

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

AB 1363 (Stefani)
Version: May 23, 2025
Hearing Date: July 8, 2025
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Protective orders: Wyland's Law

DIGEST

This bill requires superior courts and the Department of Justice (DOJ) to maintain specified records relating to the courts' transmittal, and the DOJ's receipt, of information relating to a protective order, and specifies when and how the records must be made available to the parties to the order, protected persons, and the public.

EXECUTIVE SUMMARY

Current law requires courts to transmit information about protective orders to the DOJ when such orders are issued or modified. Current law also provides that the DOJ's records relating to protective orders – including whether they received records from a superior court – must be made available to the public on request under the California Public Records Act (CPRA). These requirements are intended to ensure that terms of the order – such as the prohibition on a restrained person owning and possessing firearms – are transmitted to law enforcement and to any person conducting a background check in connection with a firearm sale.

The existing laws relating to the transmittal of protective order information, however, are not always followed. This bill is intended to ensure both that (1) the DOJ receives the statutorily required information about protective orders, and (2) persons protected by protective orders can receive confirmation that the information was transmitted. To that end, the bill requires both the courts and the DOJ to maintain records establishing that protective order information was transmitted to the DOJ, and requires them to make the records available to the parties to the order, protected persons, and the public, as specified. The author has agreed to amendments to align the bill's obligations with the courts' existing obligations under the Domestic Violence Prevention Act (DVPA) and other protective order regimes, and to require a court to produce information

demonstrating that the court, or its designee, transmitted the order, rather than to create and produce a specific transmission record.

This bill is sponsored by GIFFORDS and is supported by Everytown for Gun Safety, the San Diego County Board of Supervisors, San Diegans for Gun Violence Prevention, the San Francisco District Attorney's Office, and the San Francisco Marin Medical Society. The Committee has not received timely opposition to this bill. If this Committee passes this bill, it will be referred to the Senate Public Safety Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides that, when the following types of protective orders are issued, the court must order the subject of the order to relinquish any firearms, or firearms and ammunition,¹ in their immediate possession control or subject to their immediate possession or control:
 - a) A civil protective order to prevent harassment, workplace violence, or the threat of campus violence. (Civ. Code, §§ 527.6, 527.8, 527.85, 527.9.)
 - b) A restraining order or protective order (DVRO) issued under the Domestic Violence Prevention Act (DVPA). (Fam. Code, §§ 6218, 6389.)
 - c) A protective order to prevent the intimidation of witnesses (known as a criminal protective order). (Pen. Code, § 136.2.)
 - d) A juvenile court order related to domestic violence, including orders to protect a parent, legal guardian, or caretaker of a child who is a dependent or ward of the juvenile court. (Welf. & Inst. Code, § 213.5.)
 - e) A protective order to prevent the abuse of an elder or dependent adult. (Welf. & Inst. Code, § 15657.03.)
 - f) A protective order issued by a tribunal of another state and registered with the clerk of a court of this state. (Fam. Code, §§ 6401, 6380.)
- 2) Permits a court sentencing a defendant for specified retail crimes, including shoplifting, any theft from a retail establishment, and organized retail theft, to issue an order prohibiting the defendant from entering the retail establishment, and if the retail establishment is a chain or a franchise, any other retail establishments in the chain or franchise within a specified geographic range, if specified conditions are met; and permits a prosecuting attorney or attorney representing the retail establishment to request such an order be issued against a person in lieu of a citation. (Pen. Code, § 490.8.)

¹ DVPOs already require the relinquishment of ammunition; beginning January 1, 2026, the remaining order types listed in 1) will also require the relinquishment of ammunition. (See SB 899 (Skinner, Ch. 544, Stats. 2024).)

