

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: May 17, 2023

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso
Chief Legislative Analyst



Council File No. 23-0002-S35
Assignment No: 23-05-0254

SUBJECT: Resolution to SUPPORT AB 36 (Gabriel)

CLA RECOMMENDATION: Adopt Resolution (Park – Rodriguez) to include in the City’s 2023-2024 State Legislative Program, support for AB 36 (Gabriel), which would prohibit a person subject to a domestic violence protective order from owning, possessing, purchasing, or receiving a firearm for an additional three years after the domestic violence protective order has expired, unless the court finds the person to not be a threat to public safety.

SUMMARY

The Resolution (Park – Rodriguez), introduced March 1, 2023, states that domestic violence is a major public health and safety issue, affecting one in four women and one in ten men, and is exacerbated by firearm access, and, in addition to increasing the risk of gun violence, the possession of a firearm by abusers can prevent domestic violence victims from seeking the help they need. The Resolution continues, stating that preventing any dangerous individual from purchasing or possessing firearms is an essential first step in safeguarding the public and preventing the death of our loved ones. The Resolution notes that existing California law prohibits the purchase or possession of firearms for individuals who have been convicted of certain crimes, including a life time prohibition for felony domestic violence convictions. In addition, individuals subject to a protective or restraining order, including domestic violence protective orders, are also prohibited from purchasing or possessing firearms and are required to relinquish any firearms in their possession during the duration of the order. The Resolution further states that AB 36 (Gabriel), pending before the California State Legislature, seeks to prohibit a person subject to a domestic violence protective order from owning, possessing, purchasing, or receiving a firearm for an additional three years after the domestic violence protective order has expired, unless the court finds the person to not be a threat to public safety. The Resolution notes that this bill would enact preventative measures to further secure domestic violence victims and give them peace of mind to recover from the traumatic experience of domestic violence and associated legal processes. The additional three years would also serve to ensure that individuals who have been subject to domestic violence restraining orders have the time to rehabilitate and no longer present a threat to themselves or others.

Therefore, the Resolution requests that the City support AB 36 (Gabriel), which would prohibit a person subject to a domestic violence protective order from owning, possessing, purchasing, or receiving a firearm for an additional three years after the domestic violence protective order has expired, unless the court finds the person to not be a threat to public safety.

BACKGROUND

According to the Violence Policy Center, when men engage in violence which leads to homicide against women, the most common weapon used is a gun; and nearly 90 percent of women murdered by men are killed by someone they know. A federal study on homicide among intimate partners found that female intimate partners are more likely to be murdered with a firearm than all other means combined. In addition, a study by Harvard School of Public Health analyzed gun use at home and concluded that hostile gun displays against family members may be more common than gun use in self-defense, and that hostile gun displays are often acts of domestic violence directed against women.

Current law prohibits someone with a civil protective order against them from possessing, purchasing, or otherwise receiving a firearm while the order is active. Once the order expires, the prohibition is lifted and, absent other restrictions on firearm ownership, the person may possess or purchase a firearm. It is a misdemeanor for someone with an active protective order against them to be in possession of a firearm. It is an alternative misdemeanor-felony for someone with an active protective order against them to purchase or attempt to purchase a firearm. Temporary restraining orders can be in place for up to 25 day, during which a party may seek a protective order with a longer duration.

In an effort to address domestic violence and its potential escalation to homicide, AB 36 (Gabriel), extends the prohibition on the ownership and possession of firearms and ammunition that applies to persons who are subject to civil and criminal protective orders beyond the expiration of the protective order. According to the author, the bill would help to reduce incidents of gun violence and intimate partner violence.

Although domestic violence is the focus of the author, the bill applies to other types of protective orders. For example, the bill applies to protective orders issued to enjoin harassment; workplace violence; school violence; intimidation of a victim or witness; and elder or dependent abuse. Therefore, the prohibition on possession and purchase of firearms and ammunition would be extended for three years beyond the expiration for those types of protective orders, as well.

DEPARTMENTS NOTIFIED

None

BILL STATUS

03/23/23	Referred to Assembly Committee on Public Safety and Assembly Committee on Judiciary
05/02/23	Referred to Assembly Committee on Appropriations

CD Fields

Christopher Fields
Analyst

Attachment: 1. Resolution (Park – Rodriguez)
2. AB 36 (Gabriel)

RESOLUTION RULES, ELECTIONS, INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state, or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, domestic violence is a major public health and safety issue, affecting one in four women and one in ten men; and

WHEREAS, the danger posed by domestic violence is further exacerbated by firearm access, and in addition to increasing the risk of gun violence, the possession of a firearm by abusers can prevent domestic violence victims from seeking the help they need; and

WHEREAS, preventing any dangerous individual from purchasing or possessing firearms is an essential first step in safeguarding the public safety and preventing the death of our loved ones; and

WHEREAS, existing California law prohibits the purchase or possession of firearms for individuals who have been convicted of certain crimes, including a life time prohibition for felony domestic violence convictions; and

WHEREAS, individuals subject to a protective or restraining order, including domestic violence protective orders, are also prohibited from purchasing or possessing firearms and are required to relinquish any firearms in their possession during the duration of the order; and

WHEREAS, currently pending before the California State Legislature is AB 36 (Gabriel) which expresses the intent of the Legislature to enact legislation to prohibit a person subject to a domestic violence protective order from owning, possessing, purchasing, or receiving a firearm for an additional three years after the domestic violence protective order has expired, unless the court finds the person to not be a threat to public safety; and

WHEREAS, this bill would enact preventative measures to further secure domestic violence victims and give them peace of mind to recover from the traumatic experience of domestic violence and associated legal processes; and

WHEREAS, the additional years would also serve to ensure that individuals who have been subject to domestic violence restraining orders have the time to rehabilitate and no longer present a threat to themselves or others; and

WHEREAS, the City of Los Angeles must remain committed to exploring and support common sense domestic violence and gun safety regulations;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2023-2024 State Legislative Program SUPPORT for AB 36 (Gabriel) which expresses the intent of the Legislature to enact legislation to prohibit a person subject to a domestic violence protective order from owning, possessing, purchasing, or receiving a firearm for an additional three years after the domestic violence protective order has expired, unless the court finds the person to not be a threat to public safety.

PRESENTED BY: 

TRACI PARK
Councilmember, 11th District

SECONDED BY: 

MAR 01 2023

ORIGINAL

AMENDED IN ASSEMBLY MAY 1, 2023

AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 36

Introduced by Assembly Member Gabriel

(Coauthors: Assembly Members Berman, Gipson, Petrie-Norris, Quirk-Silva, Wicks, Connolly, Mike Fong, Kalra, Pacheco, and Papan)

December 5, 2022

An act to amend Sections 527.6, 527.8, 527.85, and 527.9 of the Code of Civil Procedure, to amend Section 6389 of the Family Code, to amend Sections ~~136.2, 1524, 1524~~ and 29825 of the Penal Code, and to amend Section 15657.03 of the Welfare and Institutions Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 36, as amended, Gabriel. Domestic violence protective orders: possession of a firearm.

(1) Existing law prohibits a person subject to a protective order, as defined, from owning, possessing, purchasing, or receiving a firearm or ammunition while that protective order is in effect and makes a willful and knowing violation of a protective order a crime. ~~effect. Existing law makes a violation of that prohibition with regard to purchasing or receiving a firearm or ammunition punishable by imprisonment in the county jail for up to one year, by imprisonment in the state prison for 16 months or 2 or 3 years, or by a fine not exceeding \$1,000, or by both that imprisonment and fine. Existing law makes a violation of that prohibition with regard to owning or possessing a firearm or~~

ammunition punishable by imprisonment in the county jail for up to one year, or by a fine not exceeding \$1,000, or by both that imprisonment and fine.

After notice and hearing, this bill would, for protective orders, as specified, issued on or after July 1, 2024, prohibit a person subject to the protective order from owning, possessing, purchasing, or receiving a firearm or ammunition within 3 years after the expiration of the order and make a violation of these provision a crime. *The bill would require a court, if they find that the person willfully violated that prohibition within 3 years after the expiration of the order, to impose the maximum fine allowed under existing law.*

(2) Existing law allows a search warrant to be issued upon various grounds, including when the property or things to be seized include a firearm, if the prohibited firearm is possessed, owned, in the custody of, or controlled by a person against whom a specified protective order has been issued, and the person is served with the order and fails to relinquish the firearm as required by law.

This bill would expand the grounds for the search warrant to include a person who is subject to any civil or criminal protective order that includes a prohibition on owning, possessing, or having custody or control of a firearm.

(3) Existing law requires the Judicial Council to provide notice on all protective orders issued within the state and requires a restraining order requiring a person to relinquish a firearm or ammunition to state on its face that the respondent is prohibited from owning, possessing, purchasing, or receiving a firearm or ammunition while the protective order is in effect.

This bill would require the Judicial Council to also include a statement in the notice that the firearm and ammunition prohibition extends for 3 years after the expiration of the protective order that is issued on or after July 1, 2024. The bill would require a restraining order to include a similar statement.

By creating new crimes, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 527.6 of the Code of Civil Procedure is
2 amended to read:

3 527.6. (a) (1) A person who has suffered harassment as
4 defined in subdivision (b) may seek a temporary restraining order
5 and an order after hearing prohibiting harassment as provided in
6 this section.

7 (2) A minor, under 12 years of age, accompanied by a duly
8 appointed and acting guardian ad litem, shall be permitted to appear
9 in court without counsel for the limited purpose of requesting or
10 opposing a request for a temporary restraining order or order after
11 hearing, or both, under this section as provided in Section 374.

12 (b) For purposes of this section, the following terms have the
13 following meanings:

14 (1) "Course of conduct" is a pattern of conduct composed of a
15 series of acts over a period of time, however short, evidencing a
16 continuity of purpose, including following or stalking an individual,
17 making harassing telephone calls to an individual, or sending
18 harassing correspondence to an individual by any means, including,
19 but not limited to, the use of public or private mails, interoffice
20 mail, facsimile, or email. Constitutionally protected activity is not
21 included within the meaning of "course of conduct."

22 (2) "Credible threat of violence" is a knowing and willful
23 statement or course of conduct that would place a reasonable person
24 in fear for the person's safety or the safety of the person's
25 immediate family, and that serves no legitimate purpose.

26 (3) "Harassment" is unlawful violence, a credible threat of
27 violence, or a knowing and willful course of conduct directed at
28 a specific person that seriously alarms, annoys, or harasses the
29 person, and that serves no legitimate purpose. The course of
30 conduct must be that which would cause a reasonable person to
31 suffer substantial emotional distress, and must actually cause
32 substantial emotional distress to the petitioner.

33 (4) "Petitioner" means the person to be protected by the
34 temporary restraining order and order after hearing and, if the court
35 grants the petition, the protected person.

1 (5) “Respondent” means the person against whom the temporary
2 restraining order and order after hearing are sought and, if the
3 petition is granted, the restrained person.

4 (6) “Temporary restraining order” and “order after hearing”
5 mean orders that include any of the following restraining orders,
6 whether issued ex parte or after notice and hearing:

7 (A) An order enjoining a party from harassing, intimidating,
8 molesting, attacking, striking, stalking, threatening, sexually
9 assaulting, battering, abusing, telephoning, including, but not
10 limited to, making annoying telephone calls, as described in Section
11 653m of the Penal Code, destroying personal property, contacting,
12 either directly or indirectly, by mail or otherwise, or coming within
13 a specified distance of, or disturbing the peace of, the petitioner.
14 On a showing of good cause, in an order issued pursuant to this
15 subparagraph in connection with an animal owned, possessed,
16 leased, kept, or held by the petitioner, or residing in the residence
17 or household of the petitioner, the court may do either or both of
18 the following:

19 (i) Grant the petitioner exclusive care, possession, or control of
20 the animal.

