

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

AB 1753 (Stefani)  
Version: June 17, 2026  
Hearing Date: June 30, 2026  
Fiscal: Yes  
Urgency: No  
AWM

**SUBJECT**

Protective orders: firearms and ammunition: notice and procedures

**DIGEST**

This bill strengthens existing firearm and ammunition relinquishment procedures under existing protective order statutes, and makes changes to California's civil protective orders relating to service, remote appearances, and recognition of protective orders issued in other jurisdictions.

**EXECUTIVE SUMMARY**

State law provides for civil restraining and protective orders to protect against domestic violence, elder abuse, workplace violence, and violence at postsecondary educational institutions; state law also provides for criminal protective orders, including gun violence restraining orders. Under most civil or criminal protective order regimes, the subject of the order is prohibited from owning or possessing firearms or ammunition and must relinquish any firearms or ammunition in their possession.

AB 1753 proposes numerous changes to various restraining order provisions in order to increase the efficacy of such orders, particularly as they relate to gun violence. Many of the bill's provisions are within the Senate Public Safety Committee's jurisdiction, which passed this bill with a vote of 5-0.

For purposes of this Committee's jurisdiction, this bill prohibits a court from refusing to issue specified ex parte and temporary civil law restraining orders where the petitioner has not complied with a pre-filing notice requirement, if enforcing the requirement is likely to result in harm to the petitioner or another party; authorizes a court to conduct specified record searches in advance of a hearing on a civil protective order petition, similar to the processes available under the Domestic Violence Prevention Act (DVPA); creates consistency between the various civil restraining orders' provisions for remote appearances; and expands statutes relating to the recognition of valid protection orders

issued by another state or jurisdiction, including under the federal Violence Against Women Act. The author has agreed to remove a provision of this bill that conflicts with AB 1657 (Rogers, 2026), which this Committee passed at its June 9, 2026, hearing.

This bill is sponsored by the California Department of Justice and Giffords, and is supported by Brady, the California Police Chiefs Association, Everytown for Gun Safety, the Los Angeles District Attorney's Office, and the San Francisco Marin Medical Society. This bill is opposed by the California Rifle & Pistol Association and the National Rifle Association's Institute for Legislative Action. The Senate Public Safety Committee passed this bill with a vote of 5-0.

### **PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Establishes the processes and requirements for the grant of preliminary injunctive relief in a civil matter. (Code Civ. Proc., § 527.)
- 2) Establishes civil protective order regimes through which persons may obtain an ex parte order, or an order after hearing, on the basis of the following:
  - a) Harassment, as defined, including unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person, as provided. (Code Civ. Proc., § 527.6.)
  - b) Harassment, unlawful violence, or a credible threat of violence against an employee or other person at a workplace, known as a workplace violence restraining order (WVRO). (Code Civ. Proc., § 527.8.)
  - c) Unlawful violence or a credible threat of violence against a student at a postsecondary educational institution. (Code Civ. Proc., § 527.85.)
  - d) Domestic violence, as defined. (Fam. Code, div. 10, §§ 6200 et seq.)
  - e) Abuse of an elder or dependent adult. (Welf. & Inst. Code, § 15657.03.)
- 3) Requires, prior to a hearing on the issuance or denial of an order under the DVPA, the court to ensure that a search is or has been conducted to determine if the subject of the proposed order:
  - a) Has a prior criminal conviction for specified felonies.
  - b) Has a prior misdemeanor conviction involving domestic violence, weapons, or other violence.
  - c) Has an outstanding warrant.
  - d) Is currently on parole or probation.
  - e) Owns or possesses a firearm as reflected in the Department of Justice Automated Firearms System.
  - f) Has a prior restraining order or violation of a prior restraining order. (Fam. Code, § 6306.)

