

Date of Hearing: April 7, 2026

Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1753 (Stefani) – As Amended March 24, 2026

UPDATED

As Proposed to be Amended in Committee

SUMMARY: Establishes, among other things, that courts shall issue an ex parte restraining order (EPRO) or temporary restraining order (TRO) even if the respondent was not provided notice, and that courts cannot require petitioners to establish exceptional circumstances in order to grant the petitioner a temporary or ex parte restraining order. Specifically, **this bill:**

- 1) Authorizes a person asking for a restraining order, in combination with provisions of existing law, to certify with the court under oath that notice could not be provided because providing notice to the party to be restrained in advance of filing an application for a temporary restraining order would likely endanger the applicant or other person's safety.
- 2) Requires a person subject to a TRO to relinquish ammunition under specified orders.
- 3) Authorizes remote appearances at no cost for a party, support person, or witness at workplace violence and postsecondary educational institution protective order hearings.
- 4) Provides that a peace officer required to serve specified orders shall comply with defined requirements and may submit a billing to the court for payment for service of the order.
- 5) Clarifies that a court adjudicating a protective order may order a search of AFS and other databases and may develop protocols to ensure that before a hearing on the issuance, renewal, or termination of any protective order.
- 6) States that the court may conduct an AFS search when receiving a petition for any protective order, before a hearing on the issuance, renewal, or termination of any protective order, before a hearing concerning compliance with, or violation of, any protective order.
- 7) Provides that after issuing its ruling on a protective order, the court shall advise the parties that information obtained from a search shall remain confidential.
- 8) States that a petitioner for a DVRO shall not be uniformly required to provide prior notice to the proposed respondent about a petition for a temporary or ex parte protective or restraining order in all cases and shall not be required to establish exceptional circumstances.
- 9) States that a petitioner for a DVRO shall only be required to provide prior notice to the proposed respondent about a petition for a temporary or ex parte protective or restraining

order if the court determines that requiring prior notice would not likely endanger the petitioner, proposed protected parties, or other persons.

- 10) Includes valid extreme risk protection orders, including, but not limited to, orders related to domestic or family violence, in the existing requirement that certain orders shall be transmitted to DOJ.
- 11) States that all data with respect to criminal court protective orders issued, modified, extended, or terminated, and all data filed with the court shall be transmitted by the court or its designee within one business day to law enforcement personnel.
- 12) Requires all protective orders issued on forms adopted by the Judicial Council of California, and that have been approved by the DOJ, to be transmitted to the DOJ, except as specified.
- 13) Includes as protection orders certain orders issued under the federal Violence Against Women Act (VAWA).
- 14) Establishes that a law enforcement agency (LEA) may seek enforcement in this state of a valid extreme risk protection order (ERPO) issued by a tribunal under the laws of another state or jurisdiction.
- 15) States that an ERPO is valid if the order meets all of the following criteria:
 - a) The order identifies the respondent.
 - b) The order is currently in effect.
 - c) The order was issued by a tribunal under the laws of another state or jurisdiction, as defined.
 - d) The order was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued.
- 16) Requires our courts to enforce the terms of a valid ERPO. Registration or filing of an order in this state is not required for enforcement of a valid ERPO.
- 17) States that a valid ERPO shall be registered with a court of this state under the same process for registration of foreign protection orders in order to be entered in the California Restraining and Protective Order System (CRPOS).
- 18) Provides that an ERPO valid on its face is prima facie evidence of its validity and that absence of any of the criteria for validity of an ERPO is an affirmative defense in an action seeking enforcement of the order.
- 19) Provides that defined immunities, liabilities, and precedents shall apply to ERPOs.

- 20) States that a law enforcement officer of this state, upon determining that there is probable cause to believe that a valid ERPO exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. If the ERPO is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid ERPO exists.
- 21) States that if a law enforcement officer of this state determines that an otherwise valid ERPO cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the order is sufficient notice.
- 22) Requires the Judicial Council to create statewide forms, as defined, for use by litigants in civil proceedings to request service of process or notice by a marshal or sheriff, or by a peace officer required to serve a protective order. A peace officer shall accept an electronic signature. A wet signature on the form or forms shall not be required.
- 23) Specifies that Judicial Council forms and the information contained therein shall not be subject to disclosure and shall be kept confidential.
- 24) States that when a court issues a criminal protective order, the prosecuting agency shall ensure the people protected by the order are promptly notified about the terms of the order.
- 25) Requires every identified prosecuting agency to, on or before January 1, 2028, develop, adopt, and implement written policies and standards for the agency governing notice to protected parties, receiving and responding to violations of a protective order, and violations of firearm relinquishment orders.
- 26) Includes AFS in the existing requirement that any charge of domestic violence requires the prosecuting agency to perform a search of specified databases that shall be presented to the court for consideration during certain steps in the trial process.
- 27) Specifies that in developing and updating the standards and policies, prosecuting agencies are encouraged to consult and collaborate with domestic violence service providers and survivor advocates, local law enforcement and court administration representatives, and any guidance, technical assistance, or recommendations issued by the DOJ.
- 28) States that a person who is committed to a state hospital or other treatment facility, and subject to a protective order, shall relinquish their firearms, not seek to secure a firearm, and makes violations punishable by specified firearms prohibitions.
- 29) Requires the court in which a criminal proceeding stemming from a hate crime is filed, upon request by a prosecutor or victim or on the court's own motion, to consider issuing a criminal protective order against the defendant.
- 30) States that if the court does not issue any protective order against the defendant to protect any identified person, the court shall, upon request by a prosecutor or victim or on the court's own motion, consider issuing a protective order equivalent to a firearms prohibition.

- 31) Establishes that a person convicted of defined violations who owns or possesses a firearm or ammunition, with knowledge that they are prohibited from doing so by a TRO or gun violence restraining order (GVRO), shall be prohibited from having custody or control of firearm or ammunition for 10 years.
- 32) States that any person who is convicted of specified misdemeanor violations, or any other offense that is defined as a hate crime, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$1,000, or by both that fine and imprisonment.
- 33) Requires LEA's and defined prosecuting agencies to designate a responsible person to access and receive notifications of a restrained person's violation of firearms relinquishment requirements and ensure the clerk of the superior court has updated contact information.
- 34) States that LEA's operating in the same jurisdiction may designate one lead agency for their jurisdiction responsible for receiving noncompliance notifications from the court, and for coordinating follow up actions and information sharing.
- 35) Defines "extreme risk protection order" as an injunction, restraining order, or other civil or criminal court order issued by a tribunal under the laws of the issuing state or jurisdiction, that does not name a protected individual, but prohibits the respondent from possessing, owning, controlling, purchasing, or receiving, firearms for the duration of the order based on evidence that the respondent poses a danger to themselves or others. Extreme risk protection orders are similar or equivalent to civil orders known as GVRO's.
- 36) Makes legislative declarations and findings.
- 37) Makes conforming changes.

EXISTING LAW:

- 1) Sets procedures for temporary civil restraining orders. (Civ. Proc. Code, § 527, et seq.)
- 2) Establishes procedures for domestic violence restraining orders. (Fam. Code, § 6300, et seq.)
- 3) Specifies procedures for elder abuse and dependent adult restraining orders. (Welf. & Inst. Code, § 15657.03, et seq.)
- 4) States procedures for gun violence restraining orders. (Pen. Code, § 18100, et seq.)
- 5) Establishes procedures for a juvenile court restraining order. (Welf. & Inst. Code, § 213.5, et seq.)
- 6) States procedures for postsecondary school violence restraining orders. (Civ. Proc. Code, § 527.85, et seq.)
- 7) Provides procedures for workplace violence restraining orders. (Civ. Proc. Code, § 527.8, et seq.)

- 8) Authorizes a party or witness to a civil restraining order petition to appear remotely at the hearing on a petition beginning January 1, 2027. (Civ. Proc. Code, § 527.6, subd. (i)(2).)
- 9) States that a preliminary injunction may be granted at any time before judgment upon a verified complaint showing the existence of satisfactory and sufficient grounds. No preliminary injunction shall be granted without notice to the opposing party. (Civ. Proc. Code, § 527, subd. (a).)
- 10) Establishes that no TRO shall be granted without notice to the opposing party, unless both of the following requirements are satisfied:
 - a) It appears from facts shown by affidavit or by verified complaint that great or irreparable injury will result to the applicant before the matter can be heard on notice.
 - b) The applicant or the applicant's attorney certifies one of the following to the court under oath:
 - i) That within a reasonable time prior to the application the applicant informed the opposing party or the opposing party's attorney at what time and where the application would be made.
 - ii) That the applicant in good faith attempted but was unable to inform the opposing party and the opposing party's attorney, specifying the efforts made to contact them.
 - iii) That for reasons specified the applicant should not be required to so inform the opposing party or the opposing party's attorney. (Civ. Proc. Code, § 527, subd. (c).)
- 11) States that in cases where a TRO is granted without notice, the matter shall be returnable on an order not later than 15 days or, if good cause appears to the court, 22 days from the date the TRO is issued. (Civ. Proc. Code, § 527, subd. (d)(1).)
- 12) Establishes that the party who obtained the TRO shall, within five days from the date the TRO is issued or two days prior to the hearing, whichever is earlier, serve the opposing party a copy of the complaint. (Civ. Proc. Code, § 527, subd. (d)(2).)
- 13) Provides that a person subject to a defined TRO or injunction shall relinquish firearms and ammunition. (Civ. Proc. Code, § 527.9, subd. (a).)
- 14) Specifies that when relevant information is presented to the court at any noticed hearing that a restrained person has a firearm, the court shall, by a preponderance of evidence, consider that information to determine whether the person has a firearm in violation of the order. (Civ. Proc. Code, § 527.11, subd. (a).)
- 15) Requires a peace officer to, upon the request of a petitioner, serve any TRO, order after hearing, or protective order on the respondent. (Civ. Proc. Code, § 527.12, subd. (a).)

- 16) States that counties, with the approval of the DOJ, shall develop a procedure, using existing systems, for the electronic transmission of protective order data, as described. (Fam. Code, § 6380, subd. (a).)
- 17) Specifies that DOJ may establish an Armed Prohibited Persons System (APPS) to provide a protected person with automated access to information in CRPOS, as specified. (Fam. Code, § 6380.5, subd. (b).)
- 18) Authorizes a person of this state to seek enforcement of a protection order issued by another tribunal. (Fam. Code, § 6402, subd. (a).)
- 19) States that the Judicial Council shall create a statewide form or forms to be used by litigants in civil actions or proceedings to request service of process or notice by a marshal or sheriff. (Gov. Code, § 26666.10, subd. (a).)
- 20) Provides that on any charge involving acts of domestic violence, the district attorney or prosecuting city attorney shall perform a thorough investigation of the defendant's history. (Pen. Code, § 273.75, subd. (a).)
- 21) Establishes that in the case of a person who is convicted of any defined offenses, including hate crimes, the court shall make an order protecting the victim or known immediate family of the victim. (Pen. Code, § 422.85, subd. (a).)
- 22) States that a person who is committed to a state hospital or other treatment facility because of any defined offenses, including hate crimes, may be ordered by the court to complete training in the area of civil rights as a condition of outpatient status or conditional release. (Pen. Code, § 422.865, subd. (a).)
- 23) Specifies that courts shall take all actions reasonably required to safeguard the health, safety, or privacy of the alleged victim, or of a person who is a victim of a hate crime, during a criminal proceeding involving a hate crime. (Pen. Code, § 422.88, subd. (a).)
- 24) Requires the court to notify DOJ when a GVRO is issued, renewed, dissolved, or terminated. (Pen. Code, § 18115.)
- 25) Prohibits a person that is subject to a GVRO from having in their custody any firearms or ammunition while the order is in effect. (Pen. Code, § 18120, subd. (a).)
- 26) Requires relinquishment of firearms pursuant to a TRO within 24 hours of being served with the order, as specified. (Pen. Code, § 18120, subd. (b)(3).)
- 27) Punishes with a misdemeanor every person who owns or possesses a firearm or ammunition with knowledge that they are prohibited from doing so by a restraining order. (Pen. Code, § 18205, subd. (a).)
- 28) States a temporary GVRO and an *ex parte* GVRO expire after 21 days. (Pen. Code, §§ 18125, subd. (b), 18155, subd. (c).)

- 29) States that a person who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding \$1,000, or by both that imprisonment and fine. (Pen. Code, § 29085, subd. (a)(1).)
- 30) Defines “foreign protection order” as a protection order issued by a tribunal of another state, state or jurisdiction. (Fam. Code, § 6401, subd. (1).)
- 31) Defines “protection order” as an injunction or other order, issued by a tribunal under the domestic violence, family violence, or other laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to, an individual. (Fam. Code, § 6401, subd. (5).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “AB 1753 takes on one of the most critical gaps in survivor protection by making sure California's protective order laws actually work. The bill tackles the problem from multiple angles. It strengthens firearm surrender requirements, improves coordination between courts and law enforcement when someone is illegally armed in violation of a protective order, registers more protective orders in law enforcement and background check databases, and ensures that people convicted of dangerous misdemeanors fail background checks. Too often, survivors get a protective order and assume they're safe, only to find that the system meant to back it up is broken. This bill closes the gap between what the law promises and what survivors actually experience.”
- 2) **Effect of the Bill:** AB 1753 attempts to address various issues, particularly as those issues relate to protective orders.

Among other things, this bill would: 1) increase misdemeanor convictions that trigger 10-year firearm or ammunition prohibition, 2) authorize courts to obtain an AFS and CLETS check at any stage of a protective order case involving firearm prohibitions, 3) make LEA's eligible to receive reimbursement for serving protective orders, 4) require LEA's and prosecuting agencies to designate a position responsible for accessing and receiving notices regarding firearm relinquishment orders, 5) provide enforcement of foreign protective orders under the VAWA, 6) require prosecuting agencies to attempt notification of victims and witnesses when a court issues a protective order on their behalf, and 7) change the law so that TROs can be issued without notice to the proposed respondent.

California law currently provides for numerous protective orders, including: 1) civil harassment restraining orders, 2) domestic violence restraining orders, 3) elder or dependent adult abuse restraining orders, 4) gun violence restraining orders, 5) juvenile court restraining orders, 6) postsecondary school violence restraining orders, and 7) workplace violence restraining order. TRO's and EPRO's are commonly available for these protective orders. TRO's and EPRO's can be issued without notice and an opportunity to be heard in limited circumstances. (See, e.g., Fam. Code, § 6300.) These orders are generally issued in emergency situations where a person is at risk of imminent physical danger. A TRO allows a

person petitioning for the order to restrict the person subject to the order from getting in close physical proximity and forcing the respondent to relinquish their firearms to LEA's (Civ. Proc. Code, § 527.9, subd. (a).) Due to concerns around fairness and constitutional due process obligations, TROs are limited in duration (fewer than 30 days) and subject to the petitioner generally establishing a need for the order.¹

DVRO's, for example, can take the form of emergency protective orders, which are sought by law enforcement, or TROs, which are sought by the victim. Temporary DVRO's can be based *only* upon the affidavit or testimony of the party seeking relief. (Fam. Code, § 6300.) A permanent restraining order, on the other hand, may be issued only after a hearing before an impartial tribunal where the respondent has been notified of the hearing ahead of time. (Civ. Proc. Code, § 527.) Because of the time-sensitive nature of many TRO's, requests for TRO's are often immediately reviewed and issued.²

It is easily understood how potentially difficult or dangerous it may be for a victim of domestic violence to provide advance notice to an abuser before filing an application for a TRO. While many of the provisions of AB 1753 do not present significant legal or constitutional concerns, the proposed changes in this bill that partly abrogate existing notice requirements could create procedural due process problems.