21 (ii) Order the respondent to stay away from the animal and
22 refrain from taking, transferring, encumbering, concealing,
23 molesting, attacking, striking, threatening, harming, or otherwise
24 disposing of the animal.

25 (B) An order enjoining a party from specified behavior that the
26 court determines is necessary to effectuate orders described in
27 subparagraph (A).

28 (7) “Unlawful violence” is any assault or battery, or stalking as
29 prohibited in Section 646.9 of the Penal Code, but does not include
30 lawful acts of self-defense or defense of others.

31 (c) In the discretion of the court, on a showing of good cause,
32 a temporary restraining order or order after hearing issued under
33 this section may include other named family or household
34 members.

35 (d) Upon filing a petition for orders under this section, the
36 petitioner may obtain a temporary restraining order in accordance
37 with Section 527, except to the extent this section provides an
38 inconsistent rule. The temporary restraining order may include
39 any of the restraining orders described in paragraph (6) of
40 subdivision (b). A temporary restraining order may be issued with

1 or without notice, based on a declaration that, to the satisfaction
2 of the court, shows reasonable proof of harassment of the petitioner
3 by the respondent, and that great or irreparable harm would result
4 to the petitioner.

5 (e) A request for the issuance of a temporary restraining order
6 without notice under this section shall be granted or denied on the
7 same day that the petition is submitted to the court. If the petition
8 is filed too late in the day to permit effective review, the order
9 shall be granted or denied on the next day of judicial business in
10 sufficient time for the order to be filed that day with the clerk of
11 the court.

12 (f) A temporary restraining order issued under this section shall
13 remain in effect, at the court's discretion, for a period not to exceed
14 21 days, or, if the court extends the time for hearing under
15 subdivision (g), not to exceed 25 days, unless otherwise modified
16 or terminated by the court.

17 (g) Within 21 days, or, if good cause appears to the court, 25
18 days from the date that a petition for a temporary order is granted
19 or denied, a hearing shall be held on the petition. If a request for
20 a temporary order is not made, the hearing shall be held within 21
21 days, or, if good cause appears to the court, 25 days, from the date
22 that the petition is filed.

23 (h) The respondent may file a response that explains, excuses,
24 justifies, or denies the alleged harassment, or may file a
25 cross-petition under this section.

26 (i) At the hearing, the judge shall receive any testimony that is
27 relevant, and may make an independent inquiry. If the judge finds
28 by clear and convincing evidence that unlawful harassment exists,
29 an order shall issue prohibiting the harassment.

30 (j) (1) In the discretion of the court, an order issued after notice
31 and hearing under this section may have a duration of no more
32 than five years, subject to termination or modification by further
33 order of the court either on written stipulation filed with the court
34 or on the motion of a party. The order may be renewed, upon the
35 request of a party, for a duration of no more than five additional
36 years, without a showing of any further harassment since the
37 issuance of the original order, subject to termination or
38 modification by further order of the court either on written
39 stipulation filed with the court or on the motion of a party. A

1 request for renewal may be brought any time within the three
2 months before the order expires.

3 (2) The failure to state the expiration date on the face of the
4 form creates an order with a duration of three years from the date
5 of issuance.

6 (3) If an action is filed for the purpose of terminating or
7 modifying a protective order before the expiration date specified
8 in the order by a party other than the protected party, the party
9 who is protected by the order shall be given notice, pursuant to
10 subdivision (b) of Section 1005, of the proceeding by personal
11 service or, if the protected party has satisfied the requirements of
12 Chapter 3.1 (commencing with Section 6205) of Division 7 of
13 Title 1 of the Government Code, by service on the Secretary of
14 State. If the party who is protected by the order cannot be notified
15 before the hearing for modification or termination of the protective
16 order, the court shall deny the motion to modify or terminate the
17 order without prejudice or continue the hearing until the party who
18 is protected can be properly noticed and may, upon a showing of
19 good cause, specify another method for service of process that is
20 reasonably designed to afford actual notice to the protected party.
21 The protected party may waive the protected party's right to notice
22 if the protected party is physically present in court and does not
23 challenge the sufficiency of the notice.

24 (k) This section does not preclude either party from
25 representation by private counsel or from appearing on the party's
26 own behalf.

27 (l) In a proceeding under this section, if there are allegations of
28 unlawful violence or credible threats of violence, a support person
29 may accompany a party in court and, if the party is not represented
30 by an attorney, may sit with the party at the table that is generally
31 reserved for the party and the party's attorney. The support person
32 is present to provide moral and emotional support for a person
33 who alleges they are a victim of violence. The support person is
34 not present as a legal adviser and may not provide legal advice.
35 The support person may assist the person who alleges they are a
36 victim of violence in feeling more confident that they will not be
37 injured or threatened by the other party during the proceedings if
38 the person who alleges the person is a victim of violence and the
39 other party are required to be present in close proximity. This
40 subdivision does not preclude the court from exercising its

1 discretion to remove the support person from the courtroom if the
2 court believes the support person is prompting, swaying, or
3 influencing the party assisted by the support person.

4 (m) (1) Except as provided in paragraph (2), upon the filing of
5 a petition under this section, the respondent shall be personally
6 served with a copy of the petition, temporary restraining order, if
7 any, and notice of hearing of the petition. Service shall be made
8 at least five days before the hearing. The court may for good cause,
9 on motion of the petitioner or on its own motion, shorten the time
10 for service on the respondent.

11 (2) If the court determines at the hearing that, after a diligent
12 effort, the petitioner has been unable to accomplish personal
13 service, and that there is reason to believe that the respondent is
14 evading service or cannot be located, then the court may specify
15 another method of service that is reasonably calculated to give
16 actual notice to the respondent and may prescribe the manner in
17 which proof of service shall be made.

18 (n) A notice of hearing under this section shall notify the
19 respondent that if the respondent does not attend the hearing, the
20 court may make orders against the respondent that could last up
21 to five years.

22 (o) The respondent shall be entitled, as a matter of course, to
23 one continuance, for a reasonable period, to respond to the petition.

24 (p) (1) Either party may request a continuance of the hearing,
25 which the court shall grant on a showing of good cause. The request
26 may be made in writing before or at the hearing, or orally at the
27 hearing. The court may also grant a continuance on its own motion.

28 (2) If the court grants a continuance, any temporary restraining
29 order that has been granted shall remain in effect until the end of
30 the continued hearing, unless otherwise ordered by the court. In
31 granting a continuance, the court may modify or terminate a
32 temporary restraining order.

33 (q) (1) If a respondent named in a restraining order issued after
34 a hearing has not been served personally with the order but has
35 received actual notice of the existence and substance of the order
36 through personal appearance in court to hear the terms of the order
37 from the court, additional proof of service is not required for
38 enforcement of the order.

39 (2) If the respondent named in a temporary restraining order is
40 personally served with the order and notice of hearing with respect

1 to a restraining order or protective order based on the temporary
2 restraining order, but the respondent does not appear at the hearing,
3 either personally or by an attorney, and the terms and conditions
4 of the restraining order or protective order issued at the hearing
5 are identical to the temporary restraining order, except for the
6 duration of the order, the restraining order or protective order
7 issued at the hearing may be served on the respondent by first-class
8 mail sent to the respondent at the most current address for the
9 respondent available to the court.

10 (3) The Judicial Council form for temporary orders issued
11 pursuant to this subdivision shall contain a statement in
12 substantially the following form:

13
14 “If you have been personally served with this temporary
15 restraining order and notice of hearing, but you do not appear at
16 the hearing either in person or by a lawyer, and a restraining order
17 that is the same as this temporary restraining order except for the
18 expiration date is issued at the hearing, a copy of the restraining
19 order will be served on you by mail at the following address: ____.

20 If that address is not correct or you wish to verify that the
21 temporary restraining order was converted to a restraining order
22 at the hearing without substantive change and to find out the
23 duration of that order, contact the clerk of the court.”
24

25 (4) If information about a minor has been made confidential
26 pursuant to subdivision (v), the notice shall identify the
27 information, specifically, that has been made confidential and shall
28 include a statement that disclosure or misuse of that information
29 is punishable as a contempt of court.

30 (r) (1) Information on a temporary restraining order or order
31 after hearing relating to civil harassment issued by a court pursuant
32 to this section shall be transmitted to the Department of Justice in
33 accordance with either paragraph (2) or (3).

34 (2) The court shall order the petitioner or the attorney for the
35 petitioner to deliver a copy of an order issued under this section,
36 or reissuance, extension, modification, or termination of the order,
37 and any subsequent proof of service, by the close of the business
38 day on which the order, reissuance, extension, modification, or
39 termination was made, to a law enforcement agency having
40 jurisdiction over the residence of the petitioner and to any

1 additional law enforcement agencies within the court's discretion
2 as are requested by the petitioner.

3 (3) Alternatively, the court or its designee shall transmit, within
4 one business day, to law enforcement personnel all information
5 required under subdivision (b) of Section 6380 of the Family Code
6 regarding any order issued under this section, or a reissuance,
7 extension, modification, or termination of the order, and any
8 subsequent proof of service, by either one of the following
9 methods:

10 (A) Transmitting a physical copy of the order or proof of service
11 to a local law enforcement agency authorized by the Department
12 of Justice to enter orders into the California Law Enforcement
13 Telecommunications System (CLETS).

14 (B) With the approval of the Department of Justice, entering
15 the order or proof of service into CLETS directly.

16 (4) Each appropriate law enforcement agency shall make
17 available information as to the existence and current status of
18 orders issued under this section to law enforcement officers
19 responding to the scene of reported harassment.

20 (5) An order issued under this section shall, on request of the
21 petitioner, be served on the respondent, whether or not the
22 respondent has been taken into custody, by any law enforcement
23 officer who is present at the scene of reported harassment involving
24 the parties to the proceeding. The petitioner shall provide the
25 officer with an endorsed copy of the order and a proof of service
26 that the officer shall complete and send to the issuing court.

27 (6) Upon receiving information at the scene of an incident of
28 harassment that a protective order has been issued under this
29 section, or that a person who has been taken into custody is the
30 subject of an order, if the protected person cannot produce a
31 certified copy of the order, a law enforcement officer shall
32 immediately attempt to verify the existence of the order.

33 (7) If the law enforcement officer determines that a protective
34 order has been issued but not served, the officer shall immediately
35 notify the respondent of the terms of the order and shall at that
36 time also enforce the order. Verbal notice of the terms of the order
37 shall constitute service of the order and is sufficient notice for
38 purposes of this section and for purposes of Section 29825 of the
39 Penal Code. Verbal notice shall include the information required
40 pursuant to paragraph (4) of subdivision (q).

1 (s) The prevailing party in an action brought pursuant to this
2 section may be awarded court costs and attorney's fees, if any.

3 (t) Willful disobedience of a temporary restraining order or
4 order after hearing granted pursuant to this section is punishable
5 pursuant to Section 273.6 of the Penal Code.

6 (u) (1) (A) A person subject to a protective order issued
7 pursuant to this section shall not own, possess, purchase, receive,
8 or attempt to purchase or receive a firearm or ammunition while
9 the protective order is in effect.

10 (B) If, after notice and hearing, the protective order is issued
11 on or after July 1, 2024, a person subject to the protective order
12 shall not own, possess, purchase, or receive a firearm or
13 ammunition within three years after expiration of the order.

