

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 451 (Petrie-Norris)
Version: June 25, 2025
Hearing Date: July 8, 2025
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Law enforcement policies: restraining orders

DIGEST

This bill requires every municipal police department and county sheriff's department, the Department of the California Highway Patrol (CHP), and the University of California (UC) and California State University (CSU) Police Departments to develop, adopt, and implement written policies and standards to promote safe and consistent service, implementation, and enforcement of protective orders and restraining orders that include firearm access restrictions.

EXECUTIVE SUMMARY

California has a wide array of protective order procedures through which a person can obtain a court order protecting them from another person's harassing or dangerous conduct. These include criminal protective orders, domestic violence restraining orders (DVPOs), civil harassment restraining orders, elder or dependent adult abuse restraining orders, and workplace violence restraining orders. Current law requires persons restrained by these orders to relinquish any firearms in their possession or control and prohibits them from possessing firearms during the pendency of the order. While current law establishes a number of requirements relating to the service, processing, and enforcement of protective orders, the author and sponsor report that compliance with these requirements is inconsistent across the state.

This bill is intended to bring uniformity and consistency to law enforcement agencies' service, processing, and enforcement of protective orders and firearm relinquishment requirements. Specifically, this bill requires every municipal police department and county sheriff's department, CHP, and the UC and CSU Police Departments to develop, adopt, and implement written policies and standards to promote safe and consistent service, implementation, and enforcement of protective orders and restraining orders

that include firearm access restrictions. The policies and standards must be implemented by January 1, 2027, and available to the public upon request.

This bill is sponsored by GIFFORDS and is supported by over 20 organizations, including multiple law enforcement organizations and Attorney General Rob Bonta. The Committee has not received timely opposition to this bill. The Senate Public Safety Committee passed this bill with a vote of 6-0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes procedures for obtaining protective orders to restrain the subject from a variety of conduct, including harassment, abuse, neglect, and violence, including:
 - a) Civil harassment protective orders. (Code Civ. Proc., § 527.6.)
 - b) Workplace violence protective orders. (Code Civ. Proc., § 527.8.)
 - c) Campus violence protective orders. (Code Civ. Proc., § 527.85.)
 - d) Domestic violence protective orders (DVROs). (Fam. Code, div. 10, §§ 6200 et seq.)
 - e) Criminal protective orders. (Pen. Code, § 136.2.)
 - f) Gun violence restraining orders. (Pen. Code, pt. 6, tit. 2, div. 3.2, §§ 18100 et seq.)
 - g) Orders of the juvenile court to prevent domestic violence. (Welf. & Inst. Code, §§ 213.5, 304, 362.4.)
 - h) Protective orders to prevent the abuse of an elder or dependent adult. (Welf. & Inst. Code, § 15657.03.)
- 2) Requires the subject of a DVPO or gun violence restraining order to relinquish firearms and ammunition in their custody and control, and prohibits the subject from possessing a firearm or ammunition while the order is in effect. (Fam. Code, §§ 6218, 6380, 6389; Pen. Code, § 18120.)
- 3) Requires the subject of certain other protective orders, including civil harassment protective orders, workplace violence protective orders, campus violence protective orders, criminal protective orders, and elder and dependent adult abuse protective orders, to relinquish firearms within their custody and control, and prohibits the subject of the order from possessing a firearm while the order is in effect. (Code Civ. Proc., § 527.9; Pen. Code, § 136.2; Welf. & Inst. Code, § 15657.03.)
- 4) Extends, beginning January 1, 2026, the firearm prohibitions in 3) to include ammunition. (SB 899 (Skinner, Ch. 544, Stats. 2024).)
- 5) Establishes procedures for law enforcement to take possession of firearms, or firearms and ammunition, as applicable, from the subject of a protective order, at the

time of the service of the order, within 24 hours of the service of the order, or upon discovering prohibited firearms and/or ammunition upon the scene of an incident of domestic violence or incident to a lawful search. (Code Civ. Proc., § 527.9; Fam. Code, §§ 6383, 6389; *see also* SB 899 (Skinner, Ch. 544, Stats. 2024), § 4.)