- 4) Requires the search in 3) to be conducted of all records and databases readily available and reasonably accessible to the court, as specified. (Fam. Code, § 6306.)
- 5) Requires the court, after issuing its ruling on whether to issue or deny a DVPA order after hearing, to advise the parties that they may request any information obtained through the search in 3) on which the court relied in its decision or in making any temporary custody or visitation orders, and to keep all information obtained in the search in a confidential case file, as specified. (Fam. Code, § 6306.)
- 6) Requires a person subject to an order issued pursuant to 2) to relinquish any firearms or ammunition in their possession or control to law enforcement, as specified. (Code Civ. Proc., § 527.9; Fam. Code, § 6389.)
- 7) Establishes procedures and requirements relating to the service of a protective order under 2) by a law enforcement officer. (Code Civ. Proc., § 527.12; Fam. Code, § 6383.)
- 8) Permits a person protected by a protected order issued in another jurisdiction to seek enforcement of that order, provided that the order meets specified requirements. (Fam. Code, §§ 6400-6409.)
- 9) Requires each county to develop a procedure for transmitting an order issued under 2), or recognized under 10), to the DOJ through the California Law Enforcement Telecommunications System (CLETS), along with specified information about the restrained person; and requires the DOJ to input the submitted information into the California Restraining and Protective Order System, which shall be available to court clerks and law enforcement personnel. (Fam. Code, §§ 6380, 6380.5.)
- 10) Establishes the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, which provides for the enforcement of a protective order issued by a tribunal of another state to enjoin domestic violence, family violence, or stalking conduct, known as a "foreign protective order," as follows:
  - a) A person authorized by California law to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a California state court; the court shall enforce the terms of the order, including terms that the tribunal of this state would lack the power to provide independently.
  - b) The order shall be enforced if it is an order issued in response to a complaint, petition, or motion filed by, or on behalf of, the individual seeking protection.
  - c) A foreign protective order is valid if it satisfies certain criteria, including that the order identifies the protected individual and respondent, is currently in effect, and was issued pursuant to specified due process requirements. (Fam. Code, §§ 6401, 6402.)
- 11) Establishes procedures and requirements within the Penal Code relating to the relinquishment of firearms and ammunition, pursuant to orders listed in 2), for

criminal protective orders, or in connection with criminal proceedings. (Pen. Code, §§ 18100-18225, 18250-18500, 298-29830.)

This bill:

- 1) Specifies, for civil protective orders other than DVPA protective orders, that petitioners should be required to provide notice to the proposed respondent of a petition for a temporary or ex parte order based on a case-by-case determination that takes the interests of justice and safety into account.
  - a) The court shall not require a petitioner to provide prior notice to the proposed respondent in advance of filing an application for a temporary or ex parte protective order, if requiring pre-filing notice would likely endanger the applicant or other person's safety.
  - b) A petitioner shall not be required to establish exceptional circumstances to file an application for a temporary or ex parte protective or restraining order without providing pre-filing notice to the proposed respondent.
  - c) A court shall not adopt or maintain any rule, form, or practice that is inconsistent with these provisions.
- 2) States that the Legislature encourages court self-help centers and other stakeholders that provide information and safety planning support to other survivors of violent, abusive, or other dangerous conduct to inform individuals considering protective or restraining orders that 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 petitioner; this provision shall become operative on July 1, 2027.
- 3) Provides that a party, support person, or witness may appear remotely at a hearing on a petition for an order for a WVRO or postsecondary educational institution protective order, and requires the superior court of each county to develop local rules and instructions for remote appearances and post them on its website.
- 4) Adds "ammunition" to provisions of the civil protective order statutes, to bring them into conformity with existing law regarding firearm and ammunition relinquishment.
- 5) Provides that a peace officer required to serve a civil restraining or protective order, or a DVPA order, shall comply with existing law governing service of process by a sheriff or marshal; and permits, beginning January 1, 2028, a peace officer serving a civil restraining or protective order to submit a billing to the superior court for payment of fees for service of the order, as specified.
- 6) Clarifies that a court adjudicating specified civil protective orders or restraining orders may order a search to be conducted of the Department of Justice Automated Firearm System and other databases, as described, if the court is not otherwise

required to cause a search to be conducted pursuant to the specific statutory framework; after issuing its ruling, the court shall advise the parties regarding their rights to request information obtained in the search and the confidentiality of the results, as specified.