- 3) Requires each county, with the approval of the Department of Justice, to have a procedure, using existing systems, for the electronic transmission of the data described in 4) and 5) to the DOJ. The data must be electronically transmitted through the California Law Enforcement Telecommunications System (CLETS), unless the Department of Justice approves an alternative method. (Fam. Code, § 6380(a).)
- 4) Provides that all data relating to criminal protective orders and data filed in connection with DVPA orders on the required Judicial Council forms shall be transmitted by the court or its designee within one business day by either (1) transmitting a physical copy of the order to a local law enforcement agency authorized by the DOJ to enter orders into CLETS, or (2) with the approval of the DOJ, entering the order into CLETS directly. (Fam. Code, § 6380(a).)
- 5) Provides that, upon the issuance of an order listed in 1) or 2), including any such 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 DOJ shall be immediately notified of the contents of the order and the following information:
 - a) The name, race, date of birth, and other personal descriptive information of the respondent as required by a form prescribed by the DOJ.
 - b) The names of the protected persons.
 - c) The date of issuance of the order.
 - d) The duration or expiration date of the order.
 - e) The terms and conditions of the protective order, including stay-away, no-contact, residency exclusion, custody, and visitation provisions of the order.
 - f) The department or division number and the address of the court.
 - g) Whether or not the order was served upon the respondent.
 - h) The terms and conditions of any restrictions on the ownership or possession of firearms. (Fam. Code, § 6380(b).)
- 6) Provides that all of the available information listed in 5) must be included in the notice to the DOJ, and the inability to provide all categories of information shall not delay the entry of the information available. (Fam. Code, § 6380(b).)
- 7) Provides that the transmission of the data in 5) to the DOJ for a civil harassment restraining order, workplace violence prevention order, campus violence prevention order, or elder or dependent adult protective order may be accomplished as follows:
 - a) The court shall order the petitioner or the attorney for the petitioner to deliver a copy of the order, and any subsequent proof of service, by the close of the business day on which the order was made to a law enforcement agency having jurisdiction over the residence of the petitioner and to any law enforcement agencies within the court's discretion as requested by the petitioner.

- b) Alternatively, the court or its designee shall transmit to law enforcement, within one business day, all information required in 3) by either transmitting a physical copy of the order or proof of service to a local law enforcement agency to enter the order into CLETS, or, with the approval of the DOJ, entering the order or proof of service into CLETS directly. (Code Civ. Proc., §§ 527.6(r), 527.8(s), 527.85(r); Welf. & Inst. Code, § 15657.03(p).)
- 8) Provides that the transmission of all data with respect to a juvenile court protective order shall be transmitted by the court or its designee, within one business day, to law enforcement personnel by either (1) transmitting a physical copy of the order to a local law enforcement agency authorized by the DOJ to enter orders into CLETS, or (2) with the approval of the DOJ, entering the order into CLETS directly. (Welf. & Inst. Code, § 213.5.)
- 9) Provides that the information conveyed to the DOJ pursuant to 4) shall also indicate whether the respondent was present in court to be informed of the contents of the court order, as specified, and whether the respondent failed to appear. (Fam. Code, § 6380(c).)
- 10) Requires the proof of service of a protective order to be provided to the DOJ as follows:
- a) When the protective order was served by a law enforcement officer, the officer shall submit the proof of service, within one business day of service, directly into the DOJ California Restraining Order and Protective System, including the officer's name and law enforcement agency, and shall transmit the original proof of service form to the issuing court.
 - b) When the protective order was served by a person other than a law enforcement officer, the court, within one business day of receipt of proof of service, shall submit the proof of service directly into the DOJ 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 DOJ by electronic transmission, the court shall, within one business day of receipt, transmit a copy of the proof of service to a local law enforcement agency, which shall submit the proof of service directly into the DOJ California Restraining and Protective Order System within one day of receipt from the court. (Fam. Code, § 6380(d).)
- 11) Requires the DOJ to maintain a California Restraining and Protective Order System and make available to court clerks and law enforcement personnel, through computer access, all information regarding the protective and restraining orders and injunctions described in 1), whether or not served on the respondent. (Fam. Code, § 6380(e).)
- 12) Provides that, if a court issues a modification, extension, or termination of a protective order, it shall be on forms adopted by the Judicial Council and approved

by the DOJ, and the transmitting agency for the county shall immediately notify the DOJ, by electronic transmission, of the terms of the modification, extension, or termination. (Fam. Code, § 6380(f).)

- 13) Provides that “electronic transmission” includes computer access through CLETS. (Fam. Code, § 6380(h).)
- 14) Provides that only protective and restraining orders issued on forms adopted by the Judicial Council and approved by the DOJ shall be transmitted to the DOJ, except for valid protective or restraining orders relating to domestic or family violence issued by a tribunal of another state, which shall be registered upon request, as specified. (Fam. Code, § 6380(i).)
- 15) Establishes the California Public Records Act (CPRA), which provides for the people’s access to government records. (Gov. Code, tit. 1, div. 10, §§ 7920.000 et seq.)