- 3) **Procedural Due Process:** Procedural due process generally requires state actors to provide specific procedural protections before they deprive a person of any protected life, liberty, or property interest. (*Morrissey v. Brewer* (1972) 408 U.S. 471, 481.) The Fourteenth Amendment's Due Process Clause imposes the same procedural due process limitations on the states as the Fifth Amendment does on the Federal Government. (*Ibid.*) While the particular procedures required by the constitution vary depending on the circumstances, a key consideration in evaluating whether sufficient procedures are present that do not subject individuals to the arbitrary exercise of government power before depriving a person of a life, liberty, or property right. (*Marchant v. Pennsylvania R.R.* (1894) 153 U.S. 380, 386.)

A fundamental, classic liberty interest is the right to be free from bodily restraint. (*Board of Regents v. Roth* (1972) 408 U.S. 564, 572.) A liberty interest additionally exists in the ability to exercise constitutional rights. (*Ibid.*) AB 1753, in combination with existing law, could work to deprive a person of their liberty interests because protective orders act as bodily restraints and the right to possess a firearm for self-defense is a constitutionally protected right. Being forced to surrender property, like firearms, to the government following issuance of a protective order implicates due process property rights, too. This is particularly true where, as is the case with this bill, an absence of notice that a person could be subject to a TRO and relinquishment requirements may become far more common.

The appropriate framework for due process analyses of criminal procedure concerns involves a narrow inquiry into whether the law is offensive to fundamental concepts of fairness. (*Medina v. California* (1992) 505 U.S. 437, 443.) In the civil context, however the Court applies a three-part balancing test that evaluates the procedures against 1) the private interest

¹ *Temporary restraining orders*. Cornell Law School Legal Information Institute
<https://www.law.cornell.edu/wex/temporary_restraining_order> [as of Apr. 3, 2026].

² *Ibid.*

affected, 2) the risk of erroneous deprivation of that interest under the chosen procedure, and 3) the government interest at stake. (*Mathews v. Eldridge* (1974) 424 U.S. 319, 335.) Both tests could be relevant in the context of the protective orders impacted by this bill. It is unclear, however, whether AB 1753's erosion of existing procedural requirements would survive judicial scrutiny either under the three-part civil test or narrow inquiry criminal test.

Additional United States Supreme Court precedent suggests some concern is warranted with the constitutionality of the bill's notice language. The Court found that the procedures required by due process are constitutional questions to be answered by the judiciary, not statutory questions for the legislature. (*Cleveland Bd. of Educ. V. Loudermill* (1984) 470 U.S. 532.) In another case, the Court held prejudgment seizure of property provisions were a deprivation of property without due process "insofar as they deny the right to a prior opportunity to be heard before chattels are taken from their possessor." (*Fuentes v. Shevin* (1972) 407 U.S. 67.) Interestingly, in *Loudermill*, the Chief Justice advanced criticism of the *Mathews* balancing test saying, "[the test is] simply an ad hoc weighing which depends a great extent upon how the Court subjectively views the underlying interests at stake." (*Loudermill, supra*, at p. 562 [Rehnquist, C.J., dissenting].) Firearms are chattels. A person subject to a TRO in California is required to relinquish their firearms or face criminal punishment. TRO's are issuable without prior notice or an opportunity to be heard. Thus, certain notice provisions in the bill could create procedural due process problems.

The author cites a 2008 Judicial Council report³ in support of AB 1753, which in part circumscribes existing notice requirements. This report is nearly 20 years old, so the data is a bit stale. Moreover, the report appears to focus on domestic violence orders, not all protective orders. Support for this focus can be found in the online description of the report. The description states, "Created by the Judicial Council of California in January of 2008, this document details recommended guidelines and practices for improving the administration of justice *in domestic violence cases*."⁴ The DVRO statute already provides for some of the notice limitations AB 1753 would apply to every protective order. (Fam. Code, § 6300, subd. (a) ("An ex parte [domestic violence] restraining order shall not be denied solely because the other party was not provided with notice.")) Furthermore, AB 1753 conforms its statutory language to the 2008 report but then adds additional notice limitation provisions. The additional language states, "the petitioner shall only be required to provide prior notice if the court determines that requiring prior notice would be in the interests of justice and would not likely endanger the petitioner, proposed protected parties, or other persons." Inclusion of this extra language arguably further corrodes constitutional notice requirements.

Given the age of the report, and the state of existing law, it is not clear whether specific notice provisions in the bill would fall within existing constitutional boundaries.

- 4) **The Bruen Analysis:** AB 2310 would allow issuance of TRO's in many cases without procedural due process. Existing law provides for mandatory surrender of firearms within 24 hours of a person being subject to a TRO. The combination of AB 2310's notice provisions

³ *Final Report of the Domestic Violence Practice and Procedure Task Force* (Jan. 2008) Judicial Council of California <<https://www.allianceforhope.org/family-justice-center-alliance/resources/final-report-domestic-violence-practice-procedure-task-force>> [as of Apr. 3, 2026].

⁴ *Ibid* [italics added].

and existing law provisions regarding firearms relinquishment produces relatively restrictive regulation of plain text Second Amendment conduct.

To be subject to Second Amendment scrutiny, a law must first infringe on plain text Second Amendment conduct. (*New York State Rifle & Pistol Association, Inc. v. Bruen*, (2022) 597 U.S. 1, 17.) Justifying a law or regulation that purports to place restrictions on protected Second Amendment conduct requires the government to demonstrate the law is “consistent with the nation’s historical tradition of firearms regulation.” (*Id.* at p. 24.) A firearms regulation is constitutional if the government establishes the proposed law is “relevantly similar” to historical laws, regulations, and traditions. (*Id.* at p. 29.)

The United States Supreme Court has already ruled on a related issue. In 2023, the 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 Second Amendment. (*United States v. Rahimi* (2024) 602 U.S. 680, 685.) Key to this holding, however, was the fact that the person who was temporarily disarmed received procedural due process. (*Rahimi, supra*, at p. 711 [finding going armed laws relevantly similar to the federal statute at issue in the case thereby constitutionally permitting a court to disarm a dangerous person only . . . after notice and [a] hearing.”].) While it is ultimately unclear whether the Court would have reached a different conclusion in *Rahimi* absent the defendant receiving procedural due process, mandatory relinquishment of a person’s firearms upon issuance of a protective order, where the person surrendering their firearm has had no meaningful opportunity to be made aware or heard on the order due to statutory limitations on requiring notice, may exceed the constitutional bounds of the Second Amendment.

- 5) **Committee Amendments:** As proposed to be amended, AB 1753 updates subdivision (c)(2) of the Civil Code with new language that would authorize a person asking for a restraining order, in combination with provisions in existing law, to certify with the court under oath that notice could not be provided because “providing notice to the party to be restrained in advance of filing an application for a temporary restraining order would likely endanger the applicant or other person’s safety.”

Additionally, an update to the language amending section 6300 of the Family Code is made to read, “A petitioner shall only be required to provide prior notice to the proposed respondent about a petition for a temporary or ex parte protective or restraining order if the court determines that requiring prior notice would not likely endanger the petitioner, proposed protected parties, or other persons.” Conforming language to the findings and declarations is additionally included in the bill.

- 6) **Argument in Support:** According to the *American College of Emergency Physicians*, “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 surpassed those from automobiles, according to the CDC.

“It is well documented that abuser access to firearms is a risk factor for lethality. AB 1753 expands existing firearm relinquishment procedures to include civil harassment restraining

orders, workplace violence restraining orders, postsecondary school restraining orders, and elder or dependent adult abuse restraining orders.

“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.

“For these reasons, California ACEP is pleased to support AB 1753.”

- 7) **Argument in Opposition:** According to the *California Rifle and Pistol Association*, “This legislation expands California’s already expansive regime of firearm and ammunition restrictions through civil protective orders, further eroding due process and property rights for law-abiding citizens.

“AB 1753 amends multiple sections of the Code of Civil Procedure, Family Code, Penal Code, and Welfare and Institutions Code to explicitly require that individuals subject to various protective or restraining orders—such as civil harassment (CCP §527.6), workplace violence (§527.8), private postsecondary (§527.85), elder/dependent adult (§15657.03), domestic violence (Family Code §6383), and gun violence restraining orders (Penal Code §§18120 et seq.)—relinquish not only firearms but also any ammunition in their immediate possession or control. It makes conforming changes to definitions (e.g., Penal Code §16520), relinquishment procedures, and enforcement mechanisms.

“While the bill is framed as ‘clarifying,’ it substantively broadens the scope of ammunition bans in civil proceedings that frequently:

“Are issued ex parte (without the accused present or able to respond initially).

“Rely on allegations rather than proven facts or criminal convictions.

“Apply to broad categories of disputes (harassment, workplace conflicts, campus issues) where no violence or threat of violence has been adjudicated.

“Result in immediate disarmament and potential criminal penalties for non-compliance, even in cases of mistaken or abusive filings.

“Key concerns include:

“Due Process Deficiencies: Civil restraining orders often impose lifetime or long-term ammunition prohibitions with minimal evidentiary standards. Expanding to ammunition—essential for lawful use of firearms (hunting, sport shooting, self-defense)—effectively nullifies Second Amendment rights without the robust protections required for criminal proceedings. This conflicts with U.S. Supreme Court precedents emphasizing historical tradition and individualized assessments (e.g., Bruen).

“Risk of Abuse and Overreach: Protective orders are sometimes used strategically in family, employment, or neighbor disputes. Automatically triggering ammunition surrender increases the potential for harassment or false claims, leaving respondents defenseless and facing felony-level consequences for technical violations.

“No Demonstrated Public Safety Benefit: Existing laws already mandate firearm relinquishment in these orders, with prohibitions on possession. Extending to ammunition does little to prevent misuse (prohibited persons cannot lawfully acquire it anyway) but burdens compliant owners who store firearms safely and unloaded.

“Disproportionate Impact: Law-abiding hunters, competitive shooters, collectors, and self-defense practitioners face unnecessary confiscation or restrictions on property they lawfully own, often without prompt hearings or easy return mechanisms.

“CRPA urges the Committee to reject AB 1753. California's firearm laws are among the strictest in the nation; further expansions through low-threshold civil processes undermine constitutional rights without enhancing safety. Focus instead on enforcing criminal laws against actual threats and abusers.”

8) **Related Legislation:**

- a) AB 1657 (Rogers) would prohibit a court from requiring that notice be provided to the party to be restrained in advance of filing an application for an ex parte restraining order. AB 1657 would also prohibit a court from requiring an explanation or declaration to substantiate a party's decision not to provide notice in advance of filing. AB 1657 is pending a vote on the Assembly floor.
- b) AB 1974 (Stefani) would authorize LEA's to implement a voluntary firearm safe storage program. AB 1974 is pending hearing in the Assembly Public Safety Committee.
- c) AB 2179 (Patel) would allow any party or witness to a petition for a restraining order to appear remotely at a hearing and would prohibit any fee for appearing remotely. AB 2179 is pending hearing in the Assembly Appropriations Committee.
- d) SB 1374 (Niello) would authorize a chief administrative officer of the postsecondary educational institution or an officer or employee designated by the chief administrative officer to maintain order on the school campus or facility to seek a temporary restraining order and an injunction on behalf of the postsecondary educational institution, upon a showing of unlawful violence or a credible threat of violence directed at it. SB 1374 is pending hearing in the Senate Education Committee.

9) **Prior Legislation:**

- a) AB 383 (Davies), Chapter 362, Statutes of 2025, applied relinquishment procedures to firearms or ammunition in custody or control of a juvenile who is prohibited from owning, possessing, or having under their custody or control a firearm until they are 30 years of age.
- b) AB 451 (Quirk-Silva), Chapter 693, Statutes of 2025, required local LEAs to adopt standard policies and procedures to implement requirements governing service, implementation, and enforcement of protective orders.

- c) AB 561 (Quirk-Silva), Chapter 267, Statutes of 2025, expanded e-filing for elder abuse restraining orders.
- d) AB 1078 (Berman), Chapter 570, Statutes of 2025, among other things, required the review of the California Restraining and Protective Order System to include information concerning whether the applicant is reasonably likely to be a danger to self, others, or the community at large.
- e) AB 1344 (Irwin), Chapter 573, Statutes of 2025, authorized certain counties to establish a pilot program to additionally authorize a district attorney to request that the court issue a temporary emergency gun violence restraining order, as specified.
- f) AB 824 (Stefani), of the 2025-26 Legislative Session, would have made clarifying changes to the procedures relating to the protective or restraining orders by explicitly requiring the restrained person to relinquish, in addition to any firearm, any ammunition in that person's immediate possession or control. AB 824 was held in the Assembly Appropriations Committee.
- g) SB 1002 (Blakespear), Chapter 526, Statutes of 2024, required a person subject to the prohibition, because they are a danger to themselves or others as a result of a mental health disorder, to relinquish a firearm, other deadly weapon, or ammunition they own, possess, or control within 72 hours of discharge from a facility.
- h) SB 899 (Skinner), Chapter 544, Statutes of 2024, requires the court, when issuing protective orders, to provide the person how any firearms or ammunition still in their possession to be relinquished. Requires the court to review the file to determine whether the receipt was filed and inquire whether the person complied with the requirement.
- i) AB 2621 (Gabriel), Chapter 532, Statutes of 2024, expanded the requirement for law enforcement agencies to have written policies and standards for gun violence to also maintain them in accordance with changes to statute, and also expands to scope of the policies to other firearm prohibiting emergency protective orders.
- j) AB 301 (Bauer-Kahan), Chapter 234, Statutes of 2023, authorizes courts to consider evidence of acquisition of body armor when determining whether grounds for a GVRO exist.
- k) AB 303 (Davies), Chapter 161, Statutes of 2023, required the Attorney General to provide specific information to local law enforcement agencies involving prohibited persons, including, but not limited to, personal identifying information, case status, and information regarding previous contact with the prohibited person.
- l) AB 732 (Fong), Chapter 240, Statutes of 2023, required local LEA's to designate a person to access or receive Armed Prohibited Persons System (APPS) database information from DOJ and report to DOJ quarterly regarding steps taken to remove individuals from the APPS.

- m) AB 818 (Petrie-Norris), Chapter 242, Statutes of 2023, required all peace officers, not just sheriffs and marshals, to serve all types of protective orders for free upon the petitioner's request.
- n) AB 36 (Gabriel), of the 2023-2024 Legislative Session, would have provided that any person subject to a civil or criminal protective order issued on or after July 1, 2024, shall not own, possess, purchase, or receive a firearm or ammunition within three years after expiration of the order. AB 36 was held in the Assembly Appropriations Committee.
- o) AB 667 (Maienschein), of the 2023-2024 Legislative Session, would have required a court to issue a GVRO for a duration of five years if the subject of the petition displayed an extreme risk of violence, as specified, within the prior 12 months. AB 667 was held in the Senate Public Safety Committee.
- p) AB 2870 (Santiago), Chapter 974, Statutes of 2022, allowed a petition for a GVRO to be made by an individual who has a child in common with the subject, an individual who has a dating relationship.
- q) SB 320 (Eggman), Chapter 685, Statutes of 2021, codified rules related to the relinquishment of a firearm by a person subject to a civil domestic violence restraining order and requires the courts to notify law enforcement and the county prosecutor's office when there has been a violation of a firearm relinquishment order.
- r) SB 538 (Rubio), Chapter 686, Statutes of 2021, authorized remote appearances for GVRO and DVRO petitioners.