- 7) Provides that a search pursuant to 6) may be conducted pursuant to the existing search provisions in the DVPA in any of the following circumstances:
  - a) Upon receiving a petition for any protective order or restraining order.
  - b) Before a hearing on the issuance, renewal, or termination of any protective or restraining order.
  - c) Before a hearing concerning the respondent's compliance with, or violation of, any protective or restraining order.
- 8) Permits, to the extent practicable with available resources, courts and designated law enforcement partners to develop protocols to ensure that before a hearing on the issuance, renewal, or termination of any order under 6) that includes firearm prohibitions, a search is conducted of, at a minimum, the Department of Justice Automated Firearms System in order to inform the court's findings about whether the respondent owns, possesses, or controls firearms and has relinquished all firearms in compliance with a court order or state law.
- 9) Provides the following with respect to the DVPA:
  - a) A petitioner shall not be uniformly required to provide prior notice to the proposed respondent about a petition for a temporary or ex parte protective or temporary restraining order (TRO) in all cases, and shall not be required to establish exceptional circumstances; a court shall not adopt or maintain any rule, form, or practice that is inconsistent with this requirement.
  - b) A petitioner shall be required to provide prior notice to the proposed respondent about a petition for a temporary or ex parte TRO only on a case-by-case basis, if the court determines that requiring prior notice would be in the interests of justice and would not likely endanger the petitioner, proposed protected parties, or other persons.
- 10) Expands the counties' existing obligation to develop a procedure for the electronic transmission of data relating to gun violence protection orders and DVPA orders to the Department of Justice, as follows:
  - a) Expands the categories of protective orders in connection with which data must be filed, to include additional criminal protective orders and additional civil protective orders.
  - b) Expands the categories of protective orders which require the courts to upload information following the issuance of the order, to include additional criminal protective, civil, and valid out-of-state orders.
  - c) Specifies that all protective and restraining orders issued on forms adopted by the Judicial Council and approved by the Department of Justice shall be

transmitted to the Department of Justice; a valid order issued by a tribunal of another state or jurisdiction shall be registered upon request.

- 11) Authorizes the Department of Justice to use funding from grants or other sources to establish the automated protected person and notification system authorized under existing law.
- 12) Modifies and clarifies the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, as follows:
  - a) Changes the definition of “foreign protective order” to include a protection order issued by a tribunal of another jurisdiction.
  - b) Expands the definition of “protection order” to include any other injunction or order defined as a “protection order” under the federal Violence Against Women Act (18 U.S.C. § 2266(5)), including the following:
    - i. Any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding, so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.
    - ii. Any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to state, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.
- 13) Authorizes, beginning January 1, 2028, a law enforcement agency or officer to seek enforcement in a tribunal of this state of a valid extreme risk protection order issued by a tribunal under the laws of another state or jurisdiction, as follows:
  - a) An “extreme risk protection order” is an injunction, restraining order, or other civil or criminal court order issued by a tribunal under the laws of the issuing state or jurisdiction that does not name a protected individual but prevents the respondent from possessing, owning, controlling, purchasing, or receiving firearms for the duration of the order, as specified, similar to California’s gun violence restraining order statute.
  - b) An extreme risk protection order is valid if the order identifies the respondent; is currently in effect; was issued by a tribunal under the laws of another state or jurisdiction that had jurisdiction over the parties and subject matter under the law of that state or jurisdiction; and was issued after the respondent was given reasonable notice and an opportunity to be heard or, in