This bill:

- 1) Requires a superior court to maintain a record demonstrating that it has discharged its obligations to transmit information about a protective or restraining order to the DOJ under subdivisions (a) and (b) of section 6380 of the Family Code (collectively, Section 6380).
 - a) The record shall include the case number, the name of the court that issued the order, the name of the respondent, the date of issuance of the order, and the date the superior court transmitted the order.
 - b) The record shall not contain a protected party’s personal identifying information.
- 2) Provides that, when a superior court uses a designee to transmit information about a protective order to the DOJ under Section 6380, the designee shall confirm with the superior court that it transmitted information about the protective order and the superior court shall maintain the record that the information was transmitted to the department.
- 3) Requires the DOJ to maintain a record demonstrating receipt of the information about a record transmitted to it pursuant to Section 6380.
- 4) Requires the superior court that issued a protective order to make a record maintained pursuant to 1) or 2) available upon the oral or written request of a petitioner, respondent, or protected person, or their representative, within one business day or, if the request is made on the same day the order is issued, within two business days.

- 5) Permits the DOJ to 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, including all of the following:
 - a) Whether the DOJ has received a record of the protective order.
 - b) If the protective order has been successfully served on the restrained person.
 - c) If the restrained person has violated the protective order by attempting to purchase or acquire a firearm while the order is in effect.
- 6) Provides that, notwithstanding any other law, a record demonstrating transmission of information about a protective order that a superior court maintains pursuant to 1) is required to be open to public inspection and copying.
- 7) Provides that a record demonstrating transmission of information about a protective order is not exempt from disclosure pursuant to the California Public Records Act (Gov. Code, tit. 1, div. 10, §§ 7920.000 et seq.), and states that this provision does not constitute a change in, but is declaratory of, existing law.
- 8) Provides that 6) and 7) apply to cases pending before January 1, 2026, to the extent that information about a protective order is necessary to verify a superior court's transmission obligations, as specified.
- 9) Defines "personal identifying information" to have the same meaning as in Penal Code section 530.55.

COMMENTS

1. Author's comment

According to the author:

Gun violence is a crisis that affects communities across California and it is now the leading cause of death for children and teens in our country. One piece of the critical gun violence protections already in current law include that Superior Courts transmit protective orders to the Department of Justice (DOJ) in order to ensure that a restrained person cannot pass a background check when attempting to purchase firearms. In 2016, a failure to transmit these life-saving orders of protection from the Superior Court to the Department of Justice resulted in lethal consequences for Wyland Thomas Gomes when his father successfully purchased a firearm and then used it to shoot and kill 10 year-old Wyland before taking his own life. AB 1363, named in Wyland's honor, seeks to provide individuals with a means of ensuring that protection orders are successfully transmitted to the Department of Justice for registration in their systems. By

establishing a clear, accessible system for verifying this information, AB 1363 ensures that petitioners, respondents, protected persons, or their representative can easily access confirmation of a protective order's status within one business day. This is vital for ensuring that individuals have the timely information they need to protect themselves and others from the devastating impacts of gun violence.

2. Background on California's protective order regime, including firearm and ammunition relinquishment requirements

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;² civil orders to protect against threats of harassment, workplace violence, and campus violence;³ criminal protective orders;⁴ and protective orders against the abuse, isolation, or neglect of an elder or dependent adult.⁵

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 control.⁶ The other orders listed above currently include a prohibition on possessing, and a requirement to relinquish, firearms, but not ammunition;⁷ the prohibition and relinquishment requirements will extend to ammunition beginning January 1, 2026.⁸

Current law also requires that protective orders, or specified information relating to the parties covered by protective orders, be transferred to the DOJ, generally through the CLETS system, so that the information can be entered into the California Restraining and Protective Order System (CARPOS).⁹ CARPOS is a statewide database that "provides courts and law enforcement agencies with access, through CLETS, to important details about court protection and restraining orders, including their terms and conditions, firearm prohibitions, expiration date, whether the respondent has received notice of the order, and who[m] the order restrains and protects."¹⁰

For DVPOs, information about the order can be transmitted to the DOJ directly by the court or by a law enforcement agency designated by the court.¹¹ According to information provided by the Judicial Council, 7 superior courts enter their own DVPO

² Fam. Code, §§ 6200 et seq.

³ Code Civ. Proc., §§ 527.6, 527.8, 527.85.