REGISTERED SUPPORT / OPPOSITION:

Support

Brady California
Brady United Against Gun Violence
California Chapter of the American College of Emergency Physicians
City and County of San Francisco
Everytown for Gun Safety Action Fund
Giffords

Opposition

California Rifle and Pistol Association, INC.
National Rifle Association - Institute for Legislative Action

Analysis Prepared by: Dustin Weber / PUB. S. / (916) 319-3744

Amended Mock-up for 2025-2026 AB-1753 (Stefani (A))

**Mock-up based on Version Number 98 - Amended Assembly 3/24/26
Submitted by: Staff Name, Office Name**

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 527.1 is added to the Code of Civil Procedure, immediately following Section 527, to read:

527.1. (a) (1) The Legislature finds and declares that requiring petitioners to provide prior notice **of before filing a petition or application** for a temporary or ex parte protective or restraining order against an individual who has engaged in violent, abusive, or other dangerous conduct may result in all of the following:

(A) Create significant risk of harm to the petitioner and other individuals, especially given the heightened potential for retaliation and violence during separation from an abusive partner or relationship.

(B) Deter survivors of violence and abuse from requesting temporary or ex parte protective or restraining orders.

(C) Increase the likelihood that respondents will seek to evade service of a temporary or ex parte protective or restraining order.

(2) Accordingly, the Legislature finds that it is necessary to establish that petitioners shall **be eligible to request and obtain temporary or ex parte protective or restraining orders without providing pre-filing notice of the application to the proposed respondent, if requiring pre-filing notice would likely endanger the applicant or other persons' safety.** ~~only be required to provide prior notice to the proposed respondent of a petition for a temporary or ex parte protective or restraining order based on a case-by-case determination that takes the interests of justice and safety into account.~~

~~(b) Notwithstanding subdivision (c) of Section 527 or any other law, all of the following shall apply when a petitioner requests any of the temporary or ex parte protective or restraining orders described in subdivision (c):~~

~~(1) The court shall not deny a temporary or ex parte restraining order solely because the proposed respondent was not provided with notice.~~

~~(2) A petitioner shall not be uniformly required to provide prior notice to the proposed respondent of a petition for a temporary or ex parte protective or restraining order in all cases, and shall not be required to establish exceptional circumstances to obtain a temporary or ex parte protective or restraining order without providing prior notice.~~

~~(3) A petitioner shall only be required to provide prior notice to the proposed respondent of a petition for a temporary or ex parte protective or restraining order if the court determines, on a case-by-case basis, that requiring prior notice would be in the interests of justice and would not likely endanger the petitioner, proposed protected parties, or other persons.~~

~~(c) This section applies to all of the following protective and restraining orders:~~

~~(1) A civil harassment restraining order issued under Section 527.6.~~

~~(2) A domestic violence restraining order issued under Part 4 (commencing with Section 6300) of Division 10 of the Family Code.~~

~~(3) An elder or dependent adult abuse restraining order issued under Section 15657.03 of the Welfare and Institutions Code.~~

~~(4) A gun violence restraining order issued under Division 3.2 (commencing with Section 18100) of Title 2 of Part 6 of the Penal Code.~~

~~(5) A juvenile court restraining order issued under Section 6380 of the Family Code or Section 213.5, 304, or 362.4 of the Welfare and Institutions Code.~~

~~(6) A postsecondary school violence restraining order issued under Section 527.85.~~

~~(7) A workplace violence restraining order issued under Section 527.8.~~

SECTION 2. Section 527 of the Code of Civil Procedure is amended to read:

(a) A preliminary injunction may be granted at any time before judgment upon a verified complaint, or upon affidavits if the complaint in the one case, or the affidavits in the other, show satisfactorily that sufficient grounds exist therefor. No preliminary injunction shall be granted without notice to the opposing party.

(b) A temporary restraining order or a preliminary injunction, or both, may be granted in a class action, in which one or more of the parties sues or defends for the benefit of numerous parties upon the same grounds as in other actions, whether or not the class has been certified.

(c) No temporary restraining order shall be granted without notice to the opposing party, unless both of the following requirements are satisfied:

(1) It appears from facts shown by affidavit or by the verified complaint that great or irreparable injury will result to the applicant before the matter can be heard on notice.

(2) The applicant or the applicant's attorney certifies one of the following to the court under oath:

(A) That within a reasonable time prior to the application the applicant informed the opposing party or the opposing party's attorney at what time and where the application would be made.

(B) That the applicant in good faith attempted but was unable to inform the opposing party and the opposing party's attorney, specifying the efforts made to contact them.

(C) That providing notice to the party to be restrained in advance of filing an application for a temporary restraining order would likely endanger the applicant or other persons' safety.

(D) That for reasons specified the applicant should not be required to so inform the opposing party or the opposing party's attorney.

(d) In case a temporary restraining order is granted without notice in the contingency specified in subdivision (c):

(1) The matter shall be made returnable on an order requiring cause to be shown why a preliminary injunction should not be granted, on the earliest day that the business of the court will admit of, but not later than 15 days or, if good cause appears to the court, 22 days from the date the temporary restraining order is issued.

(2) The party who obtained the temporary restraining order shall, within five days from the date the temporary restraining order is issued or two days prior to the hearing, whichever is earlier, serve on the opposing party a copy of the complaint if not previously served, the order to show cause stating the date, time, and place of the hearing, any affidavits to be used in the application, and a copy of the points and authorities in support of the application. The court may for good cause, on motion of the applicant or on its own motion, shorten the time required by this paragraph for service on the opposing party.

(3) When the matter first comes up for hearing, if the party who obtained the temporary restraining order is not ready to proceed, or if the party has failed to effect service as required by paragraph (2), the court shall dissolve the temporary restraining order.

(4) The opposing party is entitled to one continuance for a reasonable period of not less than 15 days or any shorter period requested by the opposing party, to enable the opposing party to meet the application for a preliminary injunction. If the opposing party obtains a continuance under this paragraph, the temporary restraining order shall remain in effect until the date of the continued hearing.

(5) Upon the filing of an affidavit by the applicant that the opposing party could not be served within the time required by paragraph (2), the court may reissue any temporary restraining order previously issued. The reissued order shall be made returnable as provided by paragraph (1), with

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the time for hearing measured from the date of reissuance. No fee shall be charged for reissuing the order.

(e) The opposing party may, in response to an order to show cause, present affidavits relating to the granting of the preliminary injunction, and if the affidavits are served on the applicant at least two days prior to the hearing, the applicant shall not be entitled to any continuance on account thereof. On the day the order is made returnable, the hearing shall take precedence over all other matters on the calendar of the day, except older matters of the same character, and matters to which special precedence may be given by law. When the cause is at issue it shall be set for trial at the earliest possible date and shall take precedence over all other cases, except older matters of the same character, and matters to which special precedence may be given by law.

(f) Notwithstanding failure to satisfy the time requirements of this section, the court may nonetheless hear the order to show cause why a preliminary injunction should not be granted if the moving and supporting papers are served within the time required by Section 1005 and one of the following conditions is satisfied:

(1) The order to show cause is issued without a temporary restraining order.

(2) The order to show cause is issued with a temporary restraining order, but is either not set for hearing within the time required by paragraph (1) of subdivision (d), or the party who obtained the temporary restraining order fails to effect service within the time required by paragraph (2) of subdivision (d).

(g) This section does not apply to an order issued under the Family Code.

(h) As used in this section:

(1) “Complaint” means a complaint or a cross-complaint.

(2) “Court” means the court in which the action is pending.

SEC. 23. Section 527.75 is added to the Code of Civil Procedure, immediately following Section 527.7, to read:

527.75. (a) 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.

(b) This section shall become operative on July 1, 2027.

SEC. 34. Section 527.8 of the Code of Civil Procedure is amended to read:

527.8. (a) Any employer or collective bargaining representative of an employee who has suffered harassment, unlawful violence, or a credible threat of violence from any individual, that can reasonably be construed to be carried out or to have been carried out at the workplace, may seek a temporary restraining order and an order after hearing on behalf of the employee and, at the discretion of the court, any number of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer. For purposes of this section only, a person may bring a petition for a temporary restraining order and an order after hearing on behalf of an employee as their collective bargaining representative only if the person serves as a collective bargaining representative for that employee in employment or labor matters at the employee's workplace.

(b) For purposes of this section:

(1) "Course of conduct" is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an employee to or from the place of work; entering the workplace; following an employee during hours of employment; making telephone calls to an employee; or sending correspondence to an employee by any means, including, but not limited to, the use of the public or private mails, interoffice mail, facsimile, or computer email.

(2) "Credible threat of violence" is a knowing and willful statement or course of conduct that would place a reasonable person in fear for their safety, or the safety of their immediate family, and that serves no legitimate purpose.

(3) "Employer" and "employee" mean persons defined in Section 350 of the Labor Code. "Employer" also includes a federal agency, the state, a state agency, a city, county, or district, a joint powers authority, or a public transit operator, whether operated directly by a public entity or through a contract or subcontract, and a private, public, or quasi-public corporation, or any public agency thereof or therein. "Employee" also includes the members of boards of directors of private, public, and quasi-public corporations and elected and appointed public officers. For purposes of this section only, "employee" also includes a volunteer or independent contractor who performs services for the employer at the employer's worksite. The changes made to this paragraph during the 2025–26 Regular Session are declaratory of existing law.

(4) "Harassment" is a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress.

(5) "Petitioner" means the employer or collective bargaining representative that petitions under subdivision (a) for a temporary restraining order and order after hearing.

(6) "Respondent" means the person against whom the temporary restraining order and order after hearing are sought and, if the petition is granted, the restrained person.

(7) “Temporary restraining order” and “order after hearing” mean orders that include any of the following restraining orders, whether issued ex parte or after notice and hearing:

(A) An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of, the employee.

(B) An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in subparagraph (A).

(8) “Unlawful violence” is any assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code, or any violation of Section 243.3 of the Penal Code, but shall not include lawful acts of self-defense or defense of others. The changes made to this paragraph during the 2025–26 Regular Session are declaratory of existing law.

(c) This section does not permit a court to issue a temporary restraining order or order after hearing prohibiting speech or other activities that are constitutionally protected, protected by the National Labor Relations Act (29 U.S.C. Sec. 151 et seq.), protected by Chapter 11.5 (commencing with Section 3555) of Division 4 of Title 1 of the Government Code, or otherwise protected by Section 527.3 or any other provision of law.

(d) In the discretion of the court, on a showing of good cause, a temporary restraining order or order after hearing issued under this section may include other named family or household members, or other persons employed at the employee’s workplace or workplaces.

(e) Before filing a petition under this section, an employer or collective bargaining representative of an employee shall provide the employee who has suffered harassment, unlawful violence, or a credible threat of violence from any individual, an opportunity to decline to be named in the temporary restraining order. An employee’s request to not be named in the temporary restraining order shall not prohibit an employer or collective bargaining representative from seeking a temporary restraining order on behalf of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer.

(f) (1) Upon filing a petition under this section, the petitioner may obtain a temporary restraining order in accordance with subdivision (a) of Section 527, if the petitioner also files a declaration that, to the satisfaction of the court, shows one of the following:

(A) Reasonable proof that an employee has suffered unlawful violence or a credible threat of violence by the respondent, and that great or irreparable harm would result to an employee.

(B) Clear and convincing evidence of all of the following:

(i) That an employee has suffered harassment by the respondent.

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(ii) That great or irreparable harm would result to an employee.

(iii) That the course of conduct at issue served no legitimate purpose.

(iv) That the issuance of the order is not prohibited by subdivision (c).

(2) The temporary restraining order may include any of the protective orders described in paragraph (7) of subdivision (b).

(g) A request for the issuance of a temporary restraining order without notice under this section shall be granted 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 shall be granted or denied on the next day of judicial business in sufficient time for the order to be filed that day with the clerk of the court.

(h) A temporary restraining order granted under this section shall remain in effect, at the court's discretion, for a period not to exceed 21 days, or if the court extends the time for hearing under subdivision (i), not to exceed 25 days, unless otherwise modified or terminated by the court.

(i) Within 21 days, or if good cause appears to the court, 25 days from the date that a petition for a temporary order is granted or denied, a hearing shall be held on the petition. If no request for temporary orders is made, the hearing shall be held within 21 days, or, if good cause appears to the court, 25 days, from the date that the petition is filed.

(j) The respondent may file a response that explains, excuses, justifies, or denies the alleged harassment, unlawful violence, or credible threats of violence.

(k) At the hearing, the judge shall receive any testimony that is relevant and may make an independent inquiry. Moreover, if the respondent is currently employed by the employer of the employee, as described in subdivision (a), the judge shall receive evidence concerning the employer's decision to retain, terminate, or otherwise discipline the respondent. If the judge finds by clear and convincing evidence that the respondent engaged in harassment, engaged in unlawful violence, or made a credible threat of violence, an order shall issue prohibiting further harassment, unlawful violence, or threats of violence.

(l) (1) In the discretion of the court, an order issued after notice and hearing under this section may have a duration of not more than three years, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. These orders may be renewed, upon the request of a party, for a duration of not more than three years, without a showing of any further harassment, unlawful violence, or credible threats of violence since the issuance of the original order, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. The request for renewal may be brought at any time within the three months before the expiration of the order.

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(2) The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance.

(3) If an action is filed for the purpose of terminating or modifying a protective order prior to the expiration date specified in the order by a party other than the protected party, the party who is protected by the order shall be given notice, pursuant to subdivision (b) of Section 1005, of the proceeding by personal service or, if the protected party has satisfied the requirements of Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, by service on the Secretary of State. If the party who is protected by the order cannot be notified prior to the hearing for modification or termination of the protective order, the court shall deny the motion to modify or terminate the order without prejudice or continue the hearing until the party who is protected can be properly noticed and may, upon a showing of good cause, specify another method for service of process that is reasonably designed to afford actual notice to the protected party. The protected party may waive their right to notice if they are physically present in court and does not challenge the sufficiency of the notice.

(m) This section does not preclude any party from representation by private counsel or from appearing on the party's own behalf.

(n) Upon filing of a petition under this section, the respondent shall be personally served with a copy of the petition, temporary restraining order, if any, and notice of hearing of the petition. Service shall be made at least five days before the hearing. The court may, for good cause, on motion of the petitioner or on its own motion, shorten the time for service on the respondent.

(o) A notice of hearing under this section shall notify the respondent that, if they do not attend the hearing, the court may make orders against them that could last up to three years.

(p) The respondent shall be entitled, as a matter of course, to one continuance, for a reasonable period, to respond to the petition.

(q) (1) Any party may request a continuance of the hearing, which the court shall grant on a showing of good cause. The request may be made in writing before or at the hearing or orally at the hearing. The court may also grant a continuance on its own motion.

(2) If the court grants a continuance, any temporary restraining order that has been granted shall remain in effect until the end of the continued hearing, unless otherwise ordered by the court. In granting a continuance, the court may modify or terminate a temporary restraining order.

(r) (1) If a respondent, named in a restraining order issued under this section after a hearing, has not been served personally with the order but has received actual notice of the existence and substance of the order through personal appearance in court to hear the terms of the order from the court, no additional proof of service is required for enforcement of the order.

(2) If the respondent named in a temporary restraining order is personally served with the order and notice of hearing with respect to a restraining order or protective order based on the temporary restraining order, but the person does not appear at the hearing, either personally or by an attorney, and the terms and conditions of the restraining order or protective order issued at the hearing are identical to the temporary restraining order, except for the duration of the order, then the restraining order or protective order issued at the hearing may be served on the person by first-class mail sent to that person at the most current address for the person available to the court.

(3) The Judicial Council form for temporary orders issued pursuant to this subdivision shall contain a statement in substantially the following form:

“If you have been personally served with this temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this restraining order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the following address: _____.