- the case of an ex parte order, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time, as specified.
- c) The tribunal shall enforce the terms of a valid risk extreme protection order.
  - d) An extreme risk protection order valid on its face is prima facie evidence of its validity.
  - e) Absence of any criteria for validity is an affirmative defense in an action seeking enforcement of an order.
- 14) Requires, beginning January 1, 2028, a law enforcement officer of the state, upon determining that there is probable cause to believe that a valid extreme risk protection order exists and that it has been violated, to enforce the order as if it were an order of a tribunal of this state, as follows:
- a) Presentation of an extreme risk protection order that identifies the respondent and, on its face, is currently in effect, constitutes, in and of itself, probable cause to believe that the valid extreme risk protection order exists; the order may be in a tangible medium or electronically stored if it is retrievable, and need not be a certified copy.
  - b) If a valid extreme risk protection order is not presented, the law enforcement officer may consider additional information in determining whether there is probable cause to believe that a valid order exists.
  - c) If an in-state law enforcement officer determines that an otherwise-valid extreme risk protection order cannot be enforced because the respondent has not been notified or served with the order, the respondent shall inform the respondent of the order, make a reasonable effort to serve the order, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order; verbal notice is sufficient.
  - d) Registration or filing of an order in this state is not required for the enforcement of a valid extreme risk protection order.
  - e) A valid extreme risk protection order shall, upon request of a law enforcement officer or other petitioner, be registered with a court of this state under the same process for registration of foreign protection orders to be entered in the California Restraining and Protective Order System established under Family Code Section 6380.
  - f) The provisions relating to the immunities, liability, and precedence in enforcement of foreign protection orders apply with respect to extreme risk protection orders.
- 15) Requires the Judicial Council, on or before January 1, 2028, to create statewide forms for the service of a civil protective order that can be provided to a marshal, sheriff, or peace officer, as provided, to reflect the provisions of the bill requiring peace officers to serve civil protective orders on the same terms as marshals and sheriffs.
- 16) Requires, when a court issues a criminal protective order to protect one or more individuals, the prosecuting agency to seek to ensure that the protected person or

people named in the order are promptly notified about the issuance, terms, and duration of the order, unless the protected person or people were notified about the order through their presence in court when the order was issued.

- 17) Requires prosecuting agencies, as defined, on or before January 1, 2028, to develop, adopt, and implement written policies and standards for all of the following:
  - a) Ensuring protected parties are notified about the issuance, terms, and duration of criminal protective orders.
  - b) Receiving and responding to notifications from the court that a person subject to a gun violence restraining order, or any civil or criminal protective order or restraining order, as specified, has violated the order's firearm relinquishment requirements and may unlawfully possess or control firearms or ammunition.
  - c) Receiving and responding to notifications that a person convicted of a crime prosecuted by that agency has violated the firearm relinquishment requirements and may unlawfully possess or control firearms or ammunition.
- 18) Encourages prosecuting agencies, in developing and updating the standards and policies in 17), to consult and collaborate with domestic violence service providers and survivor advocates, local law enforcement and court administration representatives, and any guidance, technical assistance, or recommendations issued by the Department of Justice.
- 19) Requires the district attorney or prosecuting city attorney, on any charge involving acts of domestic violence, to search or cause to be searched the Department of Justice Automated Firearms System in addition to their search of already-required databases.
- 20) Prohibits a person who is the subject of a protective order entered after their conviction for specified offenses, including a hate crime, from owing, possessing, purchasing, having custody or control of, receiving, or attempting to purchase or receive, a firearm or ammunition while the protective order is in effect; the court shall order the person to relinquish any firearms or ammunition pursuant to existing procedures, and a violation of this prohibition is punishable under existing law.
- 21) Provides that the same restrictions and requirements in 20) apply to a person who is committed to a state hospital or other treatment facility for any of the offenses in 20).
- 22) Specifies that the actions a court may be reasonably required to take in a criminal proceeding stemming from a hate crime or alleged hate crime to protect the victim include granting criminal protective orders, as follows:
  - a) The court shall, upon request by a prosecutor or victim or the court's own motion, consider issuing a criminal protective order against the defendant to protect the victim.