14 (2) The court shall order a person subject to a protective order
15 issued pursuant to this section to relinquish any firearms the person
16 owns or possesses pursuant to Section 527.9.

17 (3) (A) A person who owns, possesses, purchases, or receives,
18 or attempts to purchase or receive, a firearm or ammunition while
19 the protective order is in effect ~~or within three years after the~~
20 ~~expiration of an order described in subparagraph (B) of paragraph~~
21 ~~(4)~~ is punishable pursuant to Section 29825 of the Penal Code.

22 *(B) A person who owns, possesses, purchases, or receives, or*
23 *attempts to purchase or receive, a firearm or ammunition within*
24 *three years after the expiration of an order described in*
25 *subparagraph (B) of paragraph (1) is punishable pursuant to*
26 *subdivision (b) of Section 29825 of the Penal Code. If the court*
27 *finds that the person has willfully violated this subparagraph, the*
28 *court shall impose the maximum fine allowed under Section 29825*
29 *of the Penal Code.*

30 (v) (1) A minor or the minor's legal guardian may petition the
31 court to have information regarding the minor that was obtained
32 in connection with a request for a protective order pursuant to this
33 section, including, but not limited to, the minor's name, address,
34 and the circumstances surrounding the request for a protective
35 order with respect to that minor, be kept confidential.

36 (2) The court may order the information specified in paragraph
37 (1) be kept confidential if the court expressly finds all of the
38 following:

39 (A) The minor's right to privacy overcomes the right of public
40 access to the information.

1 (B) There is a substantial probability that the minor's interest
2 will be prejudiced if the information is not kept confidential.

3 (C) The order to keep the information confidential is narrowly
4 tailored.

5 (D) No less restrictive means exist to protect the minor's
6 privacy.

7 (3) (A) If the request is granted, except as provided in paragraph
8 (4), information regarding the minor shall be maintained in a
9 confidential case file and shall not become part of the public file
10 in the proceeding or any other civil proceeding involving the
11 parties. Except as provided in subparagraph (B), if the court
12 determines that disclosure of confidential information has been
13 made without a court order, the court may impose a sanction of
14 up to one thousand dollars (\$1,000). A minor who has alleged
15 harassment, as defined in subdivision (b), shall not be sanctioned
16 for disclosure of the confidential information. If the court imposes
17 a sanction, the court shall first determine whether the person has
18 or is reasonably likely to have the ability to pay.

19 (B) Confidential information may be disclosed without a court
20 order only in the following circumstances:

21 (i) By the minor's legal guardian who petitioned to keep the
22 information confidential pursuant to this subdivision or the
23 protected party in an order pursuant to this division, provided that
24 the disclosure is necessary to prevent harassment or is in the
25 minor's best interest. A legal guardian or a protected party who
26 makes a disclosure under this clause is subject to the sanction in
27 subparagraph (A) only if the disclosure was malicious.

28 (ii) By a person to whom confidential information is disclosed,
29 provided that the disclosure is necessary to prevent harassment or
30 is in the best interest of the minor, no more information than
31 necessary is disclosed, and a delay would be caused by first
32 obtaining a court order to authorize the disclosure of the
33 information. A person who makes a disclosure pursuant to this
34 clause is subject to the sanction in subparagraph (A) if the person
35 discloses the information in a manner that recklessly or maliciously
36 disregards these requirements.

37 (4) (A) Confidential information shall be made available to
38 both of the following:

39 (i) Law enforcement pursuant to subdivision (r), to the extent
40 necessary and only for the purpose of enforcing the order.

1 (ii) The respondent to allow the respondent to comply with the
2 order for confidentiality and to allow the respondent to comply
3 with and respond to the protective order. A notice shall be provided
4 to the respondent that identifies the specific information that has
5 been made confidential and shall include a statement that disclosure
6 is punishable by a monetary fine.

7 (B) At any time, the court on its own may authorize a disclosure
8 of any portion of the confidential information to certain individuals
9 or entities as necessary to prevent harassment, as defined under
10 subdivision (b), including implementation of the protective order,
11 or if it is in the best interest of the minor.

12 (C) The court may authorize a disclosure of any portion of the
13 confidential information to any person that files a petition if
14 necessary to prevent harassment, as defined under subdivision (b),
15 or if it is in the best interest of the minor. The party who petitioned
16 the court to keep the information confidential pursuant to this
17 subdivision shall be served personally or by first-class mail with
18 a copy of the petition and afforded an opportunity to object to the
19 disclosure.

20 (w) This section does not apply to any action or proceeding
21 covered by Title 1.6C (commencing with Section 1788) of Part 4
22 of Division 3 of the Civil Code or by Division 10 (commencing
23 with Section 6200) of the Family Code. This section does not
24 preclude a petitioner from using other existing civil remedies.

25 (x) (1) The Judicial Council shall develop forms, instructions,
26 and rules relating to matters governed by this section. The petition
27 and response forms shall be simple and concise, and their use by
28 parties in actions brought pursuant to this section is mandatory.

29 (2) A temporary restraining order or order after hearing relating
30 to civil harassment issued by a court pursuant to this section shall
31 be issued on forms adopted by the Judicial Council and that have
32 been approved by the Department of Justice pursuant to subdivision
33 (i) of Section 6380 of the Family Code. However, the fact that an
34 order issued by a court pursuant to this section was not issued on
35 forms adopted by the Judicial Council and approved by the
36 Department of Justice shall not, in and of itself, make the order
37 unenforceable.

38 (y) There is no filing fee for a petition that alleges that a person
39 has inflicted or threatened violence against the petitioner, stalked
40 the petitioner, or acted or spoken in any other manner that has

1 placed the petitioner in reasonable fear of violence, and that seeks
2 a protective or restraining order restraining stalking, future
3 violence, or threats of violence, in an action brought pursuant to
4 this section. A fee shall not be paid for a subpoena filed in
5 connection with a petition alleging these acts. A fee shall not be
6 paid for filing a response to a petition alleging these acts.

7 (z) (1) Subject to paragraph (4) of subdivision (b) of Section
8 6103.2 of the Government Code, there shall not be a fee for the
9 service of process by a sheriff or marshal of a protective or
10 restraining order to be issued, if either of the following conditions
11 apply:

12 (A) The protective or restraining order issued pursuant to this
13 section is based upon stalking, as prohibited by Section 646.9 of
14 the Penal Code.

15 (B) The protective or restraining order issued pursuant to this
16 section is based upon unlawful violence or a credible threat of
17 violence.

18 (2) The Judicial Council shall prepare and develop forms for
19 persons who wish to avail themselves of the services described in
20 this subdivision.

21 SEC. 2. Section 527.8 of the Code of Civil Procedure is
22 amended to read:

23 527.8. (a) Any employer, whose employee has suffered
24 unlawful violence or a credible threat of violence from any
25 individual, that can reasonably be construed to be carried out or
26 to have been carried out at the workplace, may seek a temporary
27 restraining order and an order after hearing on behalf of the
28 employee and, at the discretion of the court, any number of other
29 employees at the workplace, and, if appropriate, other employees
30 at other workplaces of the employer.

31 (b) For purposes of this section:

32 (1) "Course of conduct" is a pattern of conduct composed of a
33 series of acts over a period of time, however short, evidencing a
34 continuity of purpose, including following or stalking an employee
35 to or from the place of work; entering the workplace; following
36 an employee during hours of employment; making telephone calls
37 to an employee; or sending correspondence to an employee by any
38 means, including, but not limited to, the use of the public or private
39 mails, interoffice mail, facsimile, or computer email.

1 (2) “Credible threat of violence” is a knowing and willful
2 statement or course of conduct that would place a reasonable person
3 in fear for their safety, or the safety of their immediate family, and
4 that serves no legitimate purpose.

5 (3) “Employer” and “employee” mean persons defined in
6 Section 350 of the Labor Code. “Employer” also includes a federal
7 agency, the state, a state agency, a city, county, or district, and a
8 private, public, or quasi-public corporation, or any public agency
9 thereof or therein. “Employee” also includes the members of boards
10 of directors of private, public, and quasi-public corporations and
11 elected and appointed public officers. For purposes of this section
12 only, “employee” also includes a volunteer or independent
13 contractor who performs services for the employer at the
14 employer’s worksite.

15 (4) “Petitioner” means the employer that petitions under
16 subdivision (a) for a temporary restraining order and order after
17 hearing.

18 (5) “Respondent” means the person against whom the temporary
19 restraining order and order after hearing are sought and, if the
20 petition is granted, the restrained person.

21 (6) “Temporary restraining order” and “order after hearing”
22 mean orders that include any of the following restraining orders,
23 whether issued ex parte or after notice and hearing:

24 (A) An order enjoining a party from harassing, intimidating,
25 molesting, attacking, striking, stalking, threatening, sexually
26 assaulting, battering, abusing, telephoning, including, but not
27 limited to, making annoying telephone calls as described in Section
28 653m of the Penal Code, destroying personal property, contacting,
29 either directly or indirectly, by mail or otherwise, or coming within
30 a specified distance of, or disturbing the peace of, the employee.

31 (B) An order enjoining a party from specified behavior that the
32 court determines is necessary to effectuate orders described in
33 subparagraph (A).

34 (7) “Unlawful violence” is any assault or battery, or stalking as
35 prohibited in Section 646.9 of the Penal Code, but shall not include
36 lawful acts of self-defense or defense of others.

37 (c) This section does not permit a court to issue a temporary
38 restraining order or order after hearing prohibiting speech or other
39 activities that are constitutionally protected, or otherwise protected
40 by Section 527.3 or any other provision of law.

1 (d) In the discretion of the court, on a showing of good cause,
2 a temporary restraining order or order after hearing issued under
3 this section may include other named family or household
4 members, or other persons employed at the employee's workplace
5 or workplaces.

6 (e) Upon filing a petition under this section, the petitioner may
7 obtain a temporary restraining order in accordance with subdivision
8 (a) of Section 527, if the petitioner also files a declaration that, to
9 the satisfaction of the court, shows reasonable proof that an
10 employee has suffered unlawful violence or a credible threat of
11 violence by the respondent, and that great or irreparable harm
12 would result to an employee. The temporary restraining order may
13 include any of the protective orders described in paragraph (6) of
14 subdivision (b).

15 (f) A request for the issuance of a temporary restraining order
16 without notice under this section shall be granted or denied on the
17 same day that the petition is submitted to the court, unless the
18 petition is filed too late in the day to permit effective review, in
19 which case the order shall be granted or denied on the next day of
20 judicial business in sufficient time for the order to be filed that day
21 with the clerk of the court.

22 (g) A temporary restraining order granted under this section
23 shall remain in effect, at the court's discretion, for a period not to
24 exceed 21 days, or if the court extends the time for hearing under
25 subdivision (h), not to exceed 25 days, unless otherwise modified
26 or terminated by the court.

27 (h) Within 21 days, or if good cause appears to the court, 25
28 days from the date that a petition for a temporary order is granted
29 or denied, a hearing shall be held on the petition. If no request for
30 temporary orders is made, the hearing shall be held within 21 days,
31 or, if good cause appears to the court, 25 days, from the date that
32 the petition is filed.

33 (i) The respondent may file a response that explains, excuses,
34 justifies, or denies the alleged unlawful violence or credible threats
35 of violence.

36 (j) At the hearing, the judge shall receive any testimony that is
37 relevant and may make an independent inquiry. Moreover, if the
38 respondent is a current employee of the entity requesting the order,
39 the judge shall receive evidence concerning the employer's decision
40 to retain, terminate, or otherwise discipline the respondent. If the

1 judge finds by clear and convincing evidence that the respondent
2 engaged in unlawful violence or made a credible threat of violence,
3 an order shall issue prohibiting further unlawful violence or threats
4 of violence.

