District Attorneys of Ventura County, El Dorado County, and Santa Clara County to directly petition for GVROs, adding many attorneys to the fight against gun violence in California and allowing us to truly test whether their addition will meaningfully impact GVRO petition rates.

2. California's GVRO Law

In 2014, California enacted the nation's first gun violence restraining order law (AB 1014 Skinner, Ch. 872, Stats. of 2014), which was modeled after similar domestic violence restraining order statutes, and went into effect on January 1, 2016.¹ A GVRO prohibits the restrained person from purchasing or possessing firearms or ammunition and authorizes law enforcement to remove any firearms or ammunition already in the individual's possession. A court is required to notify DOJ when a GVRO is issued, renewed, dissolved, or terminated. The statutory scheme establishes three types of GVRO's: (1) a temporary emergency GVRO, (2) an ex parte GVRO, and (3) a GVRO issued after notice and hearing.

A temporary emergency GVRO may only be sought by a law enforcement officer. To obtain this order, a court must find that the subject of the petition poses an immediate and present danger of causing injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition; and the order is necessary to prevent personal injury to the subject of the order or another because less restrictive alternatives

¹ GVROs are also referred to as "extreme risk protection orders" or ERPOs.

have been tried and been ineffective or have been determined to be inadequate or inappropriate under the circumstances.²

The second type of GVRO is an ex parte GVRO, which may be sought by an immediate family member of the subject of the petition; an individual who has a dating relationship with the subject or who has a child in common with the subject; an employer of the subject of the petition; a coworker, if they have had substantial and regular interactions with the subject for at least one year and have obtained the approval of the employer; an employee or teacher of a school that the subject has attended in the past 6 months, if the employee or teacher has obtained the approval of a school administrator or a school administration staff member with a supervisory role; or a law enforcement officer. The ex parte order may be issued if the court finds that (1) the subject of the petition poses a significant danger, in the near future, of causing personal injury to himself, herself, or another by having under his or her custody and control, owning, purchasing, possessing, or receiving a firearm as determined as determined by considering specified factors; and (2) an order is necessary to prevent personal injury to the subject of the petition or another because less restrictive alternatives either have been tried and found to be ineffective, or are inadequate or inappropriate for the circumstances of the subject of the petition.³

Within 21 days, and before the temporary or ex parte GVRO expires, one of the above listed categories of individuals may request that a court issue the third type of GVRO which is issued after notice and a hearing, enjoining the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition for a period of one to five years (often referred to as an “order after hearing” or OAH). At the hearing, the petitioner has the burden of proving, by clear and convincing evidence, that the respondent poses a significant danger of causing personal injury to self or others by having access to firearms or ammunition and that a GVRO is necessary to prevent personal injury because less restrictive alternatives have been tried and found to be ineffective, or are inadequate or inappropriate for the respondent’s circumstances.⁴ If the court finds that there is clear and convincing evidence to issue a GVRO, the court shall issue a GVRO that prohibits the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm, ammunition, or magazine. If the court finds that there is not clear and convincing evidence to support the issuance of a GVRO, the court must dissolve any temporary or ex parte GVRO then in effect.⁵

A GVRO issued after notice and a hearing may be valid for a period of one to five years. In determining the duration of the GVRO, the court is required to consider the length of time that the circumstances requiring the order are likely to continue. The subject of the petition is allowed to request a hearing for termination of the order on an annual basis. Before a GVRO lapses, existing law allows a request for renewal of a GVRO of between one to five years.⁶

It is important to note that California law provides for several other types of protective and restraining orders that result in firearm prohibitions. For instance, a person can be ordered to relinquish their firearms and ammunition and prohibited from acquiring new firearms and ammunition based on a criminal conviction, including some misdemeanors, or during the

² Pen. Code, § 18125.

³ Pen. Code, §§ 18150, 18155.

⁴ Pen. Code, § 18170 et seq.

⁵ Pen. Code, § 18175, subd. (c).

⁶ Pen. Code, §§ 18170 subd. (a), 18175, subd. (e).

pendency of criminal proceedings. Additionally, a person who is the subject of a variety of restraining orders, including domestic violence, civil harassment, elder abuse, workplace violence, and GVROs is also subject to firearm prohibitions. GVROs are notably different than these other types of civil restraining orders in that the order's goal is to prevent gun violence by removing and prohibiting firearms from a dangerous individual. The other types of restraining orders will result in firearm prohibition and removal, however, the goal of those orders is protection of a named individual and places where that individual may be located by preventing the subject of the order from contacting that individual.