If that address is not correct or you wish to verify that the temporary restraining order was converted to a restraining order at the hearing without substantive change and to find out the duration of that order, contact the clerk of the court.”

(s) (1) Information on a temporary restraining order or order after hearing relating to workplace violence issued by a court pursuant to this section shall be transmitted to the Department of Justice in accordance with either paragraph (2) or (3).

(2) The court shall order the petitioner or the attorney for the petitioner to deliver a copy of any order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by the close of the business day on which the order, reissuance, extension, modification, or termination was made, to each law enforcement agency having jurisdiction over the residence of the petitioner and to any additional law enforcement agencies within the court’s discretion as are requested by the petitioner.

(3) Alternatively, the court or its designee shall transmit, within one business day, to law enforcement personnel all information required under subdivision (b) of Section 6380 of the Family Code regarding any order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by either one of the following methods:

(A) Transmitting a physical copy of the order or proof of service to a local law enforcement agency authorized by the Department of Justice to enter orders into the California Law Enforcement Telecommunications System (CLETS).

(B) With the approval of the Department of Justice, entering the order or proof of service into CLETS directly.

(4) Each appropriate law enforcement agency shall make available information as to the existence and current status of these orders to law enforcement officers responding to the scene of reported harassment, unlawful violence, or a credible threat of violence.

(5) At the request of the petitioner, an order issued under this section shall be served on the respondent, regardless of whether the respondent has been taken into custody, by any law enforcement officer who is present at the scene of reported harassment, unlawful violence, or a credible threat of violence involving the parties to the proceedings. The petitioner shall provide the officer with an endorsed copy of the order and proof of service that the officer shall complete and send to the issuing court.

(6) Upon receiving information at the scene of an incident of harassment, unlawful violence, or a credible threat of violence that a protective order has been issued under this section, or that a person who has been taken into custody is the subject of an order, if the petitioner or the protected person cannot produce an endorsed copy of the order, a law enforcement officer shall immediately attempt to verify the existence of the order.

(7) If the law enforcement officer determines that a protective order has been issued but not served, the officer shall immediately notify the respondent of the terms of the order and obtain the respondent's address. The law enforcement officer shall at that time also enforce the order, but may not arrest or take the respondent into custody for acts in violation of the order that were committed prior to the verbal notice of the terms and conditions of the order. The law enforcement officer's verbal notice of the terms of the order shall constitute service of the order and constitutes sufficient notice for the purposes of this section and for the purposes of Section 29825 of the Penal Code. The petitioner shall mail an endorsed copy of the order to the respondent's mailing address provided to the law enforcement officer within one business day of the reported incident of harassment, unlawful violence, or a credible threat of violence at which a verbal notice of the terms of the order was provided by a law enforcement officer.

(t) (1) A person subject to a protective order issued under this section shall not own, possess, purchase, receive, or attempt to purchase or receive a firearm or ammunition while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued under this section to relinquish any firearms they own or possess pursuant to Section 527.9.

(3) Every person who owns, possesses, purchases or receives, or attempts to purchase or receive a firearm or ammunition while the protective order is in effect is punishable pursuant to Section 29825 of the Penal Code.

(u) Any intentional disobedience of any temporary restraining order or order after hearing granted under this section is punishable pursuant to Section 273.6 of the Penal Code.

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(v) This section shall not be construed as expanding, diminishing, altering, or modifying the duty, if any, of an employer to provide a safe workplace for employees and other persons.

(w) (1) The Judicial Council shall develop forms, instructions, and rules for relating to matters governed by this section. The forms for the petition and response shall be simple and concise, and their use by parties in actions brought pursuant to this section shall be mandatory.

(2) A temporary restraining order or order after hearing relating to harassment, unlawful violence, or a credible threat of violence issued by a court pursuant to this section shall be issued on forms adopted by the Judicial Council and that have been approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family Code. However, the fact that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

(x) There is no filing fee for a petition that alleges that a person has inflicted or threatened violence against an employee employed or represented by the petitioner, or stalked the employee, or acted or spoken in any other manner that has placed the employee in reasonable fear of violence, and that seeks a protective or restraining order restraining stalking or future violence or threats of violence, in any action brought pursuant to this section. A fee shall not be paid for a subpoena filed in connection with a petition alleging these acts. A fee shall not be paid for filing a response to a petition alleging these acts.

(y) (1) Subject to paragraph (4) of subdivision (b) of Section 6103.2 of the Government Code, there shall be no fee for the service of process by a sheriff or marshal of a temporary restraining order or order after hearing to be issued pursuant to this section if either of the following conditions applies:

(A) The temporary restraining order or order after hearing issued pursuant to this section is based upon stalking, as prohibited by Section 646.9 of the Penal Code.

(B) The temporary restraining order or order after hearing issued pursuant to this section is based on unlawful violence or a credible threat of violence.

(2) The Judicial Council shall prepare and develop forms for persons who wish to avail themselves of the services described in this subdivision.

(z) A party, support person, or witness may appear remotely at a hearing on a petition for an order under this section. No fee may be charged for any of these persons to appear remotely. The superior court of each county shall develop local rules and instructions for remote appearances and shall post them on its internet website.

(aa) This section shall become operative on January 1, 2025.

SEC. 45. Section 527.85 of the Code of Civil Procedure is amended to read:

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527.85. (a) 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, a student of which has suffered unlawful violence or a credible threat of violence may, with the written consent of the student, 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 or facility who are similarly situated.

(b) For purposes of this section, the following definitions apply:

(1) “Chief administrative officer” means the principal, president, or highest ranking official of the postsecondary educational institution.

(2) “Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including any of the following:

(A) Following or stalking a student to or from school.

(B) Entering the school campus or facility.

(C) Following a student during school hours.

(D) Making telephone calls to a student.

(E) Sending correspondence to a student by any means, including, but not limited to, the use of the public or private mails, interoffice mail, facsimile, or computer email.

(3) “Credible threat of violence” means a knowing and willful statement or course of conduct that would place a reasonable person in fear for their safety, or the safety of their immediate family, and that serves no legitimate purpose.

(4) “Petitioner” means the chief administrative officer, or their designee, who petitions under subdivision (a) for a temporary restraining order and order after hearing.

(5) “Postsecondary educational institution” means an institution of vocational, professional, or postsecondary education.

(6) “Respondent” means the person against whom the temporary restraining order and order after hearing are sought and, if the petition is granted, the restrained person.

(7) “Student” means an adult currently enrolled in or applying for admission to a postsecondary educational institution.

(8) “Temporary restraining order” and “order after hearing” mean orders that include any of the following restraining orders, whether issued ex parte, or after notice and hearing:

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(A) An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of, the student.

(B) An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in subparagraph (A).

(9) “Unlawful violence” means any assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code, but shall not include lawful acts of self-defense or defense of others.

(c) This section does not permit a court to issue a temporary restraining order or order after hearing prohibiting speech or other activities that are constitutionally protected, or otherwise protected by Section 527.3 or any other law.

(d) In the discretion of the court, on a showing of good cause, a temporary restraining order or order after hearing issued under this section may include other named family or household members of the student, or other students at the campus or facility.

(e) Upon filing a petition under this section, the petitioner may obtain a temporary restraining order in accordance with subdivision (a) of Section 527, if the petitioner also files a declaration that, to the satisfaction of the court, shows reasonable proof that a student has suffered unlawful violence or a credible threat of violence by the respondent, and that great or irreparable harm would result to the student. The temporary restraining order may include any of the protective orders described in paragraph (8) of subdivision (b).

(f) A request for the issuance of a temporary restraining order without notice under this section shall be granted 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 shall be granted or denied on the next day of judicial business in sufficient time for the order to be filed that day with the clerk of the court.

(g) A temporary restraining order granted under this section shall remain in effect, at the court’s discretion, for a period not to exceed 21 days, or if the court extends the time for hearing under subdivision (h), not to exceed 25 days, unless otherwise modified or terminated by the court.

(h) Within 21 days, or if good cause appears to the court, within 25 days, from the date that a petition for a temporary order is granted or denied, a hearing shall be held on the petition. If no request for temporary orders is made, the hearing shall be held within 21 days, or if good cause appears to the court, 25 days, from the date the petition is filed.

(i) The respondent may file a response that explains, excuses, justifies, or denies the alleged unlawful violence or credible threats of violence.

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(j) At the hearing, the judge shall receive any testimony that is relevant and may make an independent inquiry. Moreover, if the respondent is a current student of the entity requesting the order, the judge shall receive evidence concerning the decision of the postsecondary educational institution decision to retain, terminate, or otherwise discipline the respondent. If the judge finds by clear and convincing evidence that the respondent engaged in unlawful violence or made a credible threat of violence, an order shall be issued prohibiting further unlawful violence or threats of violence.

(k) (1) In the discretion of the court, an order issued after notice and hearing under this section may have a duration of not more than three years, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. These orders may be renewed, upon the request of a party, for a duration of not more than three years, without a showing of any further violence or threats of violence since the issuance of the original order, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. The request for renewal may be brought at any time within the three months before the expiration of the order.

(2) The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance.

(3) If an action is filed for the purpose of terminating or modifying a protective order prior to the expiration date specified in the order by a party other than the protected party, the party who is protected by the order shall be given notice, pursuant to subdivision (b) of Section 1005, of the proceeding by personal service or, if the protected party has satisfied the requirements of Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, by service on the Secretary of State. If the party who is protected by the order cannot be notified prior to the hearing for modification or termination of the protective order, the court shall deny the motion to modify or terminate the order without prejudice or continue the hearing until the party who is protected can be properly noticed and may, upon a showing of good cause, specify another method for service of process that is reasonably designed to afford actual notice to the protected party. The protected party may waive their right to notice if they are physically present in court and does not challenge the sufficiency of the notice.

(l) This section does not preclude either party from representation by private counsel or from appearing on their own behalf.

(m) Upon filing of a petition under this section, the respondent shall be personally served with a copy of the petition, temporary restraining order, if any, and notice of hearing of the petition. Service shall be made at least five days before the hearing. The court may, for good cause, on motion of the petitioner or on its own motion, shorten the time for service on the respondent.

(n) A notice of hearing under this section shall notify the respondent that if the respondent does not attend the hearing, the court may make orders against the respondent that could last up to three years.

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(o) The respondent shall be entitled, as a matter of course, to one continuance, for a reasonable period, to respond to the petition.

(p) (1) Either party may request a continuance of the hearing, which the court shall grant on a showing of good cause. The request may be made in writing before or at the hearing or orally at the hearing. The court may also grant a continuance on its own motion.

(2) If the court grants a continuance, any temporary restraining order that has been granted shall remain in effect until the end of the continued hearing, unless otherwise ordered by the court. In granting a continuance, the court may modify or terminate a temporary restraining order.

(q) (1) If a respondent, named in an order issued under this section after a hearing, has not been served personally with the order but has received actual notice of the existence and substance of the order through personal appearance in court to hear the terms of the order from the court, no additional proof of service is required for enforcement of the order.

(2) If the respondent named in a temporary restraining order is personally served with the order and notice of hearing with respect to a restraining order or protective order based on the temporary restraining order, but the respondent does not appear at the hearing, either personally or by an attorney, and the terms and conditions of the restraining order or protective order issued at the hearing are identical to the temporary restraining order, except for the duration of the order, then the restraining order or protective order issued at the hearing may be served on the respondent by first-class mail sent to that person at the most current address for the respondent available to the court.

(3) The Judicial Council form for temporary orders issued pursuant to this subdivision shall contain a statement in substantially the following form:

“If you have been personally served with a temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this temporary restraining order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the following address:_____.

If that address is not correct or you wish to verify that the temporary restraining order was converted to a restraining order at the hearing without substantive change and to find out the duration of that order, contact the clerk of the court.”

(r) (1) Information on a temporary restraining order or order after hearing issued by a court pursuant to this section shall be transmitted to the Department of Justice in accordance with either paragraph (2) or (3).

(2) The court shall order the petitioner or the attorney for the petitioner to deliver a copy of any order issued under this section, or a reissuance, extension, modification, or termination of the

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order, and any subsequent proof of service, by the close of the business day on which the order, reissuance, or termination of the order, and any proof of service, was made, to each law enforcement agency having jurisdiction over the residence of the petitioner and to any additional law enforcement agencies within the court's discretion as are requested by the petitioner.

(3) Alternatively, the court or its designee shall transmit, within one business day, to law enforcement personnel all information required under subdivision (b) of Section 6380 of the Family Code regarding any order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by either one of the following methods:

(A) Transmitting a physical copy of the order or proof of service to a local law enforcement agency authorized by the Department of Justice to enter orders into the California Law Enforcement Telecommunications System (CLETS).

(B) With the approval of the Department of Justice, entering the order of proof of service into CLETS directly.

(4) Each appropriate law enforcement agency shall make available information as to the existence and current status of these orders to law enforcement officers responding to the scene of reported unlawful violence or a credible threat of violence.

(5) At the request of the petitioner, an order issued under this section shall be served on the respondent, regardless of whether the respondent has been taken into custody, by any law enforcement officer who is present at the scene of reported unlawful violence or a credible threat of violence involving the parties to the proceedings. The petitioner shall provide the officer with an endorsed copy of the order and proof of service that the officer shall complete and send to the issuing court.

(6) Upon receiving information at the scene of an incident of unlawful violence or a credible threat of violence that a protective order has been issued under this section, or that a person who has been taken into custody is the subject of an order, if the petitioner or the protected person cannot produce an endorsed copy of the order, a law enforcement officer shall immediately attempt to verify the existence of the order.

(7) If the law enforcement officer determines that a protective order has been issued but not served, the officer shall immediately notify the respondent of the terms of the order and obtain the respondent's address. The law enforcement officer shall at that time also enforce the order, but may not arrest or take the respondent into custody for acts in violation of the order that were committed prior to the verbal notice of the terms and conditions of the order. The law enforcement officer's verbal notice of the terms of the order shall constitute service of the order and constitutes sufficient notice for the purposes of this section, and Section 29825 of the Penal Code. The petitioner shall mail an endorsed copy of the order to the respondent's mailing address provided to the law enforcement officer within one business day of the reported incident of unlawful

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violence or a credible threat of violence at which a verbal notice of the terms of the order was provided by a law enforcement officer.

(s) (1) A person subject to a protective order issued under this section shall not own, possess, purchase, receive, or attempt to purchase or receive a firearm or ammunition while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued under this section to relinquish any firearms the person owns or possesses pursuant to Section 527.9.

(3) Every person who owns, possesses, purchases, or receives, or attempts to purchase or receive, a firearm or ammunition while the protective order is in effect is punishable pursuant to Section 29825 of the Penal Code.

(t) Any intentional disobedience of any temporary restraining order or order after hearing granted under this section is punishable pursuant to Section 273.6 of the Penal Code.

(u) This section shall not be construed as expanding, diminishing, altering, or modifying the duty, if any, of a postsecondary educational institution to provide a safe environment for students and other persons.

(v) (1) The Judicial Council shall develop forms, instructions, and rules relating to matters governed by this section. The forms for the petition and response shall be simple and concise, and their use by parties in actions brought pursuant to this section shall be mandatory.

(2) A temporary restraining order or order after hearing relating to unlawful violence or a credible threat of violence issued by a court pursuant to this section shall be issued on forms adopted by the Judicial Council that have been approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family Code. However, the fact that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

(w) There is no filing fee for a petition that alleges that a person has inflicted unlawful violence, including stalking, or made a credible threat against a student of the petitioner, and that seeks a protective or restraining order restraining stalking or other future unlawful violence or threats of violence, in any action brought pursuant to this section. No fee shall be paid for a subpoena filed in connection with a petition alleging these acts. No fee shall be paid for filing a response to a petition alleging these acts.