⁴ Pen. Code, § 136.2.

⁵ Welf. & Inst. Code, § 15657.03.

⁶ Fam. Code, § 6389.

⁷ Code Civ. Proc., § 527.9.

⁸ SB 899 (Skinner, Ch. 544, Stats. 2024).

⁹ Fam. Code, § 6380.

¹⁰ California Department of Justice, Armed and Prohibited Persons System Report 2024, p. 11.

¹¹ See Fam. Code, § 6380(a), (b).

data into CLETS, with the remaining 51 designating a law enforcement agency to do the transmittals. For the other types of protective orders, there is a patchwork of requirements regarding which entity or entities have the obligation to submit an order to law enforcement for transmittal.¹²

3. The DOJ does not always receive protective order information, with tragic results

This bill is named after Wyland Thomas Gomes, whose father was allowed to purchase a firearm even though he was prohibited from possessing a firearm by a DVPO entered by the Kings County Superior Court.¹³ Wyland's father shot and killed Wyland and then took his own life.¹⁴ Wyland was 10 years old.¹⁵

After Wyland's murder, his mother, Christy Camara, attempted to determine why Gomes was able to purchase a gun despite the DVPO. According to information provided by Camara's attorney, Camara was first blocked from obtaining information from the DOJ about the transmittal when the DOJ refused to provide the information pursuant to her CPRA request. Camara sued the DOJ and finally prevailed.¹⁶ The records she received revealed that Kings County had failed to transmit three of the four DVPOs issued against Wyland's father to the DOJ, including the order that was in effect when he purchased the firearm.

4. This bill is intended to ensure that protective order information is transmitted to the DOJ and that individuals can confirm whether the transmittal occurred

It is unknown how many protective orders are issued but never transmitted to the DOJ or entered into CARPOS. Given the dangers of allowing abusers to possess firearms, however, every untransmitted order puts the protected persons, and the public, at risk. This bill is intended to ensure both that (1) the DOJ receives the statutorily required information about protective orders, and (2) persons protected by protective orders can receive confirmation that the information was transmitted.

First, this bill requires the superior court that issued a protective order to maintain a record of its transmittal of the order, or information relating to the order, to the DOJ. If the court relies on a designee to transmit the order or information through CLETS, the designee must provide confirmation to the superior court and the court must maintain that record. The bill requires the record to include specified information relating to the transmittal. The superior court must make the record available for inspection upon oral

¹² See Civ. Code, §§ 527.6, 527.8, 527.85; Pen. Code, § 136.2. Welf. & Inst. Code, § 15657.03.

¹³ Branson-Potts, *A 10-year-old was killed by his father; proposed California law aims to close gun loophole* (Apr. 15, 2025) Los Angeles Times, available at <https://www.latimes.com/california/story/2025-04-15/after-a-10-year-old-was-murdered-by-his-father-a-proposed-california-law-aims-to-close-gun-loophole> (link current as of July 3, 2025).

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ See *Camara Gomes v. Dep't of Justice* (S.F. Super. Ct.) Case No. CPF-22-517886..

or written request of the petitioner, respondent, or protected person. The author has agreed to amend the bill to require the courts to produce information confirming that the transmission occurred, rather than to maintain and produce a specific record; the amendments are set forth below in Comment 5.

Second, the bill requires the DOJ to maintain a record demonstrating receipt of information about a protective order. The bill specifies that any such record maintained by the DOJ is a public record that is not exempt from disclosure under the CPRA, and states that this provision is declaratory of existing law. The bill also permits the DOJ to update the CARPOS database to establish a portal within the database for protected persons, which would enable them to gain access to information about their case, including whether the DOJ has received the order and whether it has been served on the retrained person.

5. Amendments

As noted above, the author has agreed to amendments to better tailor the bill to the existing statutory requirements relating to the transmittal of information to the DOJ and relating to the public nature of protective orders. Specifically, in light of the varied statutory obligations relating to the transmittal of information to the DOJ outside the DVPA, the author has agreed to clarify the scope of the courts' obligation to maintain a record of information transmitted to the DOJ. Additionally, the amendments clarify the obligations of the courts who use a law enforcement designee to transmit information to the DOJ, as well as the obligations of those designees.

The amendments are set forth below, subject to any nonsubstantive changes the Office of Legislative Counsel may make.