5 (k) (1) In the discretion of the court, an order issued after notice
6 and hearing under this section may have a duration of not more
7 than three years, subject to termination or modification by further
8 order of the court either on written stipulation filed with the court
9 or on the motion of a party. These orders may be renewed, upon
10 the request of a party, for a duration of not more than three years,
11 without a showing of any further violence or threats of violence
12 since the issuance of the original order, subject to termination or
13 modification by further order of the court either on written
14 stipulation filed with the court or on the motion of a party. The
15 request for renewal may be brought at any time within the three
16 months before the expiration of the order.

17 (2) The failure to state the expiration date on the face of the
18 form creates an order with a duration of three years from the date
19 of issuance.

20 (3) If an action is filed for the purpose of terminating or
21 modifying a protective order prior to the expiration date specified
22 in the order by a party other than the protected party, the party
23 who is protected by the order shall be given notice, pursuant to
24 subdivision (b) of Section 1005, of the proceeding by personal
25 service or, if the protected party has satisfied the requirements of
26 Chapter 3.1 (commencing with Section 6205) of Division 7 of
27 Title 1 of the Government Code, by service on the Secretary of
28 State. If the party who is protected by the order cannot be notified
29 prior to the hearing for modification or termination of the protective
30 order, the court shall deny the motion to modify or terminate the
31 order without prejudice or continue the hearing until the party who
32 is protected can be properly noticed and may, upon a showing of
33 good cause, specify another method for service of process that is
34 reasonably designed to afford actual notice to the protected party.
35 The protected party may waive their right to notice if they are
36 physically present in court and do not challenge the sufficiency of
37 the notice.

38 (l) This section does not preclude either party from
39 representation by private counsel or from appearing on their own
40 behalf.

1 (m) Upon filing of a petition under this section, the respondent
2 shall be personally served with a copy of the petition, temporary
3 restraining order, if any, and notice of hearing of the petition.
4 Service shall be made at least five days before the hearing. The
5 court may, for good cause, on motion of the petitioner or on its
6 own motion, shorten the time for service on the respondent.

7 (n) A notice of hearing under this section shall notify the
8 respondent that, if they do not attend the hearing, the court may
9 make orders against them that could last up to three years.

10 (o) The respondent shall be entitled, as a matter of course, to
11 one continuance, for a reasonable period, to respond to the petition.

12 (p) (1) Either party may request a continuance of the hearing,
13 which the court shall grant on a showing of good cause. The request
14 may be made in writing before or at the hearing or orally at the
15 hearing. The court may also grant a continuance on its own motion.

16 (2) If the court grants a continuance, any temporary restraining
17 order that has been granted shall remain in effect until the end of
18 the continued hearing, unless otherwise ordered by the court. In
19 granting a continuance, the court may modify or terminate a
20 temporary restraining order.

21 (q) (1) If a respondent, named in a restraining order issued
22 under this section after a hearing, has not been served personally
23 with the order but has received actual notice of the existence and
24 substance of the order through personal appearance in court to
25 hear the terms of the order from the court, no additional proof of
26 service is required for enforcement of the order.

27 (2) If the respondent named in a temporary restraining order is
28 personally served with the order and notice of hearing with respect
29 to a restraining order or protective order based on the temporary
30 restraining order, but the person does not appear at the hearing,
31 either personally or by an attorney, and the terms and conditions
32 of the restraining order or protective order issued at the hearing
33 are identical to the temporary restraining order, except for the
34 duration of the order, then the restraining order or protective order
35 issued at the hearing may be served on the person by first-class
36 mail sent to that person at the most current address for the person
37 available to the court.

38 (3) The Judicial Council form for temporary orders issued
39 pursuant to this subdivision shall contain a statement in
40 substantially the following form:

1
2 “If you have been personally served with this temporary
3 restraining order and notice of hearing, but you do not appear at
4 the hearing either in person or by a lawyer, and a restraining order
5 that is the same as this restraining order except for the expiration
6 date is issued at the hearing, a copy of the order will be served on
7 you by mail at the following address: ____.

8 If that address is not correct or you wish to verify that the
9 temporary restraining order was converted to a restraining order
10 at the hearing without substantive change and to find out the
11 duration of that order, contact the clerk of the court.”
12

13 (r) (1) Information on a temporary restraining order or order
14 after hearing relating to workplace violence issued by a court
15 pursuant to this section shall be transmitted to the Department of
16 Justice in accordance with either paragraph (2) or (3).

17 (2) The court shall order the petitioner or the attorney for the
18 petitioner to deliver a copy of any order issued under this section,
19 or a reissuance, extension, modification, or termination of the
20 order, and any subsequent proof of service, by the close of the
21 business day on which the order, reissuance, extension,
22 modification, or termination was made, to each law enforcement
23 agency having jurisdiction over the residence of the petitioner and
24 to any additional law enforcement agencies within the court’s
25 discretion as are requested by the petitioner.

26 (3) Alternatively, the court or its designee shall transmit, within
27 one business day, to law enforcement personnel all information
28 required under subdivision (b) of Section 6380 of the Family Code
29 regarding any order issued under this section, or a reissuance,
30 extension, modification, or termination of the order, and any
31 subsequent proof of service, by either one of the following
32 methods:

33 (A) Transmitting a physical copy of the order or proof of service
34 to a local law enforcement agency authorized by the Department
35 of Justice to enter orders into the California Law Enforcement
36 Telecommunications System (CLETS).

37 (B) With the approval of the Department of Justice, entering
38 the order or proof of service into CLETS directly.

39 (4) Each appropriate law enforcement agency shall make
40 available information as to the existence and current status of these

1 orders to law enforcement officers responding to the scene of
2 reported unlawful violence or a credible threat of violence.

3 (5) At the request of the petitioner, an order issued under this
4 section shall be served on the respondent, regardless of whether
5 the respondent has been taken into custody, by any law
6 enforcement officer who is present at the scene of reported
7 unlawful violence or a credible threat of violence involving the
8 parties to the proceedings. The petitioner shall provide the officer
9 with an endorsed copy of the order and proof of service that the
10 officer shall complete and send to the issuing court.

11 (6) Upon receiving information at the scene of an incident of
12 unlawful violence or a credible threat of violence that a protective
13 order has been issued under this section, or that a person who has
14 been taken into custody is the subject of an order, if the petitioner
15 or the protected person cannot produce an endorsed copy of the
16 order, a law enforcement officer shall immediately attempt to
17 verify the existence of the order.

18 (7) If the law enforcement officer determines that a protective
19 order has been issued but not served, the officer shall immediately
20 notify the respondent of the terms of the order and obtain the
21 respondent's address. The law enforcement officer shall at that
22 time also enforce the order, but may not arrest or take the
23 respondent into custody for acts in violation of the order that were
24 committed prior to the verbal notice of the terms and conditions
25 of the order. The law enforcement officer's verbal notice of the
26 terms of the order shall constitute service of the order and
27 constitutes sufficient notice for the purposes of this section and
28 for the purposes of Section 29825 of the Penal Code. The petitioner
29 shall mail an endorsed copy of the order to the respondent's mailing
30 address provided to the law enforcement officer within one
31 business day of the reported incident of unlawful violence or a
32 credible threat of violence at which a verbal notice of the terms of
33 the order was provided by a law enforcement officer.

34 (s) (1) (A) A person subject to a protective order issued under
35 this section shall not own, possess, purchase, receive, or attempt
36 to purchase or receive a firearm or ammunition while the protective
37 order is in effect.

38 (B) If, after notice and hearing, the protective order is issued
39 on or after July 1, 2024, a person subject to the protective order

1 shall not own, possess, purchase, or receive a firearm or
2 ammunition within three years after the expiration of the order.

3 (2) The court shall order a person subject to a protective order
4 issued under this section to relinquish any firearms they own or
5 possesses pursuant to Section 527.9.

6 (3) (A) Every person who owns, possesses, purchases or
7 receives, or attempts to purchase or receive a firearm or
8 ammunition while the protective order is in effect ~~or within three~~
9 ~~years after the expiration of an order described in subparagraph~~
10 ~~(B) of paragraph (1)~~ is punishable pursuant to Section 29825 of
11 the Penal Code.

12 *(B) A person who owns, possesses, purchases, or receives, or*
13 *attempts to purchase or receive, a firearm or ammunition within*
14 *three years after the expiration of an order described in*
15 *subparagraph (B) of paragraph (1) is punishable pursuant to*
16 *subdivision (b) of Section 29825 of the Penal Code. If the court*
17 *finds that the person has willfully violated this subparagraph, the*
18 *court shall impose the maximum fine allowed under Section 29825*
19 *of the Penal Code.*

20 (t) Any intentional disobedience of any temporary restraining
21 order or order after hearing granted under this section is punishable
22 pursuant to Section 273.6 of the Penal Code.

23 (u) This section shall not be construed as expanding,
24 diminishing, altering, or modifying the duty, if any, of an employer
25 to provide a safe workplace for employees and other persons.

26 (v) (1) The Judicial Council shall develop forms, instructions,
27 and rules for relating to matters governed by this section. The
28 forms for the petition and response shall be simple and concise,
29 and their use by parties in actions brought pursuant to this section
30 shall be mandatory.

31 (2) A temporary restraining order or order after hearing relating
32 to unlawful violence or a credible threat of violence issued by a
33 court pursuant to this section shall be issued on forms adopted by
34 the Judicial Council of California and that have been approved by
35 the Department of Justice pursuant to subdivision (i) of Section
36 6380 of the Family Code. However, the fact that an order issued
37 by a court pursuant to this section was not issued on forms adopted
38 by the Judicial Council and approved by the Department of Justice
39 shall not, in and of itself, make the order unenforceable.

1 (w) There is no filing fee for a petition that alleges that a person
2 has inflicted or threatened violence against an employee of the
3 petitioner, or stalked the employee, or acted or spoken in any other
4 manner that has placed the employee in reasonable fear of violence,
5 and that seeks a protective or restraining order restraining stalking
6 or future violence or threats of violence, in any action brought
7 pursuant to this section. No fee shall be paid for a subpoena filed
8 in connection with a petition alleging these acts. No fee shall be
9 paid for filing a response to a petition alleging these acts.

10 (x) (1) Subject to paragraph (4) of subdivision (b) of Section
11 6103.2 of the Government Code, there shall be no fee for the
12 service of process by a sheriff or marshal of a temporary restraining
13 order or order after hearing to be issued pursuant to this section if
14 either of the following conditions applies:

15 (A) The temporary restraining order or order after hearing issued
16 pursuant to this section is based upon stalking, as prohibited by
17 Section 646.9 of the Penal Code.

18 (B) The temporary restraining order or order after hearing issued
19 pursuant to this section is based on unlawful violence or a credible
20 threat of violence.

21 (2) The Judicial Council shall prepare and develop forms for
22 persons who wish to avail themselves of the services described in
23 this subdivision.

24 SEC. 3. Section 527.85 of the Code of Civil Procedure is
25 amended to read:

26 527.85. (a) Any chief administrative officer of a postsecondary
27 educational institution, or an officer or employee designated by
28 the chief administrative officer to maintain order on the school
29 campus or facility, a student of which has suffered a credible threat
30 of violence made off the school campus or facility from any
31 individual which can reasonably be construed to be carried out or
32 to have been carried out at the school campus or facility, may, with
33 the written consent of the student, seek a temporary restraining
34 order and an order after hearing on behalf of the student and, at
35 the discretion of the court, any number of other students at the
36 campus or facility who are similarly situated.