- 6) Requires each municipal police department and sheriff's department, the CHP, and the UC and CSU Police Departments to develop, adopt, and implement written policies and standards relating to gun violence restraining orders, including specified terms, and update those policies and standards as necessary to incorporate changes to the relevant law. (Pen. Code, § 18108.)

This bill:

- 1) Requires each municipal police department and county sheriff's department, the CHP, and the UC and CSU Police Departments, on or before January 1, 2027, to develop, adopt, and implement written policies and standards to promote safe, consistent, and effective service, implementation, and enforcement of court protection orders that include firearm access restrictions, including, but not limited to, civil harassment restraining orders, criminal protective orders, DVROs, emergency protective orders, juvenile restraining orders, postsecondary school violence restraining orders, workplace violence restraining orders, and elder or dependent adult abuse restraining orders, other than those relating to financial abuse.
- 2) Requires the policies and standards developed pursuant to 1) to ensure that the agency consistently applies with the requirements of California laws governing service and enforcement of protection and restraining orders and governing relinquishment of firearms by individuals who are armed and subject to these court orders, including new mandates put in place by SB 899 (Skinner, Ch. 544, Stats. 2024) and AB 818 (Petrie-Norris, Ch. 242, Stats. 2023).
- 3) Requires a law enforcement agency, in developing the policies and standards pursuant to 1), to review and update existing protocols, policies, or standards pertaining to protection or restraining orders and law enforcement responses to domestic violence incidents to ensure these relevant protocols, policies, and standards are consistent with one another and to ensure that they provide consistent and accessible guidance to law enforcement officers.
- 4) Requires the policies and standards adopted pursuant to 1) to provide a standard agency process for law enforcement to serve the order against a restrained person in a timely manner and ensure that the agency consistently complies with the requirements of California law governing service of protection and restraining orders, and shall ensure that officers who have served protection or restraining

orders consistently accomplish all of the following steps as soon as possible and within one business day of serving the order:

- a) Completing the appropriate proof of service form developed by the Judicial Council for the protection or restraining order;
 - b) Filing the proof of service form with the court; and
 - c) Ensuring proof of service information is entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS) to record that the order has been served on the restrained person.
- 5) Requires the policies and standards developed pursuant to 1) to ensure that officers effectuate firearm relinquishment at the time of service by requesting, at the time of service, that the restrained person immediately and safely relinquish to the officer's control any firearms, ammunition, body armor, and other prohibited items in the restrained person's possession or control, or subject to the restrained person's possessions or control; these policies and standards should ensure that officers consistently accomplish the following steps upon serving a protection or restraining order:
- a) Notify the restrained person that they are required to immediately transfer all firearms and prohibited items they possess or control to the officer serving the order.
 - b) Request that the restrained party immediately transfer to the officer, safely and unloaded, any firearms or other prohibited items they possess or control.
 - c) Conduct lawful search as necessary for the protection of the officer or other individuals present and take custody of any firearms or other prohibited items in plain sight or discovered pursuant to the lawful search.
 - d) Complete the appropriate proof of firearm relinquishment form developed by the Judicial Council that serves as a receipt to document relinquished firearms and other prohibited items and issue the receipt form to the restrained person.
 - e) Ensure the Automated Firearms System (AFS) is updated to record any firearms that the restrained person relinquished to the law enforcement officer.
 - f) Determine whether the restrained person possesses or controls other firearms that they have not relinquished to the officer; in making such a determination, the officer should be instructed to consider all relevant information, to the extent possible, including by reviewing the protection or restraining order to determine if the court made a finding that the restrained person has firearms, querying the AFS to determine whether the restrained person is recorded as having legally acquired firearms in that database, and asking the restrained person or, if it is safe to do so, other persons present.
- 6) Requires the standards and policies adopted in 1) to do all of the following:

- a) Provide a standard agency process for officers to promote firearm compliance in circumstances where a restrained person owns, possesses, or controls firearms but credibly indicates that they cannot relinquish all firearms at the time of service, including circumstances where those firearms are stored in another location; this process shall instruct officers to provide accessible local information about how the restrained person can lawfully comply with the court order by relinquishing possession or control of all firearms and other prohibited items, unloaded in and in a safe manner, to a local law enforcement agency or to a licensed firearm dealer within 24 hours of being served with the order and by providing the proof of relinquishment compliance receipt form to the court and the law enforcement agency within 48 hours of being served with the order to verify that the restrained person sold or transferred all firearms and other prohibited items that they possess or control.
 - b) Instruct officers to inform the restrained person that failure to comply with the requirements and timelines in (a) may result in fines, arrest, and criminal penalties.
 - c) Require officers to encourage restrained individuals to relinquish any firearms they cannot immediately relinquish to the officer through a designated third party or with law enforcement supervision to reduce the risk that the restrained person will access the firearms or other items to threaten or harm individuals protected by the court order or to otherwise harm themselves or others; the policies and standards shall encourage officers to proactively follow up with the restrained person to confirm that the restrained person relinquished all firearms and provided receipt forms verifying relinquishment within the required timeline.
 - d) Instruct officers about how to respond if the restrained person credibly indicates that they do not possess or control firearms that had been associated with the restrained person in the AFS, the court order, or other sources, including informing the restrained person to complete and submit to the court a standard form developed by the Department of Justice (DOJ) that declares under penalty of perjury that the restrained person is no longer in possession of one or more firearms, along with their response to the protection or restraining order and any other supporting documentation to verify that the restrained person no longer possesses or controls firearms.
- 7) Requires the policies and standards adopted pursuant to 1) to provide a process for an agency, in coordination with court staff and other law enforcement agencies and stakeholders, to proactively identify restrained persons who are illegally armed in violation of the court order and state law.
- 8) Requires the policies and procedures adopted pursuant to 1) to instruct officers to take one or more of the following steps, as appropriate for the circumstances, to ensure firearm relinquishment compliance and the safety of any individuals by the

court order, if the agency receives credible information indicating that the restrained person has not relinquished all firearms or other prohibited items as required:

- a) Contact the restrained person to facilitate and verify immediate firearm relinquishment compliance.
 - b) Take custody of firearms or other prohibited items at a location where there is probable cause to believe those items are located, including through a lawful search or by requesting a search warrant to search for and seize those items.
 - c) Notify appropriate partners, such as court clerks, prosecutors, or petitioners or protected parties who may be in danger, that the restrained person has violated the protection or restraining order's firearm relinquishment procedures.
 - d) Arrest the restrained person for violating the court order and state law.
- 9) Requires the law enforcement agency to make the standards and policies developed pursuant to 1) available to the public upon request and to post information on the agency's website about how petitioners may request service of protection or restraining orders by the agency and how prohibited persons and other community members may relinquish firearms to the custody of the agency.
- 10) Encourages law enforcement agencies, in developing the standards and policies developed pursuant to 1), to consult and collaborate with domestic violence service providers and survivor advocates, gun violence prevention experts, local court staff, as well as guidance, technical assistance, or recommendations issued by the DOJ.

COMMENTS

1. Author's comment

According to the author:

California has some of the strongest gun violence prevention laws in the nation, but inconsistent enforcement of firearm relinquishment laws continues to put lives at risk. Under current law, individuals subject to protective orders with firearm restrictions are required to surrender their firearms. However, in practice, enforcement of these orders varies widely from county to county. Some law enforcement agencies diligently ensure firearm relinquishment, while others lack clear policies, creating a dangerous gap in public safety. Survivors of domestic violence, stalking, and workplace harassment deserve the full protection of the law, but when firearm surrender laws are not uniformly enforced, these individuals remain vulnerable to potential harm.

In 2023 alone, nearly 290,000 protective orders were issued in California, a 20% increase from 2020. Despite this high volume, some counties account for a disproportionate share of enforcement actions, while others rarely pursue

firearm relinquishment at all. This disparity undermines the effectiveness of protective orders and creates an unequal system of justice where an individual's safety depends largely on their geographic location. No one should have to fear for their life simply because their county lacks enforcement policies that others have in place.