Amendment 1

Add a new Section 1 to the bill that reads:

The Legislature finds and declares that subdivisions (a) and (b) of Section 6380 impose a mandatory duty on the superior court to transmit a protective order issued pursuant to this division, with the exception of an order issued under Section 6271, to the Department of Justice, directly or through a law enforcement designee.

Amendment 2

On page 2, delete line 5 after "(b)(1)" and all of lines 6-12, and delete lines 1-2 on page 3, and insert:

Upon the oral or written request of a petitioner, respondent, or protected person, or their representative, a superior court that issued a protective order shall, within one

business day or, if the request is made on the same day the order is issued, within two business days, make available to the requester the following:

(A) Information demonstrating when the superior court or its designee transmitted information to the department pursuant to subdivision (a) of Section 6380.

(B) Information demonstrating when the superior court or its designee transmitted information to the department, as described in subdivision (b) of Section 6380, from orders issued pursuant to all of the following:

(i) Section 136.2 of the Penal Code.

(ii) Section 213.5, 304, or 362.4 of the Welfare and Institutions Code.

(iii) This division, excluding Section 6271.

(C) Information demonstrating when the superior court or its designee transmitted information to the department, as described in subdivision (b) of Section 6380, or information demonstrating that the court ordered the petitioner or the petitioner's attorney to deliver a copy of the order to a law enforcement agency, for orders issued pursuant to all of the following:

(i) Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure.

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

Amendment 3

On page 3, in line 5, after "confirm" insert ", within one business day,"

Amendment 4

On page 3, in line 8, after "record" insert "from the designee"

Amendment 5

On page 3, delete lines 14-19.

Amendment 6

On page 3, in line 34, after "may" insert ", subject to an appropriation,"

Amendment 7

On page 4, in line 5, after "(3)" insert "Notwithstanding any other law,"

Amendment 8

On page 4, delete line 10 and line 11 through “subdivision (b)” and insert “whether the superior court has fulfilled its transmission obligations under this section, or pursuant to subdivision (a) or (b) of Section 6380,”

Amendment 9

On page 4, delete lines 35 and 36 and insert “(2) “Protective order” includes all order types listed in Section 6380 and includes an order, reissuance, extension, modification, or termination.”

6. Arguments in support

According to GIFFORDS:

The tragic case of Wyland Thomas Gomes, who lost his life at age 10, underscores the urgent need for AB 1363. In December 2016, a restraining order, including a firearm prohibition, was issued against Victor Gomes, Wyland’s father. Sadly, the Kings County Superior Court failed to timely transmit this order to the Department of Justice (DOJ), as mandated by Family Code section 6380. Because the order wasn’t transmitted, Victor Gomes was able to purchase a firearm, ultimately leading to Wyland’s death.

Importantly, current law does not provide a protected party the ability to confirm a protective order has been properly transmitted. In fact, it took Wyland’s mother, Christy Camara Gomes, two years of litigation and eight public record requests to uncover the court’s error. No victim should be denied the life-saving information that their protective order has been handled properly.

Assembly Bill 1363 (Wyland’s Law) provides essential safeguards to prevent similar tragedies. By requiring superior courts to maintain records proving the transmission of protective orders, enabling the Department of Justice to create a notification system for protected parties, and by making these records readily accessible to petitioners, protected persons, and their representatives, this bill ensures accountability and transparency.

SUPPORT

GIFFORDS (sponsor)
Everytown for Gun Safety
San Diego County Board of Supervisors
San Diegans for Gun Violence Prevention
San Francisco District Attorney’s Office

San Francisco Marin Medical Society

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: AB 451 (Petrie-Norris, 2025) requires law enforcement agencies in the state to develop written policies and standards relating to the service, enforcement, and transmittal of protective orders, particularly those that include firearm and ammunition restrictions. AB 451 is pending before this Committee.

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 3209 (Berman, Ch. 169, Stats. 2024) established the retail theft restraining order and added the requirement to transmit data relating to the order to the DOJ in Family Code section 6380(b).

SB 1089 (Jackson, Ch. 89, Stats. 2018) clarified that all protective orders subject to CLETS transmittal to the DOJ must be so transmitted.

PRIOR VOTES:

Assembly Floor (Ayes 79, Noes 0)
Assembly Appropriations Committee (Ayes 11, Noes 0)
Assembly Judiciary Committee (Ayes 12, Noes 0)