(x) (1) Subject to paragraph (4) of subdivision (b) of Section 6103.2 of the Government Code, there shall be no fee for the service of process by a sheriff or marshal of a temporary restraining order or order after hearing to be issued pursuant to this section if either of the following conditions applies:

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(A) The temporary restraining order or order after hearing issued pursuant to this section is based upon unlawful violence, including stalking, as prohibited by Section 646.9 of the Penal Code.

(B) The temporary restraining order or order after hearing issued pursuant to this section is based upon a credible threat of violence.

(2) The Judicial Council shall prepare and develop forms for persons who wish to avail themselves of the services described in this subdivision.

(y) A party, support person, or witness may appear remotely at a hearing on a petition for an order under this section. No fee may be charged for any of these persons to appear remotely. The superior court of each county shall develop local rules and instructions for remote appearances and shall post them on its internet website.

(z) This section shall become operative on January 1, 2026.

SEC. 56. Section 527.9 of the Code of Civil Procedure is amended to read:

527.9. (a) A person subject to a temporary restraining order or injunction issued pursuant to Section 527.6, 527.8, or 527.85 or subject to a restraining order issued pursuant to Section 136.2 of the Penal Code, or Section 15657.03 of the Welfare and Institutions Code, shall relinquish the firearm and ammunition pursuant to this section.

(b) Upon the issuance of a protective order against a person pursuant to subdivision (a), the court shall order that person to relinquish any firearm and ammunition 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 and ammunition to the control of local law enforcement officials, or by selling the firearm and ammunition to a licensed gun dealer, as specified in Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6 of the Penal Code. The court shall provide the person with information on 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. A person ordered to relinquish any firearm and ammunition pursuant to this subdivision shall file with the court a receipt showing the firearm and ammunition were surrendered to the local law enforcement agency or sold to a licensed gun dealer within 48 hours after receiving the order. A court holding a hearing on this matter shall review the file to determine whether the receipt has been filed and inquire of the respondent whether they have complied with the requirement. Violations of the firearms or ammunition prohibition of any restraining order under this section 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 a firearm or ammunition in their possession, 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

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order, information about the firearm or ammunition, and of any other information the court deems appropriate. In the event that it is necessary to continue the date of any hearing due to a request for a relinquishment order pursuant to this section, the court shall ensure that all applicable protective orders described in Section 6218 of the Family Code remain in effect or bifurcate the issues and grant the permanent restraining order pending the date of the hearing.

(c) A local law enforcement agency may charge the person subject to the order or injunction a fee for the storage of any firearm or ammunition relinquished pursuant to this section. The fee shall not exceed the actual cost incurred by the local law enforcement agency for the storage of the firearm or ammunition. For purposes of this subdivision, “actual cost” means expenses directly related to taking possession of a firearm and ammunition, storing the firearm and ammunition, and surrendering possession of the firearm and ammunition to a licensed dealer as defined in Section 26700 of the Penal Code or to the person relinquishing the firearm.

(d) The restraining order requiring a person to relinquish a firearm and ammunition pursuant to subdivision (b) shall state on its face that the respondent is prohibited from owning, possessing, purchasing, or receiving a firearm or ammunition while the protective order is in effect and that the firearm or ammunition shall be relinquished to the local law enforcement agency for that jurisdiction or sold to a licensed gun dealer, and that proof of surrender or sale shall be filed with the court within a specified period of receipt of the order. The order shall also state on its face the expiration date for relinquishment. Nothing in this section shall limit a respondent’s right under existing law to petition the court at a later date for modification of the order.

(e) The restraining order requiring a person to relinquish a firearm or ammunition pursuant to subdivision (b) shall prohibit the person from possessing or controlling any firearm or ammunition for the duration of the order. At the expiration of the order, the local law enforcement agency shall return possession of any surrendered firearm and ammunition to the respondent, within five days after the expiration of the relinquishment order, unless the local law enforcement agency determines that (1) the firearm has been stolen, (2) the respondent is prohibited from possessing a firearm because the respondent is in any prohibited class for the possession of firearms, as defined in Chapter 2 (commencing with Section 29800) and Chapter 3 (commencing with Section 29900) of Division 9 of Title 4 of Part 6 of the Penal Code and Sections 8100 and 8103 of the Welfare and Institutions Code, or (3) another successive restraining order is issued against the respondent under this section. If the local law enforcement agency determines that the respondent is the legal owner of any firearm or ammunition deposited with the local law enforcement agency and is prohibited from possessing any firearm, the respondent shall be entitled to sell or transfer the firearm or ammunition to a licensed dealer as defined in Section 26700 of the Penal Code. If the firearm has been stolen, the firearm shall be restored to the lawful owner upon their identification of the firearm and proof of ownership.

(f) The court may, as part of the relinquishment order, grant an exemption from the relinquishment requirements of this section for a particular firearm or ammunition if the respondent is not otherwise prohibited from owning, possessing, controlling, or purchasing a firearm and ammunition under state or federal law and one of the following applies:

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(1) (A) The respondent is currently employed as a sworn peace officer who is required, as a condition of continued employment, to carry a firearm, ammunition, or firearm and ammunition and the current employer is unable to reassign the peace officer to another position where use of a specified firearm or ammunition is unnecessary. In such a case, a court may allow the peace officer to continue to carry a specified firearm, ammunition, or firearm and ammunition, either on duty or off duty, if the court finds by a preponderance of the evidence, in writing or on the record, both of the following:

(i) The peace officer's personal safety depends on the ability to carry that specific firearm, ammunition, or firearm and ammunition outside of scheduled work hours.

(ii) The peace officer does not pose an additional threat of harm to a protected party or the public by having access to that specific firearm, ammunition, or firearm and ammunition, including whether the peace officer might use the firearm for a purpose other than as permitted under this paragraph.

(B) Prior to making the finding in subparagraph (A), the court shall require a mandatory psychological evaluation of the peace officer by a licensed mental health professional with domestic violence expertise. The court shall consider the results of an evaluation and may require the peace officer to enter into counseling or another remedial treatment program to deal with a propensity for domestic violence.

(2) (A) The respondent is not a peace officer but is required to carry a specific firearm, ammunition, or firearm and ammunition during scheduled work hours as a condition of continued employment, and the current employer is unable to reassign the respondent to another position where the firearm, ammunition, or firearm and ammunition is unnecessary. In this case, a court may grant an exemption to allow the respondent to possess a specific firearm, ammunition, or firearm and ammunition only during scheduled work hours if the court finds by a preponderance of the evidence, in writing or on the record, that the respondent does not pose an additional threat of harm to a protected party or the public by having access to the specific firearm, ammunition, or firearm and ammunition only during scheduled work hours, including whether the respondent might utilize the firearm, ammunition, or firearm and ammunition for a purpose other than as permitted under this paragraph.

(B) To assist the court in making the determination pursuant to subparagraph (A), the court may order a psychological evaluation of the respondent by a licensed mental health professional with domestic violence expertise.

(C) If the court grants an exemption pursuant to this paragraph, the order shall provide that the specific firearm, ammunition, or firearm and ammunition shall be in the physical possession of the respondent only during scheduled work hours and that the exemption does not authorize the respondent to possess any other firearm or ammunition, or to possess the specific firearm, ammunition, or firearm and ammunition outside of scheduled work hours.

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(g) (1) If an exemption is granted pursuant to subdivision (f) during the pendency of a temporary restraining order and the court subsequently issues a restraining order after hearing on the same application, the court shall review and make a finding, in writing or on the record, as to whether the exemption remains appropriate, based upon the criteria set forth in paragraph (1) or (2) of subdivision (f), as applicable, in light of the issuance of the order after hearing. This review and finding shall occur at the time the restraining order after hearing is issued.

(2) If an exemption is granted and the court subsequently renews the restraining order pursuant to Section 6345 of the Family Code at the request of a party, the court shall review and make a finding, in writing or on the record, as to whether the exemption remains appropriate, based upon the criteria set forth in paragraph (1) or (2) of subdivision (f), as applicable, in light of the renewal. This finding shall be made at the time the restraining order after hearing is renewed.

(3) The court may terminate or modify an exemption granted pursuant to this subdivision at any time if the respondent demonstrates a need to modify the specific firearm, ammunition, or firearm and ammunition authorized by the court pursuant to subdivision (f), if the respondent no longer meets the requirements in this section, or if the respondent otherwise violates the restraining order.

(h) During the period of the relinquishment order, a respondent is entitled to make one sale of all firearms that are in the possession of a local law enforcement agency pursuant to this section. A licensed gun dealer, who presents a local law enforcement agency with a bill of sale indicating that all firearms owned by the respondent that are in the possession of the local law enforcement agency have been sold by the respondent to the licensed gun dealer, shall be given possession of those firearms, at the location where a respondent's firearms are stored, within five days of presenting the local law enforcement agency with a bill of sale.

(i) If the respondent declines to relinquish possession of a firearm or ammunition based on the assertion of the right against self-incrimination, as provided by the Fifth Amendment to the United States Constitution and Section 15 of Article I of the California Constitution, the court may grant use immunity for the act of relinquishing the firearm or ammunition required under this section.

(j) (1) The relinquishment or surrender of a firearm to a law enforcement agency pursuant to this section or the return of a firearm to a person pursuant to this section shall not be subject to the requirements of Section 27545 of the Penal Code.

(2) Returns of firearms or ammunition pursuant to this section shall be governed by the applicable provisions of Chapter 2 (commencing with Section 33850) of Division 11 of Title 4 of Part 6 of the Penal Code.

(k) This section shall become operative on January 1, 2026.

SEC. 67. Section 527.11 of the Code of Civil Procedure is amended to read:

527.11. (a) When relevant information is presented to the court at any noticed hearing that a restrained person has a firearm or ammunition, the court shall consider that information to

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determine, by a preponderance of the evidence, whether the person subject to an order defined in Section 527.6, 527.8, 527.85, Section 136.2 of the Penal Code, or Section 15657.03 of the Welfare and Institutions Code, has a firearm or ammunition in or subject to their immediate possession or control in violation of the order.

(b) (1) In making a determination under this section, the court may consider whether the restrained person filed a firearm or ammunition relinquishment, storage, or sales receipt or if an exemption from the firearm or ammunition prohibition was granted.

(2) The court may make the determination at any noticed hearing where a restraining order is issued, at a subsequent review hearing, or at any subsequent hearing while the order remains in effect.

(3) If the court makes a determination that the restrained person has a firearm or ammunition in violation of the order, the court must make a written record of the determination and provide a copy to any party who is present at the hearing and, upon request, to any party not present at the hearing.

(c) (1) When presented with information under subdivision (a), the court may set a review hearing to determine whether a violation of the order has taken place.

(2) The review hearing should be held within 10 court days after the noticed hearing at which the information was presented. 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, in accordance with Section 414.10, by personal service or by mail to the restrained person's last known address.

(3) The court may for good cause extend the date of the review hearing for a reasonable period or remove it from the calendar.

(4) The court shall order the restrained person to appear at the review hearing.

(5) The court may conduct the review hearing in the absence of the protected person.

(6) This section does not prohibit the court from permitting a party or witness to appear through technology that enables remote appearances, as determined by the court.

(d) The determination made pursuant to this section may be considered by the court in issuing an order to show cause for contempt pursuant to paragraph (5) of subdivision (a) of Section 1209 or an order for monetary sanctions pursuant to Section 177.5.

(e) This section shall become operative on January 1, 2026.

SEC. 78. Section 527.12 of the Code of Civil Procedure is amended to read:

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527.12. (a) A peace officer shall, upon the request of a petitioner, serve any temporary restraining order, order after hearing, or protective order issued pursuant to Sections 527.6, 527.8, and 527.85, Section 136.2 of the Penal Code, or Section 15657.03 of the Welfare and Institutions Code, on the respondent, whether or not the respondent has been taken into custody.

(b) (1) The petitioner shall provide the peace officer with an endorsed copy of the order and the officer shall complete and transmit the proof of service to the issuing court. It is a rebuttable presumption that the proof of service was signed on the date of service.

(2) If the protected person cannot produce an endorsed copy of the order, the peace officer shall immediately verify the existence of the order in the California Restraining and Protective Order System.

(3) If the peace officer determines that an order subject to this section has been issued but not served, the officer shall immediately notify the respondent of the terms of the order and advise the respondent to obtain a copy of the full order from the issuing court. Upon notice, the officer shall immediately enforce the order. The officer's verbal notice of the terms of the order shall constitute service of the order and is sufficient notice for the purposes of this section and for the purposes of Sections 273.6 and 29825 of the Penal Code.

(4) If an order served pursuant to this section is subject to the reporting requirements of Section 13730 of the Penal Code, the report shall include the name and assignment of the peace officer who served the order and the case number of the order. If a report is not required, the information specified in this paragraph shall be included in the daily incident log of the officer's employing law enforcement agency.

(c) Notwithstanding any law, a fee shall not be charged to the petitioner for service of an order pursuant to this section.

(d) (1) There shall be no civil liability on the part of, and no cause of action for false arrest or false imprisonment against, a peace officer who makes an arrest pursuant to a protective or restraining order that is regular upon its face, if the peace officer, in making the arrest, acts in good faith and has reasonable cause to believe that the person against whom the order is issued has notice of the order and has committed an act in violation of the order.

(2) If there is more than one order issued and one of the orders is an emergency protective order that has precedence in enforcement pursuant to paragraph (1) of subdivision (c) of Section 136.2 of the Penal Code, the peace officer shall enforce the emergency protective order. If there is more than one order issued, none of the orders issued is an emergency protective order that has precedence in enforcement, and one of the orders issued is a no-contact order, the peace officer shall enforce the no-contact order. If there is more than one civil order regarding the same parties and neither an emergency protective order that has precedence in enforcement nor a no-contact order has been issued, the peace officer shall enforce the order that was issued last. If there are both civil and criminal orders regarding the same parties and neither an emergency protective order that has precedence in enforcement nor a no-contact order has been issued, the peace officer shall

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enforce the criminal order issued last, subject to the provisions of subdivisions (h) and (i) of Section 136.2 of the Penal Code. This section does not exonerate a peace officer from liability for the unreasonable use of force in the enforcement of the order. The immunities afforded by this section shall not affect the availability of any other immunity that may apply, including, but not limited to, Sections 820.2 and 820.4 of the Government Code.

(e) A peace officer required to serve a restraining or protective order under this section shall comply with Article 3 (commencing with Section 26660) of Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code. For purposes of this subdivision, any reference to “marshal” or “sheriff” in that article shall also include a peace officer required to serve a restraining or protective order under this section.

(f) A peace officer required to serve a restraining or protective order under this section may, pursuant to the requirements set forth in Section 6103.2 of the Government Code, submit a billing to the superior court for payment of fees for service of the order. For purposes of this subdivision, any reference to “marshal” or “sheriff” in Section 6103.2 of the Government Code shall also include a peace officer required to serve a restraining or protective order under this section.

(g) For purposes of this section, “peace officer” has the same meaning as that term is defined in Section 830 of the Penal Code.

(h) This section shall become operative on January 1, 2026.

SEC. 89. Section 527.13 is added to the Code of Civil Procedure, immediately following Section 527.12, to read:

527.13. (a) The purpose of this section is to clarify that a court adjudicating a protective order or restraining order described in subdivision (e) of this section may order a search to be conducted of the Department of Justice Automated Firearms System and other databases, as described in Section 6306 of the Family Code, if the court is not otherwise required to cause a search to be conducted pursuant to that section or Section 18110 of the Penal Code.

(b) The court may order a search to be conducted pursuant to and in accordance with the requirements set forth in subdivision (a) of Section 6306 of the Family Code in any of the following circumstances:

(1) Upon receiving a petition for any protective order or restraining order described in subdivision (e).