AB 451 will ensure that all law enforcement agencies in California have standardized, enforceable policies for firearm relinquishment. By requiring firearms to be surrendered within 24 hours and proof of compliance to be submitted within 48 hours, this bill provides clear, actionable guidelines for law enforcement to follow. These policies will help prevent dangerous individuals from retaining access to firearms, reducing the risk of violence in communities across the state.

Every Californian deserves to feel safe in their home, workplace, and community. By strengthening and standardizing firearm relinquishment enforcement, AB 451 will close critical gaps in existing law, enhance public safety, and provide equal protection for all individuals, regardless of where they live. I urge my colleagues to support this bill and take a crucial step toward preventing further violence in our state.

2. Background on protective orders and gun violence

California has a wide array of protective order procedures through which a person can obtain a court order protecting them from another person's harassing or dangerous conduct. According to a report by the DOJ's Office of Gun Violence Prevention, the most frequently obtained protective orders in 2023 were (1) criminal protective orders (33 percent); (2) DVROs (32.7 percent); (3) emergency protective orders (17.1 percent); and (4) civil harassment restraining orders (12.2 percent).¹ Elder or dependent adult abuse restraining orders, juvenile restraining orders, gun violence restraining orders, and workplace violence restraining orders each made up fewer than three percent of the total orders issued.²

These seven protective order types, along with campus violence restraining orders, all prohibit the subject of the order (i.e., the restrained person) from possessing firearms and require the subject to relinquish any firearms in their control to law enforcement.³ Currently, DVPOs and gun violence restraining orders also require the protected person to relinquish any ammunition in their possession or control; these provisions will be extended to civil harassment restraining orders, workplace violence restraining

¹DOJ, Office of Gun Violence Prevention, Pathways to Safety: California's Nine Court Protection Orders to Prevent Gun Violence (Jun. 2024) p. 6, available at <https://oag.ca.gov/system/files/media/ogvp-restraining-order-report-062024.pdf> (link current as of July 3, 2025).

² *Ibid.*

³ *Id.* at pp. 10-11.

orders, campus restraining orders, criminal protective orders, and elder or dependent adult abuse restraining orders in 2026.⁴

Protective orders have been shown to benefit victims and decrease violence:

Research reviews have concluded that protection orders “are associated with reduced risk of violence toward the victim,” especially where they include effectively enforced provisions to restrict the respondent’s access to firearms. Studies have found that survivors who obtained final, multi-year protection orders reported significantly lower levels of violence while the protection order was in effect, and that survivors had significantly fewer emergency department visits and police incidents after obtaining a protective order.⁵

3. This bill is intended to improve enforcement of California’s firearm relinquishment laws by requiring law enforcement agencies to adopt uniform policies and procedures for implementing protective orders

As the author notes, while California has robust statutory protective order and firearm relinquishment regimes, in practice, enforcement is inconsistent across the state. This bill requires every municipal police department and county sheriff’s department, CHP, and the UC and CSU Police Departments to develop, adopt, and implement written policies and standards to promote safe and consistent service, implementation, and enforcement of protective orders and restraining orders that include firearm access restrictions. The policies and standards must cover a range of topics and practices, including:

- Timely service of protective orders on the restrained person, filing a proof of service with the court, and ensuring proof of service information is entered into the CARPOS through CLETS.
- Ensuring that officers effectuate firearm relinquishment at the time of service, through compliance with specified steps, and ensuring that the AFS is updated to record any firearms relinquished.
- Providing a standard process for firearm relinquishment compliance when the restrained person indicates that they cannot relinquish all firearms at the time of service.
- Establishing a process for the agency, in coordination with court staff and other law enforcement agencies and stakeholders, to proactively identify restrained persons who are illegally armed in violation of the court order and state law, including providing guidance on when to contact petitioners or protected parties who may be in danger that the restrained person has violated the protective order’s firearm relinquishment requirements.

⁴ Fam. Code, §§ 6218, 6380, 6389; Pen. Code, § 18120.

⁵ *Id.* at pp. 13-14 (internal footnotes omitted).