37 (b) For purposes of this section, the following definitions apply:

38 (1) "Chief administrative officer" means the principal, president,
39 or highest ranking official of the postsecondary educational
40 institution.

(2) “Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including any of the following:

- (A) Following or stalking a student to or from school.
- (B) Entering the school campus or facility.
- (C) Following a student during school hours.
- (D) Making telephone calls to a student.
- (E) Sending correspondence to a student by any means, including, but not limited to, the use of the public or private mails, interoffice mail, facsimile, or computer email.

(3) “Credible threat of violence” means a knowing and willful statement or course of conduct that would place a reasonable person in fear for their safety, or the safety of their immediate family, and that serves no legitimate purpose.

(4) “Petitioner” means the chief administrative officer, or their designee, who petitions under subdivision (a) for a temporary restraining order and order after hearing.

(5) “Postsecondary educational institution” means a private institution of vocational, professional, or postsecondary education.

(6) “Respondent” means the person against whom the temporary restraining order and order after hearing are sought and, if the petition is granted, the restrained person.

(7) “Student” means an adult currently enrolled in or applying for admission to a postsecondary educational institution.

(8) “Temporary restraining order” and “order after hearing” mean orders that include any of the following restraining orders, whether issued ex parte, or after notice and hearing:

(A) An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of, the student.

(B) An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in subparagraph (A).

(9) “Unlawful violence” means any assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code, but shall not include lawful acts of self-defense or defense of others.

1 (c) This section does not permit a court to issue a temporary
2 restraining order or order after hearing prohibiting speech or other
3 activities that are constitutionally protected, or otherwise protected
4 by Section 527.3 or any other provision of law.

5 (d) In the discretion of the court, on a showing of good cause,
6 a temporary restraining order or order after hearing issued under
7 this section may include other named family or household members
8 of the student, or other students at the campus or facility.

9 (e) Upon filing a petition under this section, the petitioner may
10 obtain a temporary restraining order in accordance with subdivision
11 (a) of Section 527, if the petitioner also files a declaration that, to
12 the satisfaction of the court, shows reasonable proof that a student
13 has suffered a credible threat of violence made off the school
14 campus or facility by the respondent, and that great or irreparable
15 harm would result to the student. The temporary restraining order
16 may include any of the protective orders described in paragraph
17 (8) of subdivision (b).

18 (f) A request for the issuance of a temporary restraining order
19 without notice under this section shall be granted or denied on the
20 same day that the petition is submitted to the court, unless the
21 petition is filed too late in the day to permit effective review, in
22 which case the order shall be granted or denied on the next day of
23 judicial business in sufficient time for the order to be filed that day
24 with the clerk of the court.

25 (g) A temporary restraining order granted under this section
26 shall remain in effect, at the court's discretion, for a period not to
27 exceed 21 days, or if the court extends the time for hearing under
28 subdivision (h), not to exceed 25 days, unless otherwise modified
29 or terminated by the court.

30 (h) Within 21 days, or if good cause appears to the court, within
31 25 days, from the date that a petition for a temporary order is
32 granted or denied, a hearing shall be held on the petition. If no
33 request for temporary orders is made, the hearing shall be held
34 within 21 days, or if good cause appears to the court, 25 days, from
35 the date the petition is filed.

36 (i) The respondent may file a response that explains, excuses,
37 justifies, or denies the alleged credible threats of violence.

38 (j) At the hearing, the judge shall receive any testimony that is
39 relevant and may make an independent inquiry. Moreover, if the
40 respondent is a current student of the entity requesting the order,

1 the judge shall receive evidence concerning the decision of the
2 postsecondary educational institution decision to retain, terminate,
3 or otherwise discipline the respondent. If the judge finds by clear
4 and convincing evidence that the respondent made a credible threat
5 of violence off the school campus or facility, an order shall be
6 issued prohibiting further threats of violence.

7 (k) (1) In the discretion of the court, an order issued after notice
8 and hearing under this section may have a duration of not more
9 than three years, subject to termination or modification by further
10 order of the court either on written stipulation filed with the court
11 or on the motion of a party. These orders may be renewed, upon
12 the request of a party, for a duration of not more than three years,
13 without a showing of any further violence or threats of violence
14 since the issuance of the original order, subject to termination or
15 modification by further order of the court either on written
16 stipulation filed with the court or on the motion of a party. The
17 request for renewal may be brought at any time within the three
18 months before the expiration of the order.

19 (2) The failure to state the expiration date on the face of the
20 form creates an order with a duration of three years from the date
21 of issuance.

22 (3) If an action is filed for the purpose of terminating or
23 modifying a protective order prior to the expiration date specified
24 in the order by a party other than the protected party, the party
25 who is protected by the order shall be given notice, pursuant to
26 subdivision (b) of Section 1005, of the proceeding by personal
27 service or, if the protected party has satisfied the requirements of
28 Chapter 3.1 (commencing with Section 6205) of Division 7 of
29 Title 1 of the Government Code, by service on the Secretary of
30 State. If the party who is protected by the order cannot be notified
31 prior to the hearing for modification or termination of the protective
32 order, the court shall deny the motion to modify or terminate the
33 order without prejudice or continue the hearing until the party who
34 is protected can be properly noticed and may, upon a showing of
35 good cause, specify another method for service of process that is
36 reasonably designed to afford actual notice to the protected party.
37 The protected party may waive their right to notice if they are
38 physically present in court and do not challenge the sufficiency of
39 the notice.

1 (l) This section does not preclude either party from
2 representation by private counsel or from appearing on their own
3 behalf.

4 (m) Upon filing of a petition under this section, the respondent
5 shall be personally served with a copy of the petition, temporary
6 restraining order, if any, and notice of hearing of the petition.
7 Service shall be made at least five days before the hearing. The
8 court may, for good cause, on motion of the petitioner or on its
9 own motion, shorten the time for service on the respondent.

10 (n) A notice of hearing under this section shall notify the
11 respondent that if they do not attend the hearing, the court may
12 make orders against them that could last up to three years.

13 (o) The respondent shall be entitled, as a matter of course, to
14 one continuance, for a reasonable period, to respond to the petition.

15 (p) (1) Either party may request a continuance of the hearing,
16 which the court shall grant on a showing of good cause. The request
17 may be made in writing before or at the hearing or orally at the
18 hearing. The court may also grant a continuance on its own motion.

19 (2) If the court grants a continuance, any temporary restraining
20 order that has been granted shall remain in effect until the end of
21 the continued hearing, unless otherwise ordered by the court. In
22 granting a continuance, the court may modify or terminate a
23 temporary restraining order.

24 (q) (1) If a respondent, named in an order issued under this
25 section after a hearing, has not been served personally with the
26 order but has received actual notice of the existence and substance
27 of the order through personal appearance in court to hear the terms
28 of the order from the court, no additional proof of service is
29 required for enforcement of the order.

30 (2) If the respondent named in a temporary restraining order is
31 personally served with the order and notice of hearing with respect
32 to a restraining order or protective order based on the temporary
33 restraining order, but the respondent does not appear at the hearing,
34 either personally or by an attorney, and the terms and conditions
35 of the restraining order or protective order issued at the hearing
36 are identical to the temporary restraining order, except for the
37 duration of the order, then the restraining order or protective order
38 issued at the hearing may be served on the respondent by first-class
39 mail sent to that person at the most current address for the
40 respondent available to the court.

(3) The Judicial Council form for temporary orders issued pursuant to this subdivision shall contain a statement in substantially the following form:

“If you have been personally served with a temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this temporary restraining order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the following address:_____.

If that address is not correct or you wish to verify that the temporary restraining order was converted to a restraining order at the hearing without substantive change and to find out the duration of that order, contact the clerk of the court.”

(r) (1) Information on a temporary restraining order or order after hearing relating to schoolsite violence issued by a court pursuant to this section shall be transmitted to the Department of Justice in accordance with either paragraph (2) or (3).

(2) The court shall order the petitioner or the attorney for the petitioner to deliver a copy of any order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by the close of the business day on which the order, reissuance, or termination of the order, and any proof of service, was made, to each law enforcement agency having jurisdiction over the residence of the petition and to any additional law enforcement agencies within the court’s discretion as are requested by the petitioner.

(3) Alternatively, the court or its designee shall transmit, within one business day, to law enforcement personnel all information required under subdivision (b) of Section 6380 of the Family Code regarding any order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by either one of the following methods:

(A) Transmitting a physical copy of the order or proof of service to a local law enforcement agency authorized by the Department of Justice to enter orders into the California Law Enforcement Telecommunications System (CLETS).

1 (B) With the approval of the Department of Justice, entering
2 the order of proof of service into CLETS directly.

3 (4) Each appropriate law enforcement agency shall make
4 available information as to the existence and current status of these
5 orders to law enforcement officers responding to the scene of
6 reported unlawful violence or a credible threat of violence.

7 (5) At the request of the petitioner, an order issued under this
8 section shall be served on the respondent, regardless of whether
9 the respondent has been taken into custody, by any law
10 enforcement officer who is present at the scene of reported
11 unlawful violence or a credible threat of violence involving the
12 parties to the proceedings. The petitioner shall provide the officer
13 with an endorsed copy of the order and proof of service that the
14 officer shall complete and send to the issuing court.

15 (6) Upon receiving information at the scene of an incident of
16 unlawful violence or a credible threat of violence that a protective
17 order has been issued under this section, or that a person who has
18 been taken into custody is the subject of an order, if the petitioner
19 or the protected person cannot produce an endorsed copy of the
20 order, a law enforcement officer shall immediately attempt to
21 verify the existence of the order.

22 (7) If the law enforcement officer determines that a protective
23 order has been issued but not served, the officer shall immediately
24 notify the respondent of the terms of the order and obtain the
25 respondent's address. The law enforcement officer shall at that
26 time also enforce the order, but may not arrest or take the
27 respondent into custody for acts in violation of the order that were
28 committed prior to the verbal notice of the terms and conditions
29 of the order. The law enforcement officer's verbal notice of the
30 terms of the order shall constitute service of the order and
31 constitutes sufficient notice for the purposes of this section, and
32 Section 29825 of the Penal Code. The petitioner shall mail an
33 endorsed copy of the order to the respondent's mailing address
34 provided to the law enforcement officer within one business day
35 of the reported incident of unlawful violence or a credible threat
36 of violence at which a verbal notice of the terms of the order was
37 provided by a law enforcement officer.

38 (s) (1) (A) A person subject to a protective order issued under
39 this section shall not own, possess, purchase, receive, or attempt

1 to purchase or receive a firearm or ammunition while the protective
2 order is in effect.

3 (B) If, after hearing and notice, the protective order is issued
4 on or after July 1, 2024, a person subject to the protective order
5 shall not own, possess, purchase, or receive a firearm or
6 ammunition within three years after expiration of the order.

7 (2) The court shall order a person subject to a protective order
8 issued under this section to relinquish any firearms they own or
9 possess pursuant to Section 527.9.

10 (3) (A) Every person who owns, possesses, purchases, or
11 receives, or attempts to purchase or receive a firearm or
12 ammunition while the protective order is in effect ~~or within three~~
13 ~~years after the expiration of an order described in subparagraph~~
14 ~~(B) of paragraph (1)~~ is punishable pursuant to Section 29825 of
15 the Penal Code.