3. Effect of This Bill

Statistics compiled by the DOJ's Office of Gun Violence Prevention indicate that in the first three years GVROs were available, they were used in 58 cases of threatened mass shootings, and in every instance for which data is available, the mass shooting did not occur. Further, among a study of 379 respondents in GVRO cases, only one later died as a result of a firearm injury.⁷ Other data show that during the first few years of GVRO implementation, virtually all GVRO petitions came from law enforcement, with very few filed by family members. Even after the list of authorized petitioners expanded to include employers, coworkers, teachers and school employees, roommates, those in a dating relationship, and those who share a child in common, law enforcement was still responsible for the vast majority of GVRO petitions.⁸ In 2024, data collected by the DOJ show that out of 2,762 GVROs issued, the petitioner was a non-law enforcement party in only 27 cases.⁹

The Author cites related data to make the argument that county district attorney's offices are well-positioned to be authorized GVRO petitioners:

Recent statistics of GVRO use across California have found one of the highest density of requests come from San Diego (21.7% of all petitions in 2021-24, with only 8.4% of state population). The high use of GVROs in San Diego can be linked to the efforts of the San Diego City Attorney's office, who as the lead civil attorney for the jurisdiction, has allocated staff and resources to assist law enforcement in filing these civil court petitions. All 58 counties have elected District Attorneys whose offices have greater staffing and capabilities than their civil counterparts. District Attorneys however are limited in their ability to represent law enforcement in legal proceedings, as their independence as prosecutors and important accountability role preclude them from forming attorney-client relationships with law enforcement.

Accordingly, the Author submits this bill, which allows 4 counties – Alameda, El Dorado, Santa Clara, and Ventura – until January 1, 2032, to establish a pilot program authorizing district attorneys (as well as their assistant DAs and deputy DAs), to petition for an ex parte GVRO or a GVRO issued after notice and hearing. The bill does not authorize district attorneys to request a temporary emergency GVRO, which would remain solely within the authority of a law enforcement officer.

⁷ "Gun Violence Data and Research." *State of California Department of Justice*. [Gun Violence Data and Research | State of California - Department of Justice - Office of the Attorney General](#)

⁸ AB 61 (Ting), Chapter 725, Statutes of 2019, and AB 2870 (Santiago), Chapter 974, Statutes of 2022 expanded the list of authorized petitioners.

⁹ "GVRO Counts 2024." OpenJustice Data Portal. [State of California Department of Justice - OpenJustice](#)

The bill also requires participating district attorneys, commencing April 1, 2027, to annually submit data regarding the pilot program to the CFVRC, the DOJ and the Judicial Council, including the number of petitions filed and their outcome (if any), the reasons for the petitions, demographic data for restrained individuals, and areas of success and improvement in subsequent years. Further, the bill authorizes the CFVRC to conduct an evaluation of the pilot programs' effectiveness and submit this evaluation, as specified, to the Assembly and Senate Committees on Public Safety.

4. Constitutional Considerations and Pending Litigation

In *N.Y. State Rifle & Pistol Ass'n v. Bruen* (2022) 597 U.S. 1, the United States Supreme Court established a new test for determining whether a government restriction on carrying a firearm violates the Second Amendment:

“[W]hen the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. To justify its regulation, the government may not simply posit that the regulation promotes an important interest. Rather, the government must demonstrate that the regulation is consistent with this Nation’s historical tradition of firearm regulation. Only if a firearm regulation is consistent with this Nation’s historical tradition may a court conclude that the individual’s conduct falls outside the Second Amendment’s ‘unqualified command.’” (*Id.* at 16.)

In 2024, the Supreme Court applied this new standard in its review of a decision by the 5th Circuit Court of Appeals invalidating a federal law prohibiting individuals from possessing firearms while under a restraining order relating to domestic violence. In reversing the lower court, the Supreme Court held that when an individual has been found by a court to pose a credible threat to the physical safety of another, that individual may be temporarily disarmed consistent with the 2nd Amendment.¹⁰ The constitutionality of red flag laws, such as California’s GVRO law, has yet to be conclusively determined, but the Court’s decision in *Rahimi*, which principally revolved around prohibiting firearm possession based on a civil proceeding, suggest that such laws do in fact comport with the Second Amendment.

It should also be noted that one case currently making its way through federal court, *Brownstein v. Orange County Sheriff’s Dept.*, C.D. Cal. No. 24-cv-00970, could implicate this bill with an adverse disposition. The court in *Brownstein* appears to be evaluating whether our GVRO regime, particularly those orders that can be issued *ex parte*, violate procedural due process rights of individuals who, in these cases, were not given notice or an opportunity for a hearing. This case is currently stayed pending the outcome of another bill, AB 1078 (Berman), which will also be heard in this committee on July 8.

