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CA Legislative Women’s Caucus Calls on Supreme Court to Protect Women and Uphold Gun Violence Prevention Laws

SACRAMENTO – In a historic move, the California Legislative Women’s Caucus has formally called on the U.S. Supreme Court to uphold civil restraining orders that have proven to be effective in protecting women and reducing gun violence.

The women’s caucus filed an [amicus curiae \(friend-of-the-court\) brief](#) in the case of *U.S. v. Rahimi*, arguing that the Supreme Court should overturn an appellate court decision that would invalidate the U.S.’s federal domestic violence restraining order law. The filing is believed to be the first Supreme Court amicus brief by a state-level women’s caucus.

The brief notes that if the Supreme Court agrees with the lower court that the federal domestic violence restraining order law is an unconstitutional infringement on the Second Amendment, then California’s highly effective domestic violence restraining order law may also be invalidated, along with other California civil restraining order laws, including California’s gun violence restraining order law, also known as the “red flag” law.

“Since the California Legislative Women’s Caucus was founded nearly four decades ago, our caucus has championed legislation to reduce domestic violence and gun violence, because the undeniable fact is that women and children are overwhelmingly the victims of such violence,” said state Sen. Nancy Skinner, chair of the LWC. “More than half of women killed by gun violence are killed by intimate partners or other family members, and when it’s a domestic violence situation, the presence of a gun increases the risk of homicide for women by 500%. Restraining orders that can remove guns from those who present a threat to themselves or others are highly effective in preventing gun violence.

“Our domestic violence orders and red flag laws save thousands of lives each year. If the Supreme Court were to invalidate these essential gun violence prevention laws, untold numbers of people, especially women, will die.”

“The sad reality is that over half of U.S. mass shootings are related to domestic violence. This is why our caucus has championed and prioritized legislation to protect women and children from being victims of gun violence. Gun safety laws are not created to infringe on the Second Amendment. They’re passed by a large majority to protect people from those who abuse firearms

or should not have access to them in the first place,” said Assemblymember Cecilia Aguiar-Curry, vice chair of the LWC. “An abusive partner’s access to firearms can mean the difference between life and death. We cannot stand back and allow the Supreme Court to overturn a law protecting domestic violence victims from being killed.”

The women’s caucus’ amicus brief was prepared and filed with the help of the highly respected Oakland-based law firm, Olson Remcho LLP, which provided its legal services pro bono.

“Gun violence restraining orders and domestic violence restraining orders, as enacted into California law under the leadership of the California Legislative Women’s Caucus, are lifesaving legal tools,” said Karen Getman of Olson Remcho LLP, counsel for the caucus. “It is absurd that a court could find such laws invalid under the Second Amendment because this country had no precedent to protect women when the Bill of Rights was enacted in 1791.”

In *Rahimi*, the Supreme Court is reviewing a decision earlier this year by the U.S. Fifth Circuit Court of Appeals, which ruled that the federal domestic violence restraining order law is an unconstitutional infringement on the Second Amendment because the restraining order also results in the temporary confiscation of guns. Under a domestic violence restraining order, the person being restrained not only must stay away from the protected person but also must surrender their firearms for a specified period of time, following a civil court proceeding.

California’s domestic violence restraining order (DVRO) law contains the same provisions. California also has several other civil restraining order laws that result in temporary gun removal, including the state’s gun violence restraining order (GVRO) law, also known as California’s red flag law. That law, AB 1014, was originally authored in 2014 by Sen. Skinner when she was in the state Assembly. That law allows family members to petition a court to take away guns from a person who has been shown to be a violent threat to themselves or others.

California’s laws proactively prevent gun violence and [are highly effective](#). According to the CDC, California has [one of the lowest](#) firearm mortality rates in the nation.

And [research](#) has shown that California’s GVRO, DVRO, and other civil restraining order laws that result in gun removal save lives. The laws also protect the due process rights of gun owners via civil court proceedings after a legal showing that the person represents a risk.

The Supreme Court is expected to issue its decision in the *Rahimi* case next spring.

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