16 *(B) A person who owns, possesses, purchases, or receives, or*
17 *attempts to purchase or receive, a firearm or ammunition within*
18 *three years after the expiration of an order described in*
19 *subparagraph (B) of paragraph (1) is punishable pursuant to*
20 *subdivision (b) of Section 29825 of the Penal Code. If the court*
21 *finds that the person has willfully violated this subparagraph, the*
22 *court shall impose the maximum fine allowed under Section 29825*
23 *of the Penal Code.*

24 (t) Any intentional disobedience of any temporary restraining
25 order or order after hearing granted under this section is punishable
26 pursuant to Section 273.6 of the Penal Code.

27 (u) This section shall not be construed as expanding,
28 diminishing, altering, or modifying the duty, if any, of a
29 postsecondary educational institution to provide a safe environment
30 for students and other persons.

31 (v) (1) The Judicial Council shall develop forms, instructions,
32 and rules relating to matters governed by this section. The forms
33 for the petition and response shall be simple and concise, and their
34 use by parties in actions brought pursuant to this section shall be
35 mandatory.

36 (2) A temporary restraining order or order after hearing relating
37 to unlawful violence or a credible threat of violence issued by a
38 court pursuant to this section shall be issued on forms adopted by
39 the Judicial Council that have been approved by the Department
40 of Justice pursuant to subdivision (i) of Section 6380 of the Family

1 Code. However, the fact that an order issued by a court pursuant
2 to this section was not issued on forms adopted by the Judicial
3 Council and approved by the Department of Justice shall not, in
4 and of itself, make the order unenforceable.

5 (w) There is no filing fee for a petition that alleges that a person
6 has threatened violence against a student of the petitioner, or
7 stalked the student, or acted or spoken in any other manner that
8 has placed the student in reasonable fear of violence, and that seeks
9 a protective or restraining order restraining stalking or future threats
10 of violence, in any action brought pursuant to this section. No fee
11 shall be paid for a subpoena filed in connection with a petition
12 alleging these acts. No fee shall be paid for filing a response to a
13 petition alleging these acts.

14 (x) (1) Subject to paragraph (4) of subdivision (b) of Section
15 6103.2 of the Government Code, there shall be no fee for the
16 service of process by a sheriff or marshal of a temporary restraining
17 order or order after hearing to be issued pursuant to this section if
18 either of the following conditions applies:

19 (A) The temporary restraining order or order after hearing issued
20 pursuant to this section is based upon stalking, as prohibited by
21 Section 646.9 of the Penal Code.

22 (B) The temporary restraining order or order after hearing issued
23 pursuant to this section is based upon a credible threat of violence.

24 (2) The Judicial Council shall prepare and develop forms for
25 persons who wish to avail themselves of the services described in
26 this subdivision.

27 SEC. 4. Section 527.9 of the Code of Civil Procedure is
28 amended to read:

29 527.9. (a) A person subject to a temporary restraining order
30 or injunction issued pursuant to Section 527.6, 527.8, or 527.85
31 or subject to a restraining order issued pursuant to Section 136.2
32 of the Penal Code, or Section 15657.03 of the Welfare and
33 Institutions Code, shall relinquish the firearm pursuant to this
34 section.

35 (b) Upon the issuance of a protective order against a person
36 pursuant to subdivision (a), the court shall order that person to
37 relinquish any firearm in that person's immediate possession or
38 control, or subject to that person's immediate possession or control,
39 within 24 hours of being served with the order, either by
40 surrendering the firearm to the control of local law enforcement

officials, or by selling the firearm to a licensed gun dealer, as specified in Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6 of the Penal Code. A person ordered to relinquish any firearm pursuant to this subdivision shall file with the court a receipt showing the firearm was surrendered to the local law enforcement agency or sold to a licensed gun dealer within 48 hours after receiving the order. In the event that it is necessary to continue the date of any hearing due to a request for a relinquishment order pursuant to this section, the court shall ensure that all applicable protective orders described in Section 6218 of the Family Code remain in effect or bifurcate the issues and grant the permanent restraining order pending the date of the hearing.

(c) A local law enforcement agency may charge the person subject to the order or injunction a fee for the storage of any firearm relinquished pursuant to this section. The fee shall not exceed the actual cost incurred by the local law enforcement agency for the storage of the firearm. For purposes of this subdivision, “actual cost” means expenses directly related to taking possession of a firearm, storing the firearm, and surrendering possession of the firearm to a licensed dealer as defined in Section 26700 of the Penal Code or to the person relinquishing the firearm.

(d) The restraining order requiring a person to relinquish a firearm pursuant to subdivision (b) shall state on its face that the respondent is prohibited from owning, possessing, purchasing, or receiving a firearm while the protective order is in effect and within three years after the expiration of the protective order issued on or after July 1, 2024, and that the firearm shall be relinquished to the local law enforcement agency for that jurisdiction or sold to a licensed gun dealer, and that proof of surrender or sale shall be filed with the court within a specified period of receipt of the order. The order shall also state on its face the expiration date for relinquishment. Nothing in this section shall limit a respondent’s right under existing law to petition the court at a later date for modification of the order.

(e) The restraining order requiring a person to relinquish a firearm pursuant to subdivision (b) shall prohibit the person from possessing or controlling any firearm or ammunition for the duration of the order. If, after notice and hearing, the order is issued on or after July 1, 2024, the order shall prohibit the person from

1 possessing or controlling any firearm within three years after
2 expiration of the protective order. At the expiration of the firearm
3 relinquishment order, the local law enforcement agency shall return
4 possession of any surrendered firearm to the respondent, unless
5 the local law enforcement agency determines that (1) the firearm
6 has been stolen, (2) the respondent is prohibited from possessing
7 a firearm because the respondent is in any prohibited class for the
8 possession of firearms, as defined in Chapter 2 (commencing with
9 Section 29800) and Chapter 3 (commencing with Section 29900)
10 of Division 9 of Title 4 of Part 6 of the Penal Code and Sections
11 8100 and 8103 of the Welfare and Institutions Code, or (3) another
12 successive restraining order is issued against the respondent under
13 this section. If the local law enforcement agency determines that
14 the respondent is the legal owner of any firearm deposited with
15 the local law enforcement agency and is prohibited from possessing
16 any firearm, the respondent shall be entitled to sell or transfer the
17 firearm to a licensed dealer as defined in Section 26700 of the
18 Penal Code. If the firearm has been stolen, the firearm shall be
19 restored to the lawful owner upon their identification of the firearm
20 and proof of ownership.

21 (f) The court may, as part of the relinquishment order, grant an
22 exemption from the relinquishment requirements of this section
23 for a particular firearm if the respondent can show that a particular
24 firearm is necessary as a condition of continued employment and
25 that the current employer is unable to reassign the respondent to
26 another position where a firearm is unnecessary. If an exemption
27 is granted pursuant to this subdivision, the order shall provide that
28 the firearm shall be in the physical possession of the respondent
29 only during scheduled work hours and during travel to and from
30 their place of employment. In any case involving a peace officer
31 who as a condition of employment and whose personal safety
32 depends on the ability to carry a firearm, a court may allow the
33 peace officer to continue to carry a firearm, either on duty or off
34 duty, if the court finds by a preponderance of the evidence that the
35 officer does not pose a threat of harm. Prior to making this finding,
36 the court shall require a mandatory psychological evaluation of
37 the peace officer and may require the peace officer to enter into
38 counseling or other remedial treatment program to deal with any
39 propensity for domestic violence.

(g) During the period of the relinquishment order, a respondent is entitled to make one sale of all firearms that are in the possession of a local law enforcement agency pursuant to this section. A licensed gun dealer, who presents a local law enforcement agency with a bill of sale indicating that all firearms owned by the respondent that are in the possession of the local law enforcement agency have been sold by the respondent to the licensed gun dealer, shall be given possession of those firearms, at the location where a respondent's firearms are stored, within five days of presenting the local law enforcement agency with a bill of sale.

SEC. 5. Section 6389 of the Family Code is amended to read:

6389. (a) (1) A person subject to a protective order, as defined in Section 6218, shall not own, possess, purchase, or receive a firearm or ammunition while that protective order is in effect. A person who owns, possesses, purchases, or receives, or attempts to purchase or receive a firearm or ammunition while the protective order is in effect is punishable pursuant to Section 29825 of the Penal Code.

(2) If, after notice and hearing, a protective order is issued on or after July 1, 2024, a person subject to the protective order shall not own, possess, purchase, or receive a firearm or ammunition within three years after expiration of the order. A person who owns, possesses, purchases, or receives, or attempts to purchase or receive a firearm or ammunition within three years after expiration of an order described in this paragraph, is punishable pursuant to *subdivision (b) of Section 29825 of the Penal Code. If the court finds that the person has willfully violated this paragraph, the court shall impose the maximum fine allowed under Section 29825 of the Penal Code.*

(b) On all forms providing notice that a protective order has been requested or granted, the Judicial Council shall include a notice that, upon service of the order, the respondent shall be ordered to relinquish possession or control of any firearms or ammunition and not to purchase or receive or attempt to purchase or receive any firearms or ammunition for the duration of the restraining order and within three years after expiration of an order described in paragraph (2) of subdivision (a).

(c) (1) Upon issuance of a protective order, as defined in Section 6218, the court shall order the respondent to relinquish any firearm

1 or ammunition in the respondent's immediate possession or control
2 or subject to the respondent's immediate possession or control.

3 (2) The relinquishment ordered pursuant to paragraph (1) shall
4 occur by immediately surrendering the firearm or ammunition in
5 a safe manner, upon request of a law enforcement officer, to the
6 control of the officer, after being served with the protective order.

7 A law enforcement officer serving a protective order that indicates
8 that the respondent possesses weapons or ammunition shall request
9 that the firearm or ammunition be immediately surrendered.

10 Alternatively, if a request is not made by a law enforcement officer,
11 the relinquishment shall occur within 24 hours of being served
12 with the order, by either surrendering the firearm or ammunition
13 in a safe manner to the control of local law enforcement officials,
14 or by selling, transferring, or relinquishing for storage pursuant to
15 Section 29830 of the Penal Code, the firearm or ammunition to a
16 licensed gun dealer, as specified in Article 1 (commencing with
17 Section 26700) and Article 2 (commencing with Section 26800)
18 of Chapter 2 of Division 6 of Title 4 of Part 6 of the Penal Code.

19 The law enforcement officer or licensed gun dealer taking
20 possession of the firearm or ammunition pursuant to this
21 subdivision shall issue a receipt to the person relinquishing the
22 firearm or ammunition at the time of relinquishment. A person
23 ordered to relinquish a firearm or ammunition pursuant to this
24 subdivision shall, within 48 hours after being served with the order,
25 do both of the following:

26 (A) File, with the court that issued the protective order, the
27 receipt showing the firearm or ammunition was surrendered to a
28 local law enforcement agency or sold to a licensed gun dealer.
29 Failure to timely file a receipt shall constitute a violation of the
30 protective order.

31 (B) File a copy of the receipt described in subparagraph (A)
32 with the law enforcement agency that served the protective order.
33 Failure to timely file a copy of the receipt shall constitute a
34 violation of the protective order.

35 (3) The forms for protective orders adopted by the Judicial
36 Council and approved by the Department of Justice shall require
37 the petitioner to describe the number, types, and locations of any
38 firearms or ammunition presently known by the petitioner to be
39 possessed or controlled by the respondent.

(4) A court holding a hearing on this matter shall review the file to determine whether the receipt has been filed and inquire of the respondent whether they have complied with the requirement. Violations of the firearms prohibition of any restraining order under this section shall be reported to the prosecuting attorney in the jurisdiction where the order has been issued within two business days of the court hearing unless the restrained party provides a receipt showing compliance at a subsequent hearing or by direct filing with the clerk of the court.