The policies must be in place on or before January 1, 2027, and must be made available to the public on request. The agency must also post information on its website about how petitioners may request service of a protective order and about how restrained persons and members of the community can relinquish firearms to the custody of the agency. The bill encourages law enforcement agencies to consult and collaborate with domestic violence service providers and survivor advocates, gun violence prevention experts, and local court staff in developing the policies and standards.

The Senate Public Safety Committee, which passed this bill with a vote of 6-0, amended the bill to streamline some of its provisions and to remove gun violence restraining orders from the bill. Current law already requires law enforcement officials to develop standards and procedures relating to gun violence restraining orders,⁶ so they were removed from this bill to avoid conflicting or duplicative procedures.

4. Arguments in support

According to Attorney General Rob Bonta:

California DOJ's Bureau of Firearms maintains a unique and vital initiative called the Armed and Prohibited Persons System (APPS) program, which employs about 60 special agents statewide (and other investigative and support staff) to help recover firearms from thousands of individuals every year who remain illegally armed after becoming prohibited from keeping firearms. In 2023, a majority of the individuals who were disarmed and removed from the APPS database of illegally armed individuals were prohibited due to a protection order. While these APPS efforts are a critical backstop, courts and local law enforcement must proactively ensure that protection order respondents promptly relinquish their weapons immediately after the order is served so they do not become illegally armed APPS subjects in the first place.

The DOJ's annual Armed and Prohibited Persons System report has recommended the development of a statewide, county-level firearm relinquishment system to promote a more consistent service and enforcement of firearm-prohibiting restraining orders and other court orders in the county. Requiring law enforcement agencies to more consistently facilitate relinquishment and recover firearms from restrained individuals immediately upon service of the various types of restraining orders will significantly reduce the number of individuals who become illegally armed each year and ensure that court protection and restraining orders provide meaningful protection to survivors of violence and abuse as soon as possible.

⁶ Pen. Code, § 18108.

SUPPORT

GIFFORDS (sponsor)
Arcadia Police Officers' Association
Attorney General Rob Bonta
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California District Attorneys Association
California Narcotic Officers' Association
California Reserve Police Officers Association
Corona Police Officers Association
Claremont Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Los Angeles School Police Management Association
Los Angeles Schools Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Officers Association
Novato Police Officers Association
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
San Diegans for Gun Violence Prevention

OPPOSITION

None received⁷

RELATED LEGISLATION

Pending legislation:

AB 1363 (Stefani, 2025) requires superior courts and the DOJ to maintain records relating to the transmittal of protective orders to the DOJ through CLETS or other means. AB 1363 is pending before the Senate Public Safety Committee.

⁷ The City of Beaumont opposed an earlier version of this bill but has removed its opposition and is now neutral.

AB 824 (Stefani, 2025) makes clarifying and conforming changes to existing civil and criminal protective order provisions. AB 824 is pending before this Committee and is set to be heard on the same date as this bill.

AB 561 (Quirk-Silva, 2025), among other things, requires a sheriff or marshal to serve specified civil harassment restraining orders without a fee. AB 561 is pending before the Senate Appropriations Committee.

Prior legislation:

SB 899 (Skinner, Ch. 544, Stats. 2024) extended firearm and ammunition relinquishment procedures in the DVPA to other specified protective orders.

AB 818 (Petrie-Norris, Ch. 242, Stats. 2023) requires a law enforcement officer to serve a domestic violence protective order issued under the DVPA and confiscate firearms obtained on the scene of a domestic violence incident, as specified.

AB 36 (Gabriel, 2023) would have prohibited, beginning July 1, 2024, a person subject to a protective order from owning, possessing, purchasing, or receiving a firearm or ammunition within three years after the expiration of the order, and expanded the grounds on which a search warrant may be issued when a person is prohibited from owning a firearm and the person has failed to relinquish the firearm. AB 36 died in the Assembly Appropriations Committee.

SB 320 (Eggman, Ch. 685, Stats. 2021) codified Rules of Court 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.

PRIOR VOTES:

Senate Public Safety Committee (Ayes 6, Noes 0)

Assembly Floor (Ayes 78, Noes 0)

Assembly Appropriations Committee (Ayes 14, Noes 0)

Assembly Public Safety Committee (Ayes 8, Noes 0)
