

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

AB 824 (Stefani)
Version: June 19, 2025
Hearing Date: July 8, 2025
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Protective orders: firearms and ammunition

DIGEST

This bill makes a number of changes to existing law in order to ensure that parties to civil protective order proceedings can appear remotely at hearings and that requirements relating to the seizure of ammunition, as well as firearms, which will take effect on January 1, 2026, from persons who are subject to such orders can be smoothly implemented.

EXECUTIVE SUMMARY

California has a number of provisions by which a person who is at risk of harassment, abuse, or other violence can obtain a protective order prohibiting the offending individual from engaging in specific acts. These protective order regimes include civil harassment restraining orders, workplace violence restraining orders, campus violence restraining orders, domestic violence prevention orders (DVROs) under the Domestic Violence Prevention Act, and elder and dependent adult protective orders under the EADACPA. These regimes currently have inconsistent provisions relating to remote appearances. Current law also requires the subject of a DVPO to relinquish firearms and ammunition for the pendency of the order, while the subjects of the other orders need relinquish only firearms; the law will expand to include a prohibition on possessing ammunition on January 1, 2026.

This bill makes a number of changes to existing law in order to facilitate the issuance of civil protective orders and the seizure of ammunition, as well as firearms, from persons who are subject to such orders. First, the bill specifies that parties to workplace violence restraining orders and campus violence restraining orders can appear remotely at proceedings at no charge. Second, the bill makes changes to provisions relating to the impending ammunition-relinquishment requirements, to ensure that the courts and law enforcement can implement these new requirements. Third the bill clarifies that a peace

officer shall seize ammunition, as well as firearms, in plain sight pursuant to a consensual or otherwise lawful search of a person who is the subject of a DVPA order.

This bill is sponsored by GIFFORDS and is supported by American College of Emergency Physicians, California Chapter, the California District Attorneys Association, the California Police Chiefs Association, San Diegans for Gun Violence Prevention, and the San Francisco Marin Medical Society. 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 to obtain a restraining order and, after a hearing, protective order to prohibit acts of harassment, or unlawful violence or a credible threat of violence at a workplace or postsecondary educational institution.
 - a) "Harassment" is defined as unlawful violence, a credible threat of violence, or 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 to the petitioner.
 - b) The temporary order or order issued after a hearing may enjoin a party from a range of conduct, including harassing, intimidating, attacking, stalking, threatening, or making phone calls to the petitioner. (Code Civ. Proc., §§ 527.6, 527.8, 527.85.)
- 2) Establishes a procedure for a victim or a witness to obtain a protective order upon good cause to believe that harm to, or intimidation or dissuasion of, the victim or witness is reasonably likely to occur (known as a criminal protective order). (Pen. Code, § 136.2.)
- 3) Establishes a procedure under the Elder and Dependent Adult Civil Protection Act (EADACPA) for the issuance of a protective order to an elder or dependent adult, as defined, who has suffered abuse, to enjoin the subject of the order from engaging in specific acts of abuse or to exclude the person from the elder or dependent adult's residence. A petition for such an order may be brought on behalf of the elder or dependent adult by a conservator, trustee, attorney-in-fact acting within a power of attorney, legally appointed guardian, or other person legally authorized to seek relief on behalf of the elder or dependent adult. (Welf. & Inst. Code, § 15657.03)

- 4) Requires a person subject to a temporary restraining order or an injunction issued pursuant to 1)-3) (the respondent) to relinquish any firearm in their possession or control, pursuant to enumerated procedures. (Code Civ. Proc., § 527.9.)
- 5) Provides, beginning January 1, 2026, that the firearm restrictions and relinquishment requirements under 4) include ammunition. (SB 899 (Skinner, Ch. 544, Stats. 2024), § 3.)
- 6) Establishes, beginning January 1, 2026, procedures by which a court can determine whether a respondent has a firearm in violation of a restraining order pursuant to 4), including through a hearing with or without the respondent in attendance. (SB 899 (Skinner, Ch. 544, Stats. 2024), § 4.)

This bill:

- 1) States that the Legislature encourages 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.
- 2) Provides that 1) becomes operative on July 1, 2026.
- 3) Provides that a party, support person, or witness may appear remotely at a hearing on a petition for a workplace violence restraining order or a campus violence restraining order, and that no fee may be charged for any of these persons to appear remotely.
- 4) Requires the superior court of each county to develop local rules and instructions for remote appearances under 3) and post them on its website.
- 5) Adds clarifying amendments to the provisions prohibiting the subject of a civil harassment restraining order, a workplace violence restraining order, a campus violence restraining order, a criminal protective order, or an elder or dependent adult protective order from possessing or controlling firearms or ammunition, relating to the scope of the ammunition-related restrictions that will take effect on January 1, 2026.
- 6) Adds a reference to “ammunition” to the provision requiring a peace officer to take custody of firearms in plain sight or discovered pursuant to a consensual search conducted of the subject of a DVPO.

- 7) Clarifies that the Penal Code’s definition of “firearm” for purposes of specified protective order statutes extends to Code of Civil Procedure sections 527.10 and 527.11.