(5) Every law enforcement agency in the state shall develop, adopt, and implement written policies and standards for law enforcement officers who request immediate relinquishment of firearms or ammunition.

(d) If the respondent declines to relinquish possession of a firearm or ammunition based on the assertion of the right against self-incrimination, as provided by the Fifth Amendment to the United States Constitution and Section 15 of Article I of the California Constitution, the court may grant use immunity for the act of relinquishing the firearm or ammunition required under this section.

(e) A local law enforcement agency may charge the respondent a fee for the storage of a firearm or ammunition pursuant to this section. This fee shall not exceed the actual cost incurred by the local law enforcement agency for the storage of the firearm or ammunition. For purposes of this subdivision, “actual cost” means expenses directly related to taking possession of a firearm or ammunition, storing the firearm or ammunition, and surrendering possession of the firearm or ammunition to a licensed dealer as defined in Section 26700 of the Penal Code or to the respondent.

(f) The restraining order requiring a person to relinquish a firearm or ammunition pursuant to subdivision (c) shall state on its face that the respondent is prohibited from owning, possessing, purchasing, or receiving a firearm or ammunition while the protective order is in effect and within three years after the expiration of an order described in paragraph (2) of subdivision (a), and that the firearm or ammunition shall be relinquished to the local law enforcement agency for that jurisdiction or sold to a licensed gun dealer, and that proof of surrender or sale shall be filed with the court within a specified period of receipt of the order. The order shall also state on its face the expiration date for

1 relinquishment. This section does not limit a respondent's right
2 under existing law to petition the court at a later date for
3 modification of the order.

4 (g) The restraining order requiring a person to relinquish a
5 firearm or ammunition pursuant to subdivision (c) shall prohibit
6 the person from possessing or controlling a firearm or ammunition
7 for the duration of the order and within three years after the
8 expiration of an order described in paragraph (2) of subdivision
9 (a). At the expiration of the firearm relinquishment order, the local
10 law enforcement agency shall return possession of the surrendered
11 firearm or ammunition to the respondent, within five days after
12 the expiration of the relinquishment order, unless the local law
13 enforcement agency determines that (1) the firearm or ammunition
14 has been stolen, (2) the respondent is prohibited from possessing
15 a firearm or ammunition because the respondent is in a prohibited
16 class for the possession of firearms or ammunition, as defined in
17 Chapter 2 (commencing with Section 29800) and Chapter 3
18 (commencing with Section 29900) of Division 9 of Title 4 of Part
19 6 of the Penal Code, Section 30305 of the Penal Code, and Sections
20 8100 and 8103 of the Welfare and Institutions Code, or (3) another
21 successive restraining order is issued against the respondent under
22 this section. If the local law enforcement agency determines that
23 the respondent is the legal owner of a firearm or ammunition
24 deposited with the local law enforcement agency and is prohibited
25 from possessing a firearm or ammunition, the respondent shall be
26 entitled to sell or transfer the firearm or ammunition to a licensed
27 dealer as defined in Section 26700 of the Penal Code. If the firearm
28 or ammunition has been stolen, the firearm or ammunition shall
29 be restored to the lawful owner upon the owner identifying the
30 firearm and ammunition and providing proof of ownership.

31 (h) The court may, as part of the relinquishment order, grant an
32 exemption from the relinquishment requirements of this section
33 for a particular firearm or ammunition if the respondent can show
34 that a particular firearm or ammunition is necessary as a condition
35 of continued employment and that the current employer is unable
36 to reassign the respondent to another position where a firearm or
37 ammunition is unnecessary. If an exemption is granted pursuant
38 to this subdivision, the order shall provide that the firearm or
39 ammunition shall be in the physical possession of the respondent
40 only during scheduled work hours and during travel to and from

1 the place of employment. When a peace officer is required, as a
2 condition of employment, to carry a firearm or ammunition and
3 whose personal safety depends on the ability to carry a firearm or
4 ammunition a court may allow the peace officer to continue to
5 carry a firearm or ammunition, either on duty or off duty, if the
6 court finds by a preponderance of the evidence that the officer
7 does not pose a threat of harm. Prior to making this finding, the
8 court shall require a mandatory psychological evaluation of the
9 peace officer and may require the peace officer to enter into
10 counseling or other remedial treatment program to deal with any
11 propensity for domestic violence.

12 (i) During the period of the relinquishment order, a respondent
13 is entitled to make one sale of all firearms or ammunition that are
14 in the possession of a local law enforcement agency pursuant to
15 this section. A licensed gun dealer, who presents a local law
16 enforcement agency with a bill of sale indicating that all firearms
17 or ammunition owned by the respondent that are in the possession
18 of the local law enforcement agency have been sold by the
19 respondent to the licensed gun dealer, shall be given possession
20 of those firearms or ammunition, at the location where a
21 respondent's firearms or ammunition are stored, within five days
22 of presenting the local law enforcement agency with a bill of sale.

23 (j) The disposition of any unclaimed property under this section
24 shall be made pursuant to Section 1413 of the Penal Code.

25 (k) The relinquishment of a firearm to a law enforcement agency
26 pursuant to subdivision (g) or the return of a firearm to a person
27 pursuant to subdivision (g) shall not be subject to the requirements
28 of Section 27545 of the Penal Code.

29 (l) If the respondent notifies the court that the respondent owns
30 a firearm or ammunition that is not in their immediate possession,
31 the court may limit the order to exclude that firearm or ammunition
32 if the judge is satisfied the respondent is unable to gain access to
33 that firearm or ammunition while the protective order is in effect
34 and within three years after the expiration of an order described
35 in paragraph (2) of subdivision (a).

36 (m) A respondent to a protective order who violates an order
37 issued pursuant to this section shall be punished under the
38 provisions of Section 29825 of the Penal Code.

39 ~~SEC. 6. Section 136.2 of the Penal Code is amended to read:~~

1 ~~136.2.— (a) (1) Upon a good cause belief that harm to, or~~
2 ~~intimidation or dissuasion of, a victim or witness has occurred or~~
3 ~~is reasonably likely to occur, a court with jurisdiction over a~~
4 ~~criminal matter may issue orders, including, but not limited to, the~~
5 ~~following:~~

6 ~~(A) An order issued pursuant to Section 6320 of the Family~~
7 ~~Code.~~

8 ~~(B) An order that a defendant shall not violate any provision of~~
9 ~~Section 136.1.~~

10 ~~(C) An order that a person before the court other than a~~
11 ~~defendant, including, but not limited to, a subpoenaed witness or~~
12 ~~other person entering the courtroom of the court, shall not violate~~
13 ~~any provision of Section 136.1.~~

14 ~~(D) An order that a person described in this section shall have~~
15 ~~no communication whatsoever with a specified witness or a victim,~~
16 ~~except through an attorney under reasonable restrictions that the~~
17 ~~court may impose.~~

18 ~~(E) An order calling for a hearing to determine if an order~~
19 ~~described in subparagraphs (A) to (D), inclusive, should be issued.~~

20 ~~(F) (i) An order that a particular law enforcement agency within~~
21 ~~the jurisdiction of the court provide protection for a victim, witness,~~
22 ~~or both, or for immediate family members of a victim or a witness~~
23 ~~who reside in the same household as the victim or witness or within~~
24 ~~reasonable proximity of the victim's or witness' household, as~~
25 ~~determined by the court. The order shall not be made without the~~
26 ~~consent of the law enforcement agency except for limited and~~
27 ~~specified periods of time and upon an express finding by the court~~
28 ~~of a clear and present danger of harm to the victim or witness or~~
29 ~~immediate family members of the victim or witness.~~

30 ~~(ii) For purposes of this paragraph, "immediate family members"~~
31 ~~include the spouse, children, or parents of the victim or witness.~~

32 ~~(G) (i) An order protecting a victim or witness of violent crime~~
33 ~~from all contact by the defendant, or contact, with the intent to~~
34 ~~annoy, harass, threaten, or commit acts of violence, by the~~
35 ~~defendant. The court or its designee shall transmit orders made~~
36 ~~under this paragraph to law enforcement personnel within one~~
37 ~~business day of the issuance, modification, extension, or~~
38 ~~termination of the order, pursuant to subdivision (a) of Section~~
39 ~~6380 of the Family Code. It is the responsibility of the court to~~
40 ~~transmit the modification, extension, or termination orders made~~

1 under this paragraph to the same agency that entered the original
2 protective order into the California Restraining and Protective
3 Order System.

4 (ii) (I) If a court does not issue an order pursuant to clause (i)
5 when the defendant is charged with a crime involving domestic
6 violence as defined in Section 13700 of this code or in Section
7 6211 of the Family Code, the court, on its own motion, shall
8 consider issuing a protective order upon a good cause belief that
9 harm to, or intimidation or dissuasion of, a victim or witness has
10 occurred or is reasonably likely to occur, that provides as follows:

11 (ia) The defendant shall not own, possess, purchase, receive, or
12 attempt to purchase or receive, a firearm while the protective order
13 is in effect. If, after notice and hearing, the protective order is
14 issued on or after July 1, 2024, the defendant shall not own,
15 possess, purchase, receive, or attempt to purchase or receive a
16 firearm within three years after the expiration of the order.

17 (ib) The defendant shall relinquish ownership or possession of
18 any firearms, pursuant to Section 527.9 of the Code of Civil
19 Procedure.

20 (II) Every person who owns, possesses, purchases, or receives,
21 or attempts to purchase or receive, a firearm in violation of this
22 section is punishable pursuant to Section 29825.

23 (iii) An order issued, modified, extended, or terminated by a
24 court pursuant to this subparagraph shall be issued on forms
25 adopted by the Judicial Council of California that have been
26 approved by the Department of Justice pursuant to subdivision (i)
27 of Section 6380 of the Family Code. However, the fact that an
28 order issued by a court pursuant to this section was not issued on
29 forms adopted by the Judicial Council and approved by the
30 Department of Justice shall not, in and of itself, make the order
31 unenforceable.

32 (iv) A protective order issued under this subparagraph may
33 require the defendant to be placed on electronic monitoring if the
34 local government, with the concurrence of the county sheriff or
35 the chief probation officer with jurisdiction, adopts a policy to
36 authorize electronic monitoring of defendants and specifies the
37 agency with jurisdiction for this purpose. If the court determines
38 that the defendant has the ability to pay for the monitoring program,
39 the court shall order the defendant to pay for the monitoring. If
40 the court determines that the defendant does not have the ability

1 to pay for the electronic monitoring, the court may order electronic
2 monitoring to be paid for by the local government that adopted
3 the policy to authorize electronic monitoring. The duration of
4 electronic monitoring shall not exceed one year from the date the
5 order is issued. The electronic monitoring shall not be in place if
6 the protective order is not in place.

7 (2) For purposes of this subdivision, a minor who was not a
8 victim of, but who was physically present at the time of, an act of
9 domestic violence, is a witness and is deemed to have suffered
10 harm within the meaning of paragraph (1).

11 (b) A person violating an order made pursuant to subparagraphs
12 (A) to (G), inclusive, of paragraph (1) of subdivision (a) may be
13 punished for any substantive offense described in Section 136.1,
14 or for a contempt of the court making the order. A finding of
15 contempt shall not be a bar to prosecution for a violation of Section
16 136.1. However, a person held in contempt shall be entitled to
17 credit for punishment imposed therein against a sentence imposed
18 upon conviction of an offense described in Section 136.1. A
19 conviction or acquittal for a substantive offense under Section
20 136.1 shall be a bar to a subsequent punishment for contempt
21 arising out of the same act.