- b) If the court does not issue any protective order against the defendant, the court shall, at the request of the prosecutor or victim or on the court's own motion, consider issuing a protective order equivalent to the firearm prohibition order that is part of a criminal protective order, as specified.
- 23) Adds, to the list of misdemeanors that can trigger a 10-year restriction on ownership or possession of firearms or ammunition, including violation of specified protective orders, criminal threats, hate crimes, and GVRO violations, among others; the extended prohibition will take effect for convictions on or after January 1, 2027.
- 24) Requires each local law enforcement agency, and specified prosecuting agencies, to do both of the following:
- a) Designate a person responsible for accessing or receiving notifications from the superior court that a restrained person has violated a protective or restraining order's firearm relinquishment requirements.
  - b) Regularly ensure that the clerk of the superior court has updated contact information for the person responsible for accessing and receiving such notifications from the court on behalf of the agency.
- 25) Permits law enforcement agencies in the same jurisdiction to agree to designate one lead agency for their jurisdiction responsible for receiving noncompliance notifications pursuant to 24), and for coordinating follow-up actions and information-sharing, as specified.
- 26) Makes conforming changes to reflect the expanded civil and criminal protective order provisions and to add "ammunition" consistently across provisions relating to firearm and ammunition prohibitions.
- 27) Includes a severability clause.

## COMMENTS

### 1. Author's comment

According to the author:

AB 1753 takes on one of the most critical gaps in survivor protection by making sure California's protective order laws actually work. The bill tackles the problem from multiple angles. It strengthens firearm surrender requirements, improves coordination between courts and law enforcement when someone is illegally armed in violation of a protective order, registers more protective orders in law enforcement and background check databases, and ensures that people convicted of dangerous misdemeanors fail background checks. Too often, survivors get a protective order and assume they're safe, only to find that the system meant to back

it up is broken. This bill closes the gap between what the law promises and what survivors actually experience.

## 2. Background on California’s civil protective order statutes

The State has a number of provisions by which a person who is being abused or harassed, or who is in immediate danger of abuse or harassment, may seek an order from the court to protect them from the perpetrator.<sup>1</sup> When such an order is issued, the person subject to the order must also relinquish, or sell, any firearms or ammunition they possess; this requirement is in recognition of the tragic fact that “abusers who possess guns tend to inflict the most severe abuse.”<sup>2</sup> The Legislature has, in recent years, made efforts to harmonize the firearm and ammunition relinquishment procedures and requirements across these various protective order types.<sup>3</sup>

As a general matter, a person seeking a civil protective order must petition the court for an order. The court may grant a short-term TRO on an ex parte basis and schedule a noticed hearing on the request for a longer-term order. The DVPA’s requirements vary somewhat from other civil order types: a DVPA petitioner does not need to provide notice to the respondent before the court grants the TRO, and the standard for granting an order is preponderance of the evidence, as opposed to “clear and convincing evidence” for most other civil protective order types. Prior to a hearing on a DVPA petition, the court must search specified databases for information about whether the respondent owns firearms or has been convicted of specified offenses. After a hearing at which the respondent has an opportunity to be heard, the court can issue a longer term order, which includes the firearm and ammunition relinquishment provisions noted above. A sheriff or marshal must serve a DVPA order on the respondent upon request.

When a civil protective order is issued, the court or its designee is required to transmit the order through CLETS to the Department of Justice so that the order is available to all peace officers statewide through the California Restraining and Protective Order System. Violation of a protective order or firearm prohibitions is a crime.

## 3. This bill modifies laws relating to civil and criminal protective orders, firearm relinquishment, and related criminal offenses

This bill makes widespread changes to the procedures for and enforcement of several different types of protective and restraining orders, including those related to civil harassment, workplace or school violence, domestic violence, elder or dependent adult

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<sup>1</sup> See Code Civ. Proc., §§ 527.6, 527.8, 527.85; Fam. Code, §§ 6200 et seq.; Pen. Code, §§ 136.2, 18100 et seq.; Welf. & Inst. Code, § 15657.03.

<sup>2</sup> Campbell, et al., *Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study*, Am. J. Public Health, 2003 July, 93(7), pp. 1079-1089.