(2) Before a hearing on the issuance, renewal, or termination of any protective order or restraining order described in subdivision (e).

(3) Before a hearing concerning the respondent’s compliance with, or violation of, any protective order or restraining order described in subdivision (e).

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(c) To the extent practicable with available resources, courts and designated law enforcement partners may develop protocols to ensure that before a hearing on the issuance, renewal, or termination of any protective order or restraining order that includes firearm prohibitions, a search is conducted of, at a minimum, the Department of Justice Automated Firearms System in order to inform the court's findings about whether the respondent owns, possesses, or controls firearms and has relinquished all firearms in compliance with a court order or state law.

(d) After issuing its ruling, the court shall advise the parties pursuant to subdivision (c) of Section 6306 of the Family Code and shall keep information obtained from a search conducted pursuant to this section confidential pursuant to subdivision (d) of Section 6306 of the Family Code.

(e) This section applies to all of the following protective and restraining orders:

(1) A civil harassment restraining order issued under Section 527.6.

(2) A domestic violence restraining order issued under Part 4 (commencing with Section 6300) of Division 10 of the Family Code.

(3) An elder or dependent adult abuse restraining order issued under Section 15657.03 of the Welfare and Institutions Code.

(4) A gun violence restraining order issued under Division 3.2 (commencing with Section 18100) of Title 2 of Part 6 of the Penal Code.

(5) A juvenile court restraining order issued under Section 6380 of the Family Code or Section 213.5, 304, or 362.4 of the Welfare and Institutions Code.

(6) A postsecondary school violence restraining order issued under Section 527.85.

(7) A workplace violence restraining order issued under Section 527.8.

SEC. 9 10. Section 6300 of the Family Code is amended to read:

6300. (a) An order may be issued under this part to restrain any person for the purpose specified in Section 6220, if an affidavit or testimony and any additional information provided to the court pursuant to Section 6306, shows, to the satisfaction of the court, reasonable proof of a past act or acts of abuse. The court may issue an order under this part based solely on the affidavit or testimony of the person requesting the restraining order.

(b) (1) An ex parte restraining order issued pursuant to Article 1 (commencing with Section 6320) shall not be denied solely because the other party was not provided with notice.

(2) A petitioner shall not be uniformly required to provide prior notice to the proposed respondent about a petition for a temporary or ex parte protective or restraining order in all cases, and shall not be required to establish exceptional circumstances.

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(3) A petitioners shall only be required to provide prior notice to the proposed respondent about a petition for a temporary or ex parte protective or restraining order ~~on a case-by-case basis~~, if the court determines that requiring prior notice ~~would be in the interests of justice and~~ would not likely endanger the petitioner, proposed protected parties, or other persons.

(c) An ex parte request for a protective order, as defined in Section 6218, shall not be rejected for filing by the court clerk if it is submitted on mandatory Judicial Council forms, includes all of the forms required to issue an order, and identifies the party submitting the request and the party who is the subject of the requested order.

SEC. 10 11. Section 6380 of the Family Code is amended to read:

6380. (a) Each county, with the approval of the Department of Justice, shall, by July 1, 1996, develop a procedure, using existing systems, for the electronic transmission of data, as described in subdivision (b), to the Department of Justice. The data shall be electronically transmitted through the California Law Enforcement Telecommunications System (CLETS) of the Department of Justice by law enforcement personnel, or with the approval of the Department of Justice, court personnel, or another appropriate agency capable of maintaining and preserving the integrity of both the CLETS and the California Restraining and Protective Order System, as described in subdivision (e). Data entry is required to be entered only once under the requirements of this section, unless the order is served at a later time. A portion of all fees payable to the Department of Justice under subdivision (a) of Section 1203.097 of the Penal Code for the entry of the information required under this section, based upon the proportion of the costs incurred by the local agency and those incurred by the Department of Justice, shall be transferred to the local agency actually providing the data. All data with respect to criminal court protective orders issued, modified, extended, or terminated under Section 136.2, 273.5, 368, 646.9, or 1203.097 of the Penal Code, and all data filed with the court on the required Judicial Council forms with respect to any protective or restraining orders described in subdivision (b), including their issuance, modification, extension, or termination, shall be transmitted by the court or its designee within one business day to law enforcement personnel by either one of the following methods:

(1) Transmitting a physical copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CLETS.

(2) With the approval of the Department of Justice, entering the order into CLETS directly.

(b) Upon the issuance of a protective order to which this division applies pursuant to Section 6221, or the issuance of any other protective or restraining order pursuant to Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, or the issuance of a criminal court protective order under Section 136.2, 273.5, 368, 646.9, 646.91, or 1203.097 of the Penal Code, or a retail crime restraining order under Section 490.8 of the Penal Code, or the issuance of a juvenile court restraining order related to domestic violence pursuant to Section 213.5, 304, or 362.4 of the Welfare and Institutions Code, or the issuance of a gun violence restraining order pursuant to Division 3.2 (commencing with Section 18100) of Title 2 of Part 6 of the Penal Code, or the

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issuance of a protective order pursuant to Section 15657.03 of the Welfare and Institutions Code, or upon registration with the court clerk of a valid protective or restraining order or valid extreme risk protection order issued by the tribunal of another state or jurisdiction, as defined in Section 6401, and including any of the foregoing orders issued in connection with an order for modification of a custody or visitation order issued pursuant to a dissolution, legal separation, nullity, or paternity proceeding the Department of Justice shall be immediately notified of the contents of the order and the following information:

- (1) The name, race, date of birth, and other personal descriptive information of the respondent as required by a form prescribed by the Department of Justice.
- (2) The names of the protected persons.
- (3) The date of issuance of the order.
- (4) The duration or expiration date of the order.
- (5) The terms and conditions of the protective order, including stay-away, no-contact, residency exclusion, custody, and visitation provisions of the order.
- (6) The department or division number and the address of the court.
- (7) Whether or not the order was served upon the respondent.
- (8) The terms and conditions of any restrictions on the ownership or possession of firearms.

All available information shall be included; however, the inability to provide all categories of information shall not delay the entry of the information available.

(c) The information conveyed to the Department of Justice shall also indicate whether the respondent was present in court to be informed of the contents of the court order. The respondent's presence in court shall provide proof of service of notice of the terms of the protective order. The respondent's failure to appear shall also be included in the information provided to the Department of Justice.

(d) (1) Within one business day of service, a law enforcement officer who served a protective order shall submit the proof of service directly into the Department of Justice California Restraining and Protective Order System, including the officer's name and law enforcement agency, and shall transmit the original proof of service form to the issuing court.

(2) Within one business day of receipt of proof of service by a person other than a law enforcement officer, the clerk of the court shall submit the proof of service of a protective order directly into the Department of Justice California Restraining and Protective Order System, including the name of the person who served the order. If the court is unable to provide this notification to the Department of Justice by electronic transmission, the court shall, within one business day of

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receipt, transmit a copy of the proof of service to a local law enforcement agency. The local law enforcement agency shall submit the proof of service directly into the Department of Justice California Restraining and Protective Order System within one business day of receipt from the court.

(e) The Department of Justice shall maintain a California Restraining and Protective Order System and shall make available to court clerks and law enforcement personnel, through computer access, all information regarding the protective and restraining orders and injunctions described in subdivision (b), whether or not served upon the respondent.

(f) If a court issues a modification, extension, or termination of a protective order, it shall be on forms adopted by the Judicial Council of California and that have been approved by the Department of Justice, and the transmitting agency for the county shall immediately notify the Department of Justice, by electronic transmission, of the terms of the modification, extension, or termination.

(g) The Judicial Council shall assist local courts charged with the responsibility for issuing protective orders by developing informational packets describing the general procedures for obtaining a domestic violence restraining order and indicating the appropriate Judicial Council forms. The informational packets shall include a design, that local courts shall complete, that describes local court procedures and maps to enable applicants to locate filing windows and appropriate courts, and shall also include information on how to return proofs of service, including mailing addresses and fax numbers. The court clerk shall provide a fee waiver form to all applicants for domestic violence protective orders. The court clerk shall provide all Judicial Council forms required by this chapter to applicants free of charge. The informational packet shall also contain a statement that the protective order is enforceable in any state or jurisdiction, as defined in Section 6401, and general information about agencies in other jurisdictions that may be contacted regarding enforcement of an order issued by a court of this state.

(h) For the purposes of this part, “electronic transmission” shall include computer access through the California Law Enforcement Telecommunications System (CLETS).

(i) All protective and restraining orders issued on forms adopted by the Judicial Council and that have been approved by the Department of Justice shall be transmitted to the Department of Justice. A valid protective or restraining order or valid extreme risk protective order issued by a tribunal of another state or jurisdiction, as defined in Section 6401, including, but not limited to, orders related to domestic or family violence, shall also, upon request, be registered pursuant to Section 6404.

(j) (1) All protective orders subject to transmittal to CLETS pursuant to this section are required to be so transmitted.

(2) This subdivision does not constitute a change in, but is declaratory of, existing law.

SEC. 11 12. Section 6380.5 of the Family Code is amended to read:

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6380.5. (a) This section shall be known, and may be cited, as Wyland’s Law.

(b) Subject to an appropriation by the Legislature, or the availability of necessary funding through grants or other sources, the department may establish, or contract with a vendor to establish, an automated protected person information and notification system to provide a petitioner or protected person in a protective order case with automated access to information maintained in the California Restraining and Protective Order System about their case, which shall include all of the following:

- (1) Whether the department has received a record of the protective order.
- (2) If the protective order has been successfully served on the restrained person.
- (3) Notwithstanding any other law, if the restrained person has violated the protective order by attempting to purchase or acquire a firearm or ammunition while the order is in effect.

(c) (1) Notwithstanding any other law, a record demonstrating whether the superior court has fulfilled its transmission obligations pursuant to subdivision (a) or (b) of Section 6380 is required to be open to public inspection and copying.

(2) Notwithstanding any other law, a record demonstrating receipt of information about a protective order that the department maintains is a public record that is not exempt from disclosure in response to a public record request made pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(3) Paragraph (2) of this subdivision does not constitute a change in, but is declaratory of, existing law.

(d) For purposes of this section, the following definitions apply:

(1) “Department” means the Department of Justice.

(2) “Protective order” includes all order types listed in Section 6380 and the reissuance, extension, modification, or termination of the order.

SEC. 12 13. Section 6383 of the Family Code is amended to read:

6383. (a) A temporary restraining order, emergency protective order, or an order issued after hearing pursuant to this part shall, on request of the petitioner, be served on the respondent, whether or not the respondent has been taken into custody, either by a law enforcement officer, excluding those defined in subdivision (a) of Section 830.5 of the Penal Code, who is present at the scene of reported domestic violence involving the parties to the proceeding or who receives a request from the petitioner to provide service of the order.

(b) (1) The petitioner shall provide the officer with an endorsed copy of the order and a proof of service that the officer shall complete and transmit to the issuing court.

(2) Service shall be provided pursuant to Section 6389 of the Family Code.

(3) Notwithstanding any other law, a fee shall not be charged to the petitioner for service of an order described in subdivision (a).

(4) If a firearm is obtained at the scene of a domestic violence incident or during service as provided in this section, law enforcement shall enter, or cause to be entered, the firearm into the Department of Justice Automated Firearms System pursuant to Section 11108.2 of the Penal Code.

(c) It is a rebuttable presumption that the proof of service was signed on the date of service.

(d) Upon receiving information at the scene of a domestic violence incident that a protective order has been issued under this part, or that a person who has been taken into custody is the respondent to that order, if the protected person cannot produce an endorsed copy of the order, a law enforcement officer shall immediately inquire of the California Restraining and Protective Order System to verify the existence of the order.

(e) If the law enforcement officer determines that a protective order has been issued but not served, the officer shall immediately notify the respondent of the terms of the order and where a written copy of the order can be obtained, and the officer shall, at that time, also enforce the order. The law enforcement officer's verbal notice of the terms of the order shall constitute service of the order and is sufficient notice for the purposes of this section and for the purposes of Sections 273.6 and 29825 of the Penal Code.

(f) If a report is required under Section 13730 of the Penal Code, or if no report is required, then in the daily incident log, the officer shall provide the name and assignment of the officer notifying the respondent pursuant to subdivision (e) and the case number of the order.

(g) Upon service of the order outside of the court, a law enforcement officer shall advise the respondent to go to the local court to obtain a copy of the order containing the full terms and conditions of the order.

(h) (1) There shall be no civil liability on the part of, and no cause of action for false arrest or false imprisonment against, a peace officer who makes an arrest pursuant to a protective or restraining order that is regular upon its face, if the peace officer, in making the arrest, acts in good faith and has reasonable cause to believe that the person against whom the order is issued has notice of the order and has committed an act in violation of the order.

(2) If there is more than one order issued and one of the orders is an emergency protective order that has precedence in enforcement pursuant to paragraph (1) of subdivision (c) of Section 136.2 of the Penal Code, the peace officer shall enforce the emergency protective order. If there is more than one order issued, none of the orders issued is an emergency protective order that has

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precedence in enforcement, and one of the orders issued is a no-contact order, as described in Section 6320, the peace officer shall enforce the no-contact order. If there is more than one civil order regarding the same parties and neither an emergency protective order that has precedence in enforcement nor a no-contact order has been issued, the peace officer shall enforce the order that was issued last. If there are both civil and criminal orders regarding the same parties and neither an emergency protective order that has precedence in enforcement nor a no-contact order has been issued, the peace officer shall enforce the criminal order issued last, subject to the provisions of subdivisions (h) and (i) of Section 136.2 of the Penal Code. This section does not exonerate a peace officer from liability for the unreasonable use of force in the enforcement of the order. The immunities afforded by this section shall not affect the availability of any other immunity that may apply, including, but not limited to, Sections 820.2 and 820.4 of the Government Code.

(i) A peace officer listed in Section 18250 of the Penal Code shall take temporary custody of any firearm or other deadly weapon or 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:

(1) The peace officer is at the scene of a domestic violence incident involving a threat to human life or a physical assault.

(2) The peace officer is serving a protective order issued pursuant to this part.

(3) The peace officer is serving a gun violence restraining order issued pursuant to Division 3.2 (commencing with Section 18100) of Title 2 of Part 6 of the Penal Code.

(j) A peace officer required to serve a restraining or protective order under this section shall comply with Article 3 (commencing with Section 26660) of Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code. For purposes of this subdivision, any reference to “marshal” or “sheriff” in that article shall also include a peace officer required to serve a restraining or protective order under this section.

(k) A peace officer required to serve a restraining or protective order under this section may, pursuant to the requirements set forth in Section 6103.2 of the Government Code, submit a billing to the superior court for payment of fees for service of the order. For purposes of this subdivision, any reference to “marshal” or “sheriff” in Section 6103.2 of the Government Code shall also include a peace officer required to serve a restraining or protective order under this section.

SEC. ~~13~~ 14. Section 6401 of the Family Code is amended to read:

6401. In this part:

(a) “Foreign protection order” means a protection order issued by a tribunal of another state or jurisdiction.

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(b) “Issuing state or jurisdiction” means the state or jurisdiction whose tribunal issues a protection order.

(c) “Mutual foreign protection order” means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent.

(d) “Protected individual” means an individual protected by a protection order.

(e) “Protection order” means an injunction or other order, issued by a tribunal under the domestic violence, family violence, or antistalking laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to, another individual. The term also includes any other injunction or order defined as a “protection order” under the federal Violence Against Women Act (18 U.S.C. Sec. 2266(5)), including both of the following:

(1) Any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

(2) Any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to state, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.

(f) “Respondent” means the individual against whom enforcement of a protection order is sought.