COMMENTS

1. Author’s comment

According to the author:

AB 824 will expand upon the awareness and protections in existing law that permit an individual to appear remotely during requests for protective orders and restraining orders at no cost. It expands remote hearing access in school violence and work-place violence restraining order cases, while also encouraging the courts to make people aware of the ability to appear remotely through their self-help centers. Ensuring awareness and access to this important protection can save lives. Just recently, a couple from San Diego was shot and killed by the very individual they had sought protection from only two blocks from the courthouse. The couple had a hearing scheduled that morning regarding a restraining order against a spurned ex-romantic partner of the wife which provided the ex-partner with the knowledge of where and when he could target them. Increased awareness of the ability to participate remotely helps to avoid these potentially deadly situations. Importantly, this bill also makes clarifying changes to the procedures relating to protective orders by explicitly requiring a restrained person to relinquish, in addition to any firearm, any ammunition in that person’s immediate possession or control

2. Background on protective orders

California has a number of provisions by which a person who is at risk of harassment, abuse, or other violence can obtain a protective order prohibiting the offending individual from engaging in specific acts. These include DVPOs under the DVPA;¹ civil orders to protect against threats of harassment, workplace violence, and campus violence;² criminal protective orders to protect against the intimidation of witnesses to a crime;³ and protective orders against the abuse, isolation, or neglect of an elder or dependent adult.⁴

Under current law, a person subject to a DVPO is prohibited from possessing firearms or ammunition and is required to relinquish any firearms or ammunition in their

¹ Fam. Code, §§ 6200 et seq.

² Code Civ. Proc., §§ 527.6, 527.8, 527.85.

³ Pen. Code, § 136.2.

⁴ Welf. & Inst. Code, § 15657.03.

control.⁵ The other orders listed above currently include a prohibition on possessing, and a requirement to relinquish, firearms, but not ammunition;⁶ the prohibition and relinquishment requirements will extend to ammunition beginning January 1, 2026.⁷

The DVPO also expressly permits parties to file documentations electronically and to appear remotely at hearings.⁸ With respect to the other forms of protective orders listed above, the Code of Civil Procedure generally establishes a right to appear remotely at proceedings with notice to the other party;⁹ given the nature of protective order proceedings, the pre-hearing notice requirement may present a risk to the person seeking to be protected.

3. This bill makes a number of harmonizing changes to various protective order statutes

Because the statutes governing protective orders are spread out through the Codes, changes to protective order regimes are often made piecemeal, resulting in disparate rights and protections for victims of harassment and abuse. While the Legislature enacted legislation last session to align the firearm relinquishment provisions in the protective order statutes,¹⁰ there has been no similar effort with respect to procedural matters.

This bill aligns the remote appearance requirements for workplace violence restraining orders and campus violence restraining orders with those currently in place for the DVPA, and specifies that there shall not be a fee for remote appearances. A separate bill, set to be heard by this Committee on the same date as this bill, makes similar conforming changes to the civil harassment protective order and elder and dependent adult protective order statutes.¹¹

This bill also adds clarifying changes relating to the ammunition-related restrictions that will take effect on January 1, 2026. These changes are intended to ensure that the ammunition restrictions placed on the subject of a civil harassment restraining order, workplace violence restraining order, campus violence restraining order, criminal protective order, and elder and dependent adult protective order can be easily implemented by the courts and law enforcement.

⁵ Fam. Code, § 6389.

⁶ Code Civ. Proc., § 527.9.

⁷ SB 899 (Skinner, Ch. 544, Stats. 2024).

⁸ Fam. Code, §§ 6306.5, 6307, 6308.

⁹ Code Civ. Proc., § 367.75.

¹⁰ See SB 899 (Skinner, Ch. 544, Stats. 2024).

¹¹ See AB 561 (Quirk-Silva, 2025).

4. Arguments in support

According to GIFFORDS:

During the COVID-19 pandemic, remote court appearances became widely available, offering a safer and more accessible option for individuals navigating the legal system. AB 824 builds on this progress by expanding remote hearing access for school violence and workplace violence restraining orders. It also encourages the Judicial Council to integrate remote appearance requests into petition forms and to provide safety planning resources through court self-help centers.

By facilitating remote participation in protective order hearings, AB 824 helps mitigate the risks of in-person confrontation and prevents perpetrators from using court proceedings as an opportunity for further harm. This bill is a commonsense measure that prioritizes survivor safety and ensures that protective orders fulfill their intended purpose.

SUPPORT

GIFFORDS (sponsor)

American College of Emergency Physicians, California Chapter

California District Attorneys Association

California Police Chiefs Association

San Diegans for Gun Violence Prevention

San Francisco Marin Medical Society

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation:

AB 1363 (Stefani, 2025) adds requirements relating to the transmittal of certain types of protective orders, including the orders addressed in AB 824, to the DOJ for enforcement, including of the firearm restriction provisions. AB 1363 is pending before this Committee and is set to be heard on the same date as this bill.

AB 561 (Quirk-Silva, 2025) harmonizes provisions relating to filing fees, remote appearances, and alternative service in civil harassment restraining order proceedings and protective order proceedings under the Domestic Violence Prevention Act (DVPA) and the EADACPA, and prohibits the charging of fees for filing or remote appearances

in those proceedings. AB 561 is pending before this Committee and is set to be heard on the same date as this bill.

Prior legislation:

SB 899 (Skinner, Ch. 544, Stats. 2024) extended firearm and ammunition relinquishment procedures that exist for purposes of domestic violence restraining orders to other forms of protective orders, beginning January 1, 2026.

AB 2960 (Committee on Judiciary, Ch. 420, Stats. 2022) added the provision relating to electronic filing in DVPA cases and modified the DVPA remote appearance statute.

SB 538 (Rubio, Ch. 686, Stats. 2021) required courts to accept electronic filings in DVPA and gun violence restraining order matters, and permitted the parties and witnesses in those matters to appear remotely at hearings.

PRIOR VOTES:

Senate Public Safety Committee (Ayes 6, Noes 0)

Assembly Floor (Ayes 78, Noes 0)

Assembly Appropriations Committee (Ayes 14, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)

Assembly Public Safety Committee (Ayes 9, Noes 0)