5. Argument in Support

According to the bill’s sponsor, the Ventura County District Attorney’s Office:

AB 1344 identifies and addresses a critical gap in the existing framework by including district attorneys as eligible petitioners for temporary emergency GVROs through a targeted pilot program lasting until January 1, 2032. As district attorneys, our offices

¹⁰ *United States v. Rahimi* (2024) 602 U.S. 680, 685.

frequently gather vital intelligence from diverse sources, including multiple law enforcement agencies, victim advocacy organizations, mental health professionals, social services, threat assessment teams, and community stakeholders. Moreover, our offices provide services to thousands of crime victims each year and many victims seek help from our victim advocates without reporting their abusers to police or the sheriff. Our unique access to such a wide array of stakeholders allows us to compile a comprehensive and timely evaluation of potential threats, positioning us strategically to intervene proactively to prevent gun-related violence before tragedies occur [...]

The ability to intervene swiftly is vital in rapidly unfolding scenarios where even minor delays could result in irreversible consequences. By granting district attorneys the ability to directly secure emergency GVROs, AB 1344 significantly reduces bureaucratic delays and enhances the responsiveness of our justice system. AB 1344 will also permit the district attorneys to petition for final GVROs, which, if granted after a noticed hearing where the subject of the order may appear and present evidence, can restrict gun ownership and possession for up to five years.

As our Department of Justice recently recognized, law enforcement officers were the petitioner in “about 98% of GVROs issued statewide from 2016-2023.” (DOJ Report at p. 30.) Another important figure is that of the 2,719 GVROs issued in 2023 only 21% (571) were “final GVROs” that can last up to five years. All others were emergency or temporary orders lasting only 21 days. (DOJ Report at p. 31.) One reason for this disparity is that many law enforcement agencies do not have the resources to send officers or retain attorneys for multiple appearances in court. Our offices, however, are staffed with highly trained and competent attorneys who are already in court every day. AB1344 represents a critical step in the advancement of public safety, empowering our offices with the tools needed to immediately respond to situations posing serious threats to our community. It will enable timely intervention, enhance protection for victims and vulnerable populations, and deliver appropriate resources to those experiencing crises, thus reducing the likelihood of gun violence incidents.

6. Argument in Opposition

According to ACLU California Action:

First, we are concerned that AB 1344 poses a threat to due process by expanding the authorization to seek ex parte orders, with all the ensuing consequences, without an opportunity for the person to be heard or contest the matter. The statutory scheme creating the GVRO (Penal Code §§ 18100- 18205) was established in 2014 (AB 1014, Skinner). Under the original scheme, a family member or any law enforcement officer, who had reason to believe a person owned a gun and posed a significant danger to themselves or others, could petition the court for an ex parte order to prohibit the subject from possessing a gun for up to 21 days, at which time a hearing would be held to determine whether to extend the order for up to one year. Since then, the scheme has been expanded to additionally allow the following individuals to seek a GVRO: an employer, a coworker, a school employee or teacher, a roommate, an individual with a dating relationship, or an individual who has a child in common with the petitioner. An ex parte order means the person subjected to the restraining order is not informed of the court proceeding and therefore has no opportunity to contest the allegations. We

support efforts to prevent gun violence, but we must balance that important goal with protection of civil liberties, so we do not needlessly sacrifice one in an attempt to accomplish the other.

Existing law, which already allows law enforcement officers to petition the court to issue a GVRO, strikes the appropriate balance. Notwithstanding the inherent due process concerns that arise with any ex parte deprivation of rights, there is a reasonable policy justification for allowing law enforcement officers to seek GVROs. Law enforcement officers are first responders charged with protecting public safety and defusing immediate threats of danger. Under California's traditionally recognized public safety system, law enforcement officers are the public officials who most frequently conduct wellness checks, respond to 911 calls, and otherwise respond to immediate public safety emergencies related to firearms. Their role extends well beyond the criminal legal system, and is not centered solely around criminal prosecutions.

The same reasoning, however, does not apply to District Attorneys. District Attorneys are not first responders in the traditional sense, and their role is not one of immediate crisis resolution. District Attorneys' tools are more punitive than preventative, inherently process-heavy, and employed over many days, months, or years with myriad checks and balances enforced through a defense attorney representing the accused. District Attorneys typically do not learn of urgent public safety threats until law enforcement officers have alerted them of such threats and defused any immediate risk of danger. That being the case, and given their working relationships with law enforcement officers, there is no reason District Attorneys cannot simply cooperate with law enforcement agencies to obtain GVROs when they deem them necessary.

Second, we are concerned that AB 1344 will upset the careful balance of the criminal legal process, creating a pathway for District Attorneys to subvert existing limits on their authority by allowing them to initiate ex parte proceedings through civil GVROS. Under the bill, District Attorneys could use GVRO proceedings to seek evidence for use in future prosecutions of both the unrepresented subject of the GVRO as well as unrepresented family members or others engaged in the process. District Attorneys' involvement in civil GVRO processes would necessarily cast the proceedings in a criminal light and infuse criminal consequences, but without the necessary protections. This could easily raise Fourth, Fifth, Sixth, and Fourteenth Amendment concerns, and lead to more prosecutions.

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