(g) “State or jurisdiction” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or any branch of the United States military, that has jurisdiction to issue protection orders.

(h) “Tribunal” means a court, agency, or other entity authorized by law to issue or modify a protection order.

SEC. 14 15. Section 6402 of the Family Code is amended to read:

6402. (a) A person authorized by the law of this state to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of this state. The tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of this state would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking

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protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of this state for the enforcement of protection orders.

(b) A tribunal of this state may not enforce a foreign protection order issued by a tribunal of a state or jurisdiction that does not recognize the standing of a protected individual to seek enforcement of the order.

(c) A tribunal of this state shall enforce the provisions of a valid foreign protection order which govern custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state or jurisdiction.

(d) A foreign protection order is valid if it meets all of the following criteria:

(1) Identifies the protected individual and the respondent.

(2) Is currently in effect.

(3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state or jurisdiction.

(4) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.

(e) A foreign protection order valid on its face is prima facie evidence of its validity.

(f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

(g) A tribunal of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if both of the following are true:

(1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state.

(2) The tribunal of the issuing state made specific findings in favor of the respondent.

SEC. 15 16. Section 6403.5 is added to the Family Code, to read:

6403.5. (a) For the purposes of this section, the term “extreme risk protection order” means an injunction, restraining order, or other civil or criminal court order issued by a tribunal under the laws of the issuing state or jurisdiction, as defined in Section 6401, that does not name a protected individual, but prohibits the respondent from possessing, owning, controlling, purchasing, or

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receiving, firearms for the duration of the order based on evidence that the respondent poses a danger to themselves or others. Extreme risk protection orders are similar or equivalent to civil orders described as “gun violence restraining orders” under Division 3.2 (commencing with Section 18100) of Title 2 of Part 6 of the Penal Code, and to criminal protective orders to surrender firearms under clause (ii) of subparagraph (G) of paragraph (1) of subdivision (a) of Section 136.2 of the Penal Code.

(b) A law enforcement agency or officer in this state may seek enforcement in a tribunal of this state of a valid extreme risk protection order issued by a tribunal under the laws of another state or jurisdiction.

(c) For the purposes this section, an extreme risk protection order is valid if the order meets all of the following criteria:

(1) The order identifies the respondent.

(2) The order is currently in effect.

(3) The order was issued by a tribunal under the laws of another state or jurisdiction, as defined in Section 6401, that had jurisdiction over the parties and subject matter under the law of the issuing state or jurisdiction.

(4) The order was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.

(d) The tribunal shall enforce the terms of a valid extreme risk protection order.

(e) An extreme risk protection order valid on its face is prima facie evidence of its validity.

(f) Absence of any of the criteria for validity of an extreme risk protection order is an affirmative defense in an action seeking enforcement of the order.

(g) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid extreme risk protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of an extreme risk protection order that identifies the respondent and, on its face, is currently in effect, constitutes, in and of itself, probable cause to believe that a valid extreme risk protection order exists. For the purposes of this section, the extreme risk protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of an extreme risk protection order is not required for enforcement.

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(h) If an extreme risk protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid extreme risk protection order exists.

(i) If a law enforcement officer of this state determines that an otherwise valid extreme risk protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice for the purposes of this section.

(j) Registration or filing of an order in this state is not required for the enforcement of a valid extreme risk protection order pursuant to this part.

(k) A valid extreme risk protection order shall, upon request of a law enforcement officer or other petitioner, be registered with a court of this state under the same process for registration of foreign protection orders provided in Section 6404 in order to be entered in the California Restraining and Protective Order System established under Section 6380.

(l) The provisions of Section 6405 regarding immunities, liability, and precedence in enforcement shall apply to extreme risk protection orders under this section.

SEC. 16 17. Section 26666.10 of the Government Code is amended to read:

26666.10. (a) On or before January 1, 2024, the Judicial Council shall create a statewide form or forms to be used by litigants in civil actions or proceedings to request service of process or notice by a marshal or sheriff, including their department or office.

(b) A marshal or sheriff, including their department or office, shall accept an electronic signature and shall not require an original or wet signature on the form or forms created pursuant to this section.

(c) The Judicial Council form or forms shall do all of the following:

(1) Require the name, address, and description of the person to be served and the signature of the litigant requesting service, or their attorney of record, and may require any other pertinent information for service.

(2) Indicate on the form which fields on the form, if any, are required.

(3) Allow the litigant's or their attorney of record's signature to be made electronically.

(d) Upon completion of the forms described in subdivision (a), requests to a marshal or sheriff, including their department or office, to serve a notice or other process pursuant to Section 26666 shall be made on the Judicial Council form or forms. No sheriff or marshal, including their

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department or office, shall require completion of a form or request other than the Judicial Council form or forms described in this section.

(e) Pursuant to Section 7927.430, the Judicial Council form or forms and the information contained therein shall not be subject to disclosure and shall be kept confidential.

(f) This section shall remain in effect until January 1, 2028, and as of that date is repealed.

SEC. 17 18. Section 26666.10 is added to the Government Code, to read:

26666.10. (a) On or before January 1, 2028, the Judicial Council shall create a statewide form or forms to be used by litigants in civil actions or proceedings to request service of process or notice by a marshal or sheriff, or by a peace officer required to serve a restraining or protective order under Section 527.12 of the Code of Civil Procedure or Section 6383 of the Family Code.

(b) A marshal or sheriff, or a peace officer required to serve a restraining or protective order under Section 527.12 of the Code of Civil Procedure or Section 6383 of the Family Code, including the marshal's, sheriff's, or peace officer's department or office, shall accept an electronic signature and shall not require an original or wet signature on the form or forms created pursuant to this section.

(c) The Judicial Council form or forms shall do all of the following:

(1) Require the name, address, and description of the person to be served and the signature of the litigant requesting service, or their attorney of record, and may require any other pertinent information for service.

(2) Indicate on the form which fields on the form, if any, are required.

(3) Allow the litigant's or their attorney of record's signature to be made electronically.

(d) Upon completion of the forms described in subdivision (a), requests to a marshal or sheriff, or to a peace officer required to serve a restraining or protective order under Section 527.12 of the Code of Civil Procedure or Section 6383 of the Family Code, including the marshal's, sheriff's, or peace officer's department or office, to serve a notice or other process pursuant to Section 26666 shall be made on the Judicial Council form or forms. A marshal, sheriff, or peace officer, including their department or office, shall not require completion of a form or request other than the Judicial Council form or forms described in this section.

(e) Pursuant to Section 7927.430, the Judicial Council form or forms and the information contained therein shall not be subject to disclosure and shall be kept confidential.

(f) This section shall become operative on January 1, 2028.

SEC. 18 19. Section 136.26 is added to the Penal Code, to read:

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136.26. (a) If a court issues a criminal protective order to protect one or more individuals pursuant to Section 136.2, 273.5, 368, 646.9, 1203.097, or other applicable law, the prosecuting agency shall seek to ensure the protected person or protected people named in that order are promptly notified about the issuance, terms, and duration of the protective order. This section does not apply if the protected person or people were notified about the protective order through their presence in court when the order was issued.

(b) Each prosecuting agency identified in subdivision (d), shall, on or before January 1, 2028, develop, adopt, and implement written policies and standards for the agency governing all of the following:

(1) Ensuring protected parties are notified about the issuance, terms, and duration of criminal protective orders, as described in subdivision (a).

(2) Receiving and responding to notifications from the court that a person subject to a gun violence restraining order, or any civil or criminal protective or restraining order identified in Section 29825, has violated the order's firearm relinquishment requirements and may unlawfully possess or control firearms or ammunition in violation of court order and state law.

(3) Receiving and responding to notifications that a person convicted of a crime prosecuted by that agency has violated the firearm relinquishment requirements of Section 29810 and may unlawfully possess or control firearms or ammunition in violation of court order and state law.

(c) In developing and updating the standards and policies developed pursuant to subdivision (b), prosecuting agencies are encouraged to consult and collaborate with domestic violence service providers and survivor advocates, local law enforcement and court administration representatives, and any guidance, technical assistance, or recommendations issued by the Department of Justice.

(d) For the purposes of subdivisions (b) and (c), a "prosecuting agency" includes a district attorney's office, and any city attorney's office that prosecutes crimes related to domestic violence or abuse, or violations of protective or restraining orders, including violations related to unlawful possession or control of firearms and ammunition.

SEC. 19 20. Section 273.75 of the Penal Code is amended to read:

273.75. (a) On any charge involving acts of domestic violence as defined in subdivisions (a) and (b) of Section 13700 of the Penal Code or Sections 6203 and 6211 of the Family Code, the district attorney or prosecuting city attorney shall perform or cause to be performed, by accessing the electronic databases enumerated in subdivision (b), a thorough investigation of the defendant's history, including, but not limited to, prior convictions for domestic violence, other forms of violence or weapons offenses and any current protective or restraining order issued by any civil or criminal court. This information and the information provided by the arresting agency pursuant to Section 273.76 shall be presented for consideration by the court (1) when setting bond or when releasing a defendant on their own recognizance at the arraignment, if the defendant is in custody,

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(2) upon consideration of any plea agreement, and (3) when issuing a protective order pursuant to subdivision (h) or (i) of Section 136.2, subdivision (j) of Section 273.5, subdivision (l) of Section 368, subdivision (k) of Section 646.9, or paragraph (2) of subdivision (a) of Section 1203.097. In determining bail or release upon a plea agreement, the court shall consider the safety of the victim, the victim's children, and any other person who may be in danger if the defendant is released.

(b) For purposes of this section, the district attorney or prosecuting city attorney shall search or cause to be searched the following databases, when readily available and reasonably accessible:

(1) The California Sex and Arson Registry (CSAR).

(2) The Supervised Release File.

(3) State summary criminal history information maintained by the Department of Justice pursuant to Section 11105 of the Penal Code.

(4) The Federal Bureau of Investigation's nationwide database.

(5) Locally maintained criminal history records or databases.

(6) The Department of Justice Automated Firearms System.

However, a record or database need not be searched if the information available in that record or database can be obtained as a result of a search conducted in another record or database.

(c) If the investigation required by this section reveals a current civil protective or restraining order or a protective or restraining order issued by another criminal court and involving the same or related parties, and if a protective or restraining order is issued in the current criminal proceeding, the district attorney or prosecuting city attorney shall send relevant information regarding the contents of the order issued in the current criminal proceeding, and any information regarding a conviction of the defendant, to the other court immediately after the order has been issued. When requested, the information described in this subdivision may be sent to the appropriate family, juvenile, or civil court. When requested, and upon a showing of a compelling need, the information described in this section may be sent to a court in another state.

(d) If the information provided to the court pursuant to subdivision (a) indicates that the defendant owns or possesses a firearm, or if the court otherwise receives evidence that the defendant owns or possesses a firearm or ammunition, the court shall provide information to the defendant on how to comply with the firearm and ammunition prohibition. If evidence of compliance with firearms prohibitions is not provided within 48 hours of the defendant being served with the protective order or after a review hearing pursuant to Rule 4.700 of the California Rules of Court if required or as may be required otherwise, the court shall order the clerk of the court to notify within two business days, by the most effective means available, the prosecuting agency and appropriate law enforcement officials of the issuance and contents of the protective order, information about the firearm or ammunition, and of any other information obtained through the search that the court

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determines is appropriate. The prosecuting agency and law enforcement officials so notified shall take all actions necessary to obtain those and any other firearms or ammunition owned, possessed, or controlled by the defendant and to address any violation of the order with respect to firearms or ammunition as appropriate and as soon as practicable.

SEC. 20 21. Section 422.85 of the Penal Code is amended to read:

422.85. (a) In the case of any person who is convicted of any offense against the person or property of another individual, private institution, or public agency, committed because of the victim's actual or perceived race, color, ethnicity, religion, nationality, county of origin, ancestry, disability, gender, gender identity, gender expression, or sexual orientation, including, but not limited to, offenses defined in Section 302, 423.2, 594.3, 11411, 11412, or 11413, or for any hate crime, the court, absent compelling circumstances stated on the record, shall make an order protecting the victim, or known immediate family or domestic partner of the victim, from further acts of violence, threats, stalking, or harassment by the defendant, including any stay-away conditions the court deems appropriate, and shall make obedience of that protective order, including the provisions described in subdivision (c), a condition of the defendant's probation. In these cases the court may also order that the defendant be required to do one or more of the following as a condition of probation:

(1) Complete a class or program on racial or ethnic sensitivity, or other similar training in the area of civil rights, or a one-year counseling program intended to reduce the tendency toward violent and antisocial behavior if that class, program, or training is available and was developed or authorized by the court or local agencies in cooperation with organizations serving the affected community.

(2) Make payments or other compensation to a community-based program or local agency that provides services to victims of hate violence.

(3) Reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's acts.

(b) Any payments or other compensation ordered under this section shall be in addition to restitution payments required under Section 1203.04, and shall be made only after that restitution is paid in full.

(c) (1) A person subject to a protective order issued under this section shall not own, possess, purchase, have custody or control of, receive, or attempt to purchase or receive, a firearm or ammunition while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued under this section to relinquish any firearms or ammunition pursuant to Section 527.9 of the Code of Civil Procedure.

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(3) A person who owns, possesses, has custody or control of, purchases, receives, or attempts to purchase or receive a firearm while the protective order is in effect is punishable pursuant to Section 29825.

SEC. 21 22. Section 422.865 of the Penal Code is amended to read:

422.865. (a) In the case of any person who is committed to a state hospital or other treatment facility under the provisions of Section 1026 for any offense against the person or property of another individual, private institution, or public agency because of the victim's actual or perceived race, color, ethnicity, religion, nationality, county of origin, ancestry, disability, gender, or sexual orientation, including, but not limited to, offenses defined in Section 302, 423.2, 594.3, 11411, 11412, or 11413, or for any hate crime, and then is either placed on outpatient status or conditional release from the state hospital or other treatment facility, the court or community program director may order that the defendant be required as a condition of outpatient status or conditional release to complete a class or program on racial or ethnic sensitivity, or other similar training in the area of civil rights, or a one-year counseling program intended to reduce the tendency toward violent and antisocial behavior if that class, program, or training is available and was developed or authorized by the court or local agencies in cooperation with organizations serving the affected community.

(b) In the case of any person who is committed to a state hospital or other treatment facility under the provisions of Section 1026 for any offense against the person or property of another individual, private institution, or public agency committed because of the victim's actual or perceived race, color, ethnicity, religion, nationality, county of origin, ancestry, disability, gender, or sexual orientation, including, but not limited to, offenses defined in Section 302, 423.2, 594.3, 11411, 11412, or 11413, or for any hate crime, and then is either placed on outpatient status or conditional release from the state hospital or other treatment facility, the court, absent compelling circumstances stated on the record, shall make an order protecting the victim, or known immediate family or domestic partner of the victim, from further acts of violence, threats, stalking, or harassment by the defendant, including any stay-away conditions as the court deems appropriate, and shall make obedience of that protective order, including the provisions described in subdivision (d), a condition of the defendant's outpatient status or conditional release.

(c) It is the intent of the Legislature to encourage state agencies and treatment facilities to establish education and training programs to prevent violations of civil rights and hate crimes.

(d) (1) A person subject to a protective order issued under this section shall not own, possess, have custody or control of, purchase, receive, or attempt to purchase or receive, a firearm or ammunition while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued under this section to relinquish any firearms or ammunition in their ownership, possession, custody, or control, pursuant to Section 527.9 of the Code of Civil Procedure.

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(3) A person who owns, possesses, has custody or control of, purchases, receives, or attempts to purchase or receive a firearm while the protective order is in effect is punishable pursuant to Section 29825.