<sup>3</sup> See, e.g., SB 899 (Skinner, Ch. 544, Stats. 2024); SB 320 (Eggman, Ch. 685, Stats. 2021).

abuse, gun violence, and certain criminal convictions. The Senate Public Safety Committee's analysis of this bill discussed the provisions relating to relinquishment of ammunition, service protocols for peace officers, enforcement of out-of-state gun violence restraining orders, and new firearm prohibitions; that Committee passed this bill with a vote of 5-0. This analysis discusses the portions of the bill that fall within this Committee's jurisdiction.

Notice in advance of a TRO. This bill modifies a petitioner's obligation to provide the party to be restrained with notice in advance of filing, or the court's grant of, a petition for a TRO under the general civil harassment, workplace violence, postsecondary educational institution, elder and dependent adult abuse, and gun violence order types, by specifying that the court shall not require notice if the applicant or applicant's attorney certifies under oath that providing notice in advance would likely endanger the safety of the petitioner or other persons. This provision will take effect on January 1, 2028.

As currently in print, the bill also modifies the DVPA to permit a court to require pre-filing or pre-decision notice to the party to be restrained as a condition of issuing a TRO in certain circumstances. This is inconsistent with existing law, which states that a court may not deny an application for a DVPA TRO solely because the other party was not provided with notice. This provision is also inconsistent with AB 1657 (Rogers, 2026), which clarifies that the DVPA does not require notice in advance of filing or granting an application for a TRO, and which this Committee passed with a vote of 12-1. The author has agreed to remove this provision, i.e., Section 9 of the bill.

Remote appearances. This bill permits remote appearances in workplace violence restraining order and postsecondary educational institution restraining order proceedings, consistent with the allowance for remote proceedings in other civil protective order case types. These provisions take effect on January 1, 2028.

Service of orders. This bill permits a peace officer to serve a restraining or protective order, and permits a peace officer to be reimbursed, under the same terms as a sheriff or marshal. The bill also requires the Judicial Council to make new service forms reflecting the possibility of service by a peace officer. These provisions take effect on January 1, 2028.

Pre-order search. This bill clarifies that a court adjudicating a civil protective or restraining order request may order a search of the Department of Justice Automated Firearms System and other databases currently searched before a hearing under the DVPA. Unlike the DVPA, the court is permitted, but not required, to order the database search. Consistent with the requirements under the DVPA, the information obtained through a database search is confidential and kept separate from the public case file.

California Restraining and Protective Order System. Current law requires DVPA orders and most civil protective orders to be uploaded via CLETS to the Department of Justice's California Restraining and Protective Order System, which allows law enforcement to search for protective orders issued statewide. This bill adds several protective order types issued under the Penal Code to the list of order types that must be uploaded, and permits valid foreign protection and extreme risk protection orders to be uploaded. The bill also permits the Department of Justice to use grants or other funding sources to create an automated information and notification system for persons protected by protective orders.

Foreign protection orders. This bill expands the definition of what qualifies as a "foreign protection order" that may be recognized within this state, to include orders issued by a tribunal of another jurisdiction, and orders that fall within the definition of "protective order" under the federal Violence Against Women Act.<sup>4</sup> The bill also establishes processes for the recognition and enforcement of "extreme risk protection orders" issued in another state or jurisdiction, when the order is similar or equivalent to California's gun violence restraining order. Among other things, the bill requires a law enforcement officer to enforce the order if provided with a facially valid copy of the order and, if the restrained person has not yet been served, provide them with notice of the order.

#### 4. Arguments in support

According to GIFFORDS:

AB 1753 addresses lingering implementation barriers to ensure that California's justice system takes effective, necessary action to address problematic gaps. AB 1753 adopts a multipronged approach to resolve inconsistencies across protection order types and strengthen firearm surrender requirements:

- **Preventing Access to Firearms:** The bill prevents individuals from accessing firearms or ammunition for 10 years following misdemeanor convictions for violations of protection orders, probation conditions, hate crimes or criminal threats against schools, houses of worship, or medical facilities, establishing parity with similarly situated offenses.
- **Enhancing Judicial Oversight:** It clarifies that courts may obtain Automated Firearms System (AFS) and CLETS checks at any stage of a protective order case to verify if a subject is armed.
- **Formalizing Accountability:** Prosecuting agencies would be required to develop standard protocols for responding to court notifications of firearm relinquishment noncompliance.

