

Senate Bill 1200

Strengthening California's Gun Violence Restraining Order

Senator Skinner (SD 9) As Introduced, February 2018

THIS BILL

California's Gun Violence Restraining Order (GVRO) is a lifesaving tool that enables parents, spouses and household members to temporarily get firearms out of the hands of those close to them who are making credible threats of violence against themselves or others. SB 1200 improves the process for obtaining a GVRO and ensures that all firearms and firearm components can be removed when a GVRO is issued.

ISSUE

Those closest to a person are often the first to notice an escalation in disturbing behavior along with threats to act violently. When someone is in such a crisis access to guns is a lethal combination. Yet until recently, California had few legal options for a family member or roommate to have guns temporarily removed from their loved ones.

In 2014, AB 1014 (Skinner) established California's GVRO as a tool family members could use to disarm loved ones who were threatening violence or self harm. Washington and Oregon have now also passed laws based on AB 1014 which those states have named "Extreme Risk Prevention Orders".

Since AB 1014 went into effect in January 2015, California has issued approximately 200 GVRO's. During this initial phase, a number of issues have come to light that if addressed would greatly improve the effectiveness of this tool.

First, petitioners trying to obtain a GVRO often must pay filing and service fees. Facing such fees can prevent a family member from pursuing the GVRO. Secondly, magazines and other firearm components that also pose a threat were not included in the original bill. Thirdly, when a person is served an emergency GVRO, the original bill did not include an automatic hearing date within the initial 21 day period to determine if the GVRO was issued appropriately and if it should be extended for a full-year. Finally, the original bill language did not require law enforcement to verbally ask the person

served with a GVRO if the person has relinquished all guns and firearm components in their possession.

SB 1200 addresses these issues to strengthen the effectiveness, and efficiency of California's GVRO system.

SOLUTION

To strengthen California's GVRO, SB 1200:

- Waives filing and service fees for those seeking to obtain a GVRO.
- Adds magazines and firearm components to the list of items that a person is prohibited from possessing under a GVRO.
- Requires law enforcement issuing the GVRO to verbally ask the recipient if they have guns or accessories, so that all firearms and firearm components can be removed from the person's possession.
- Requires courts to send proof to DOJ that the GVRO recipient relinquished their firearm(s) and accessories.
- Requires GVROs that are issued for a 21-day period to have a hearing held within the initial 21 day period to allow for that GVRO to be extended for a year.

SUPPORT

CA Chapters of the Brady Campaign to Prevent Gun Violence (sponsor)
Giffords Law Center to Prevent Gun Violence (sponsor)
Coalition to Stop Gun Violence
Drain the NRA
Physicians for Social Responsibility (PSR) - SF Bay Area Chapter
Santa Barbara Sheriff's Lieutenant Hsueh
Violence Prevention Coalition of Orange County
Violence Prevention Coalition of Greater Los Angeles
Women Against Gun Violence
1 private individual

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