SEC. 22 23. Section 422.88 of the Penal Code is amended to read:

422.88. (a) The court in which a criminal proceeding stemming from a hate crime or alleged hate crime is filed shall take all actions reasonably required, including granting criminal protective or restraining orders, to safeguard the health, safety, or privacy of the alleged victim, or of a person who is a victim of, or at risk of becoming a victim of, a hate crime.

(b) The court in which a criminal proceeding stemming from a hate crime or alleged hate crime is filed shall, upon request by a prosecutor or victim or on the court's own motion, consider issuing a criminal protective order against the defendant to protect a person identified in subdivision (a) of this section.

(c) If the court does not issue any protective order against the defendant to protect any person identified in subdivision (a), the court shall, upon request by a prosecutor or victim or on the court's own motion, consider issuing a protective order equivalent to the firearm prohibition order described in clause (ii) of subparagraph (G) of paragraph (1) of subdivision (a) of Section 136.2, which does not name a protected person but provides as follows:

(1) The defendant shall not own, possess, have custody or control of, purchase, receive, or attempt to purchase or receive a firearm or ammunition while the protective order is in effect.

(2) The defendant shall relinquish any firearms or ammunition pursuant to Section 527.9 of the Code of Civil Procedure.

(3) A person who owns, possesses, has custody or control of, purchases, receives, or attempts to purchase or receive a firearm while the protective order is in effect is punishable pursuant to Section 29825.

(d) Restraining orders issued pursuant to subdivision (a) or (b) may include, without limitation, provisions prohibiting or restricting the photographing of a person who is a victim of, or at risk of becoming a victim of, a hate crime when reasonably required to safeguard the health, safety, or privacy of that person.

SEC. 23 24. Section 16520 of the Penal Code is amended to read:

16520. (a) As used in this part, "firearm" means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.

(b) As used in the following provisions, "firearm" includes the frame or receiver of the weapon, including both a completed frame or receiver, or a firearm precursor part:

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- (1) Section 136.2.
- (2) Section 646.91.
- (3) Sections 16515 and 16517.
- (4) Section 16550.
- (5) Section 16730.
- (6) Section 16960.
- (7) Section 16990.
- (8) Section 17070.
- (9) Section 17310.
- (10) Sections 18100 to 18500, inclusive.
- (11) Section 23690.
- (12) Sections 23900 to 23925, inclusive.
- (13) Commencing on July 1, 2026, Sections 25250 to 25275, inclusive.
- (14) Sections 26500 to 26590, inclusive.
- (15) Sections 26600 to 27140, inclusive.
- (16) Sections 27200 to 28490, inclusive.
- (17) Sections 29010 to 29150, inclusive.
- (18) Section 29185.
- (19) Sections 29610 to 29750, inclusive.
- (20) Sections 29800 to 29905, inclusive.
- (21) Sections 30150 to 30165, inclusive.
- (22) Section 31615.

(23) Sections 31700 to 31830, inclusive.

(24) Sections 34355 to 34370, inclusive.

(25) Sections 527.6 to 527.13, inclusive, of the Code of Civil Procedure.

(26) Sections 8100 to 8108, inclusive, of the Welfare and Institutions Code.

(27) Section 15657.03 of the Welfare and Institutions Code.

(c) As used in the following provisions, “firearm” also includes a rocket, rocket propelled projectile launcher, or similar device containing an explosive or incendiary material, whether or not the device is designed for emergency or distress signaling purposes:

(1) Section 16750.

(2) Subdivision (b) of Section 16840.

(3) Section 25400.

(4) Sections 25850 to 26025, inclusive.

(5) Subdivisions (a), (b), and (c) of Section 26030.

(6) Sections 26035 to 26055, inclusive.

(d) As used in the following provisions, “firearm” does not include an unloaded antique firearm:

(1) Section 16730.

(2) Section 16550.

(3) Section 16960.

(4) Section 17310.

(5) Subdivision (b) of Section 23920.

(6) Section 25135.

(7) Chapter 6 (commencing with Section 26350) of Division 5 of Title 4.

(8) Chapter 7 (commencing with Section 26400) of Division 5 of Title 4.

(9) Sections 26500 to 26588, inclusive.

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(10) Sections 26700 to 26915, inclusive.

(11) Section 27510.

(12) Section 27530.

(13) Section 27540.

(14) Section 27545.

(15) Sections 27555 to 27585, inclusive.

(16) Sections 29010 to 29150, inclusive.

(17) Section 29180.

(e) As used in Sections 34005 and 34010, “firearm” does not include a destructive device.

(f) As used in Sections 17280 and 24680, “firearm” has the same meaning as in Section 922 of Title 18 of the United States Code.

(g) As used in Sections 29180 to 29184, inclusive, “firearm” includes the completed frame or receiver of a weapon.

SEC. 24 25. Section 18120 of the Penal Code is amended to read:

18120. (a) A person subject to a gun violence restraining order issued pursuant to this division 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.

(b) (1) Upon issuance of a gun violence restraining order issued pursuant to this division, 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 pursuant to this subdivision.

(2) The surrender ordered pursuant to paragraph (1) shall occur by immediately surrendering all firearms and ammunition in a safe manner, upon request of a law enforcement officer, to the control of the officer, after being served with the restraining order. A law enforcement officer serving a gun violence restraining order that indicates that the restrained person possesses firearms or ammunition shall request that all firearms and ammunition be immediately surrendered.

(3) If the gun violence restraining order is issued as an ex parte order or order after notice and hearing, and is served by a person other than a law enforcement officer, and if no request is made by a law enforcement officer, the surrender shall occur within 24 hours of being served with the order, by surrendering all firearms and ammunition in a safe manner to the control of a local law

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enforcement agency, selling all firearms and ammunition to a licensed firearms dealer, or transferring all firearms and ammunition to a licensed firearms dealer in accordance with Section 29830.

(4) The law enforcement officer or licensed firearms dealer taking possession of firearms or ammunition pursuant to this subdivision shall issue a receipt to the person surrendering the firearm or firearms or ammunition or both at the time of surrender.

(5) A person ordered to surrender all firearms and ammunition pursuant to this subdivision shall, within 48 hours after being served with the order, do both of the following:

(A) File with the court that issued the gun violence restraining order the original receipt showing all firearms and ammunition have been surrendered to a local law enforcement agency or sold or transferred to a licensed firearms dealer. Failure to timely file a receipt shall constitute a violation of the restraining order.

(B) File a copy of the receipt described in subparagraph (A) with the law enforcement agency, if any, that served the gun violence restraining order. Failure to timely file a copy of the receipt shall constitute a violation of the restraining order.

(6) When issuing an order pursuant to this subdivision, the court shall provide the respondent with information on 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. A court holding a hearing on this matter shall review the file to determine whether the receipt has been filed and inquire of the respondent whether they have complied with the requirement. Violations of the firearms or ammunition prohibition of any restraining order under this section 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 a firearm or ammunition in their possession, 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 or ammunition, and of any other information the court deems appropriate.

(c) (1) Except as provided in paragraph (2), firearms or ammunition surrendered to a law enforcement officer or law enforcement agency pursuant to this section shall be retained by the law enforcement agency until the expiration of a gun violence restraining order that has been issued against the restrained person. Upon expiration of an order, the firearms or ammunition shall be returned to the restrained person in accordance with the provisions of Chapter 2 (commencing with Section 33850) of Division 11 of Title 4. Firearms or ammunition that are not claimed are subject to the requirements of Section 34000.

(2) A restrained person who owns firearms or ammunition that are in the custody of a law enforcement agency pursuant to this section is entitled to sell the firearms or ammunition to a

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licensed firearms dealer or transfer the firearms or ammunition to a licensed firearms dealer in accordance with Section 29830 if the firearm or firearms or ammunition are otherwise legal to own or possess and the restrained person otherwise has right to title of the firearm or firearms or ammunition.

(d) If a person other than the restrained person claims title to firearms or ammunition surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or firearms or ammunition, the firearm or firearms or ammunition shall be returned to the person pursuant to Chapter 2 (commencing with Section 33850) of Division 11 of Title 4.

(e) Within one business day of receiving the receipt referred to in paragraph (4) of subdivision (b), the court that issued the order shall transmit a copy of the receipt to the Department of Justice in a manner and pursuant to a process prescribed by the department.

(f) If the respondent declines to relinquish possession of a firearm or ammunition based on the assertion of the right against self-incrimination, as provided by the Fifth Amendment to the United States Constitution and Section 15 of Article I of the California Constitution, the court may grant use immunity for the act of relinquishing the firearm or ammunition required under this section.

(g) (1) The relinquishment or surrender of a firearm to a law enforcement agency pursuant to this section or the return of a firearm to a person pursuant to this section shall not be subject to the requirements of Section 27545.

(2) Returns of firearms or ammunition pursuant to this section shall be governed by the applicable provisions of Chapter 2 (commencing with Section 33850) of Division 11 of Title 4.

(h) This section shall become operative on January 1, 2026.

SEC. 25 26. Section 18120.5 of the Penal Code is amended to read:

18120.5. (a) When relevant information is presented to the court at any noticed hearing that a restrained person has a firearm or ammunition, the court shall consider that information to determine, by a preponderance of the evidence, whether the person subject to an order defined in this division has a firearm or ammunition in or subject to their possession or control in violation of the order.

(b) (1) In making a determination under this section, the court may consider whether the restrained person filed a firearm or ammunition relinquishment, storage, or sales receipt or if an exemption from the firearm or ammunition prohibition was granted.

(2) The court may make the determination at any noticed hearing where a restraining order is issued, at a subsequent review hearing, or at any subsequent hearing while the order remains in effect.

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(3) If the court makes a determination that the restrained person has a firearm in violation of the order, the court must make a written record of the determination and provide a copy to any party who is present at the hearing and, upon request, to any party not present at the hearing.

(c) (1) When presented with information under subdivision (a), the court may set a review hearing to determine whether a violation of the order has taken place.

(2) The review hearing shall be held within 10 court days after the noticed hearing at which the information was presented. 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, in accordance with Section 414.10 of the Code of Civil Procedure, by personal service or by mail to the restrained person's last known address.

(3) The court may for good cause extend the date of the review hearing for a reasonable period or remove it from the calendar.

(4) The court shall order the restrained person to appear at the review hearing.

(5) This section does not prohibit the court from permitting a party or witness to appear through technology that enables remote appearances, as determined by the court.

(d) The determination made pursuant to this section may be considered by the court in issuing an order to show cause for contempt pursuant to paragraph (5) of subdivision (a) of Section 1209 of the Code of Civil Procedure or an order for monetary sanctions pursuant to Section 177.5 of the Code of Civil Procedure.

(e) This section shall become operative on January 1, 2026.

SEC. 26 27. Section 18205 of the Penal Code is amended to read:

18205. (a) Every person who owns or possesses a firearm or ammunition with knowledge that they are prohibited from doing so by a temporary emergency gun violence restraining order issued pursuant to Chapter 2 (commencing with Section 18125), an ex parte gun violence restraining order issued pursuant to Chapter 3 (commencing with Section 18150), a gun violence restraining order issued after notice and a hearing issued pursuant to Chapter 4 (commencing with Section 18170), or by a valid order issued by an out-of-state jurisdiction that is similar or equivalent to a gun violence restraining order described in this division, is guilty of a misdemeanor. A person convicted of a violation of this section before January 1, 2027, shall be prohibited from having custody or control of, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for a five-year period, to commence upon the expiration of the existing gun violence restraining order. A person convicted of a violation of this section on or after January 1, 2027, shall be prohibited from having custody or control of, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition, within 10 years of the conviction, pursuant to Section 29805.

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(b) For purposes of this section, a valid order issued by an out-of-state jurisdiction that is similar or equivalent to a gun violence restraining order described in this section must be issued upon a showing by clear and convincing evidence that the person poses a significant danger of causing personal injury to themselves or another because of owning or possessing a firearm or ammunition.

SEC. 27 28. Section 29805 of the Penal Code is amended to read:

29805. (a) (1) Except as provided in Section 29855, subdivision (a) of Section 29800, or subdivision (b), any person who has been convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148, subdivision (f) of Section 148.5, Section 171b, paragraph (1) of subdivision (a) of Section 171c, Section 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 422.6, 626.9, 646.9, 830.95, 17500, 17510, 25300, 25800, 30315, or 32625, subdivision (b) or (d) of Section 26100, or Section 27510, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the Welfare and Institutions Code, Section 487 if the property taken was a firearm, or of the conduct punished in subdivision (c) of Section 27590, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(2) Any person who has an outstanding warrant for any misdemeanor offense described in this subdivision, and who has knowledge of the outstanding warrant, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(b) Any person who is convicted, on or after January 1, 2019, of a misdemeanor violation of Section 273.5, and who subsequently owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(c) Any person who is convicted on or after January 1, 2020, of a misdemeanor violation of Section 25100, 25135, or 25200, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(d) Any person who is convicted on or after January 1, 2023, of a misdemeanor violation of Section 273a, subdivision (b) or (c) of Section 368, or subdivision (e) or (f) of Section 29180, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

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(e) Except as provided in Section 29855 or subdivision (a) of Section 29800, any person who is convicted on or after January 1, 2024, of a misdemeanor violation of this section, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(f) Any person who is convicted on or after January 1, 2024, of a misdemeanor violation of paragraph (5), (6), or (7) of subdivision (c) of Section 25400, paragraph (5), (6), or (7) of subdivision (c) of Section 25850, subdivision (a) of Section 26350, or subdivision (a) of Section 26400, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(g) Any person who is convicted on or after January 1, 2025, of a misdemeanor violation of subdivision (a) of Section 597, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(h) Any person, who is convicted on or after January 1, 2026, of a misdemeanor violation of Section 24610, 27530, 29185, 29186, 30605, 30610, 32900, 33215, or 33600, and who, within 10 years of the conviction, owns, purchases, receives, or has in their possession or under their custody or control any firearm, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(i) Any person who is convicted on or after January 1, 2027, of a misdemeanor violation of Section 273.65, 422.3, 422.7, 422.77, 18205, 29815, 29825, or 30305, or of subdivision (c) or (d) of Section 166, or any other offense that is defined as a hate crime under Title 11.6 of Part 1, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding 1 year, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(j) The court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this section. However, the prohibition in this section may be reduced, eliminated, or conditioned as provided in Section 29855 or 29860.

SEC. 28 29. Section 29813.5 is added to the Penal Code, to read:

29813.5. (a) Each local law enforcement agency, and each prosecuting agency identified in subdivision (c), shall do both of the following:

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(1) Designate a person responsible for accessing or receiving notifications from the superior court indicating that a restrained person has violated a protective or restraining order's firearm relinquishment requirements, pursuant to subdivision (f) of Section 6306 and Section 6389 of the Family Code, Section 527.9 of the Code of Civil Procedure, Section 273.75 or Section 18120 of this code, or other applicable law.

(2) Regularly ensure that the clerk of the superior court has updated contact information for the person responsible for accessing and receiving such notifications from the court on behalf of the agency.

(b) Law enforcement agencies operating in the same jurisdiction may agree to designate one lead agency for their jurisdiction responsible for receiving noncompliance notifications from the court, as described in subdivision (a), and for coordinating followup actions and information sharing necessary to investigate and address the violation of the protective or restraining order, including, but not limited to, the safety responses required under subdivision (f) of Section 6383 of the Family Code.

(c) For the purposes of this section, a "prosecuting agency" includes a district attorney's office, and any city attorney's office that prosecutes crimes related to domestic violence or abuse, or violations of protective or restraining orders, including violations related to unlawful possession or control of firearms and ammunition.

SEC. 29 30. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.