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<sup>4</sup> See 18 U.S.C. § 2265(5).

- **Prioritizing Safety:** The bill replaces blanket court rules that require petitioners to provide prior notice to an opposing party before requesting a preliminary, ex-parte order.
- **Modernizing Access:** It ensures survivors have access and awareness to remote hearings for all protection order types.
- **Standardizing Data Entry:** provides a standard process for registering in the California Restraining and Protective Order System (CARPOS) and enforcing all valid protective orders issued by tribal courts and courts in other states, not just orders related to domestic violence, to promote consistent enforcement in California, including for firearm background checks.

## 5. Arguments in opposition

According to the National Rifle Association's Institute for Legislative Action:

As an initial matter, NRA-ILA has consistently maintained that red flag laws, including GVRO statutes, raise serious constitutional concerns. These laws authorize the temporary deprivation of a fundamental constitutional right through a civil process that does not afford the same robust procedural protections required in criminal proceedings. Orders may be issued on an expedited basis, often prior to a full adversarial hearing, and based on evidentiary standards lower than those required to sustain a criminal conviction. When a statute permits the suspension of a fundamental right without the full measure of constitutional safeguards, it raises substantial questions under both the Second Amendment and core due process principles.

California's existing GVRO framework already allows courts to impose sweeping restrictions on an individual's ability to possess firearms and ammunition through this civil process. Assembly Bill 1753 does not create a new prohibition on ammunition possession under a GVRO. Instead, it expands the enforcement framework surrounding these orders by modifying the procedures used to determine whether a respondent is in violation of a GVRO. Specifically, this bill expands compliance determinations to include ammunition possession in addition to firearms.

While this change may be characterized as procedural, it further expands the enforcement mechanisms associated with California's red flag law framework. Expanding the compliance and enforcement mechanisms within this framework is particularly troubling in light of the fact that Gun Violence Restraining Orders are imposed through a civil proceeding that does not provide the full procedural protections traditionally required prior to restricting the exercise of a fundamental constitutional right.

### **SUPPORT**

California Department of Justice (co-sponsor)

GIFFORDS (co-sponsor)

Brady

California Police Chiefs Association

Everytown for Gun Safety

Los Angeles District Attorney's Office

San Francisco Marin Medical Society

### **OPPOSITION**

California Rifle & Pistol Association

National Rifle Association's Institute for Legislative Action

### **RELATED LEGISLATION**

#### **Pending legislation:**

AB 2179 (Patel, 2026) requires a court, beginning July 1, 2027, to permit electronic filings and remote appearances in proceedings for a workplace violence restraining order, and requires the Judicial Council of California to develop the necessary forms and rules to implement those requirements on or before January 1, 2028. AB 2179 is pending on the Senate Floor.

AB 1961 (Ahrens, 2026) authorizes an employer to seek a workplace violence restraining order for an entire workplace, without naming a specific employee, if harassment, unlawful violence, or a credible threat of violence is directed at an entire workplace or location. AB 1961 is pending on the Senate Floor.

AB 1657 (Rogers, 2026) clarifies that a court cannot refuse to grant an application for a TRO under the DVPA on the basis that the petitioner did not provide notice to the respondent in advance. AB 1657 is pending on the Senate Floor.

#### **Prior legislation:**

SB 899 (Skinner, Ch. 544, Stats. 2024) extended firearm and ammunition relinquishment procedures that existed for purposes of domestic violence restraining orders to other specified protective orders, thereby standardizing the procedures across civil restraining order types.

AB 818 (Petrie-Norris, Ch. 242, Stats. 2023) required 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.

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 5, Noes 0)

Assembly Floor (Ayes 62, Noes 6)

Assembly Appropriations Committee (Ayes 11, Noes 0)

Assembly Judiciary Committee (Ayes 9, Noes 1)

Assembly Public Safety Committee (Ayes 9, Noes 0)

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