22 (c) (1) (A) Notwithstanding subdivision (c), an emergency
23 protective order issued pursuant to Chapter 2 (commencing with
24 Section 6250) of Part 3 of Division 10 of the Family Code or
25 Section 646.91 shall have precedence in enforcement over any
26 other restraining or protective order, provided the emergency
27 protective order meets all of the following requirements:

28 (i) The emergency protective order is issued to protect one or
29 more individuals who are already protected persons under another
30 restraining or protective order.

31 (ii) The emergency protective order restrains the individual who
32 is the restrained person in the other restraining or protective order
33 specified in clause (i).

34 (iii) The provisions of the emergency protective order are more
35 restrictive in relation to the restrained person than are the provisions
36 of the other restraining or protective order specified in clause (i).

37 (B) An emergency protective order that meets the requirements
38 of subparagraph (A) shall have precedence in enforcement over
39 the provisions of any other restraining or protective order only

1 with respect to those provisions of the emergency protective order
2 that are more restrictive in relation to the restrained person.

3 (2) Except as described in paragraph (1), a no-contact order, as
4 described in Section 6320 of the Family Code, shall have
5 precedence in enforcement over any other restraining or protective
6 order.

7 (d) (1) (A) A person subject to a protective order issued under
8 this section shall not own, possess, purchase, or receive, or attempt
9 to purchase or receive, a firearm while the protective order is in
10 effect.

11 (B) If, after notice and hearing, the protective order is issued
12 on or after July 1, 2024, a person subject to the protective order
13 issued under this section shall not own, possess, purchase, or
14 receive a firearm or ammunition within three years after expiration
15 of the order.

16 (2) The court shall order a person subject to a protective order
17 issued under this section to relinquish ownership or possession of
18 any firearms, pursuant to Section 527.9 of the Code of Civil
19 Procedure.

20 (3) A person who owns, possesses, purchases, or receives, or
21 attempts to purchase or receive, a firearm while the protective
22 order is in effect or within three years after the expiration of an
23 order described in subparagraph (B) of paragraph (1) is punishable
24 pursuant to Section 29825.

25 (e) (1) When the defendant is charged with a crime involving
26 domestic violence, as defined in Section 13700 of this code or in
27 Section 6211 of the Family Code, or a violation of Section 261,
28 261.5, or former Section 262, or a crime that requires the defendant
29 to register pursuant to subdivision (c) of Section 290, including,
30 but not limited to, commercial sexual exploitation of a minor in
31 violation of Section 236.1, the court shall consider issuing the
32 above-described orders on its own motion. All interested parties
33 shall receive a copy of those orders. In order to facilitate this, the
34 court's records of all criminal cases involving domestic violence
35 or a violation of Section 261, 261.5, or former Section 262, or a
36 crime that requires the defendant to register pursuant to subdivision
37 (c) of Section 290, including, but not limited to, commercial sexual
38 exploitation of a minor in violation of Section 236.1, shall be
39 marked to clearly alert the court to this issue.

1 ~~(2) When a complaint, information, or indictment charging a~~
2 ~~crime involving domestic violence, as defined in Section 13700~~
3 ~~or in Section 6211 of the Family Code, or a violation of Section~~
4 ~~261, 261.5, or former Section 262, or a crime that requires the~~
5 ~~defendant to register pursuant to subdivision (c) of Section 290,~~
6 ~~including, but not limited to, commercial sexual exploitation of a~~
7 ~~minor in violation of Section 236.1, has been issued, except as~~
8 ~~described in subdivision (c), a restraining order or protective order~~
9 ~~against the defendant issued by the criminal court in that case has~~
10 ~~precedence in enforcement over a civil court order against the~~
11 ~~defendant.~~

12 ~~(3) Custody and visitation with respect to the defendant and the~~
13 ~~defendant's minor children may be ordered by a family or juvenile~~
14 ~~court consistent with the protocol established pursuant to~~
15 ~~subdivision (f), but if ordered after a criminal protective order has~~
16 ~~been issued pursuant to this section, the custody and visitation~~
17 ~~order shall make reference to, and, if there is not an emergency~~
18 ~~protective order that has precedence in enforcement pursuant to~~
19 ~~paragraph (1) of subdivision (c), or a no-contact order, as described~~
20 ~~in Section 6320 of the Family Code, acknowledge the precedence~~
21 ~~of enforcement of, an appropriate criminal protective order. On or~~
22 ~~before July 1, 2014, the Judicial Council shall modify the criminal~~
23 ~~and civil court forms consistent with this subdivision.~~

24 ~~(f) On or before January 1, 2003, the Judicial Council shall~~
25 ~~promulgate a protocol, for adoption by each local court in~~
26 ~~substantially similar terms, to provide for the timely coordination~~
27 ~~of all orders against the same defendant and in favor of the same~~
28 ~~named victim or victims. The protocol shall include, but shall not~~
29 ~~be limited to, mechanisms for ensuring appropriate communication~~
30 ~~and information sharing between criminal, family, and juvenile~~
31 ~~courts concerning orders and cases that involve the same parties,~~
32 ~~and shall permit a family or juvenile court order to coexist with a~~
33 ~~criminal court protective order subject to the following conditions:~~

34 ~~(1) An order that permits contact between the restrained person~~
35 ~~and the person's children shall provide for the safe exchange of~~
36 ~~the children and shall not contain language, either printed or~~
37 ~~handwritten, that violates a "no-contact order" issued by a criminal~~
38 ~~court.~~

39 ~~(2) The safety of all parties shall be the courts' paramount~~
40 ~~concern. The family or juvenile court shall specify the time, day,~~

1 place, and manner of transfer of the child, as provided in Section
2 3100 of the Family Code.

3 ~~(g) On or before January 1, 2003, the Judicial Council shall~~
4 ~~modify the criminal and civil court protective order forms~~
5 ~~consistent with this section.~~

6 ~~(h) (1) When a complaint, information, or indictment charging~~
7 ~~a crime involving domestic violence, as defined in Section 13700~~
8 ~~or in Section 6211 of the Family Code, has been filed, the court~~
9 ~~may consider, in determining whether good cause exists to issue~~
10 ~~an order under subparagraph (A) of paragraph (1) of subdivision~~
11 ~~(a), the underlying nature of the offense charged, and the~~
12 ~~information provided to the court pursuant to Section 273.75.~~

13 ~~(2) When a complaint, information, or indictment charging a~~
14 ~~violation of Section 261, 261.5, or former Section 262, or a crime~~
15 ~~that requires the defendant to register pursuant to subdivision (c)~~
16 ~~of Section 290, including, but not limited to, commercial sexual~~
17 ~~exploitation of a minor in violation of Section 236.1, has been~~
18 ~~filed, the court may consider, in determining whether good cause~~
19 ~~exists to issue an order under paragraph (1) of subdivision (a), the~~
20 ~~underlying nature of the offense charged, the defendant's~~
21 ~~relationship to the victim, the likelihood of continuing harm to the~~
22 ~~victim, any current restraining order or protective order issued by~~
23 ~~a civil or criminal court involving the defendant, and the~~
24 ~~defendant's criminal history, including, but not limited to, prior~~
25 ~~convictions for a violation of Section 261, 261.5, or former Section~~
26 ~~262, a crime that requires the defendant to register pursuant to~~
27 ~~subdivision (c) of Section 290, including, but not limited to,~~
28 ~~commercial sexual exploitation of a minor in violation of Section~~
29 ~~236.1, any other forms of violence, or a weapons offense.~~

30 ~~(i) (1) When a criminal defendant has been convicted of a crime~~
31 ~~involving domestic violence as defined in Section 13700 or in~~
32 ~~Section 6211 of the Family Code, a violation of subdivision (a),~~
33 ~~(b), or (c) of Section 236.1 prohibiting human trafficking, Section~~
34 ~~261, 261.5, former Section 262, subdivision (a) of Section 266h,~~
35 ~~or subdivision (a) of Section 266i, a violation of Section 186.22,~~
36 ~~or a crime that requires the defendant to register pursuant to~~
37 ~~subdivision (c) of Section 290, the court, at the time of sentencing,~~
38 ~~shall consider issuing an order restraining the defendant from any~~
39 ~~contact with a victim of the crime. The order may be valid for up~~
40 ~~to 10 years, as determined by the court. This protective order may~~

1 be issued by the court regardless of whether the defendant is
2 sentenced to the state prison or a county jail or subject to mandatory
3 supervision, or whether imposition of sentence is suspended and
4 the defendant is placed on probation. It is the intent of the
5 Legislature in enacting this subdivision that the duration of a
6 restraining order issued by the court be based upon the seriousness
7 of the facts before the court, the probability of future violations,
8 and the safety of a victim and the victim's immediate family.

9 (2) When a criminal defendant has been convicted of a crime
10 involving domestic violence as defined in Section 13700 or in
11 Section 6211 of the Family Code, a violation of Section 261, 261.5,
12 or former Section 262, a violation of Section 186.22, or a crime
13 that requires the defendant to register pursuant to subdivision (c)
14 of Section 290, the court, at the time of sentencing, shall consider
15 issuing an order restraining the defendant from any contact with
16 a percipient witness to the crime if it can be established by clear
17 and convincing evidence that the witness has been harassed, as
18 defined in paragraph (3) of subdivision (b) of Section 527.6 of the
19 Code of Civil Procedure, by the defendant.

20 (3) An order under this subdivision may include provisions for
21 electronic monitoring if the local government, upon receiving the
22 concurrence of the county sheriff or the chief probation officer
23 with jurisdiction, adopts a policy authorizing electronic monitoring
24 of defendants and specifies the agency with jurisdiction for this
25 purpose. If the court determines that the defendant has the ability
26 to pay for the monitoring program, the court shall order the
27 defendant to pay for the monitoring. If the court determines that
28 the defendant does not have the ability to pay for the electronic
29 monitoring, the court may order the electronic monitoring to be
30 paid for by the local government that adopted the policy authorizing
31 electronic monitoring. The duration of the electronic monitoring
32 shall not exceed one year from the date the order is issued.

33 (j) For purposes of this section, "local government" means the
34 county that has jurisdiction over the protective order.

35 SEC. 7.

36 SEC. 6. Section 1524 of the Penal Code is amended to read:

37 1524. (a) A search warrant may be issued upon any of the
38 following grounds:

39 (1) When the property was stolen or embezzled.

1 (2) When the property or things were used as the means of
2 committing a felony.

3 (3) When the property or things are in the possession of any
4 person with the intent to use them as a means of committing a
5 public offense, or in the possession of another to whom that person
6 may have delivered them for the purpose of concealing them or
7 preventing them from being discovered.

8 (4) When the property or things to be seized consist of an item
9 or constitute evidence that tends to show a felony has been
10 committed, or tends to show that a particular person has committed
11 a felony.

12 (5) When the property or things to be seized consist of evidence
13 that tends to show that sexual exploitation of a child, in violation
14 of Section 311.3, or possession of matter depicting sexual conduct
15 of a person under 18 years of age, in violation of Section 311.11,
16 has occurred or is occurring.

17 (6) When there is a warrant to arrest a person.

18 (7) When a provider of electronic communication service or
19 remote computing service has records or evidence, as specified in
20 Section 1524.3, showing that property was stolen or embezzled
21 constituting a misdemeanor, or that property or things are in the
22 possession of any person with the intent to use them as a means
23 of committing a misdemeanor public offense, or in the possession
24 of another to whom that person may have delivered them for the
25 purpose of concealing them or preventing their discovery.

26 (8) When the property or things to be seized include an item or
27 evidence that tends to show a violation of Section 3700.5 of the
28 Labor Code, or tends to show that a particular person has violated
29 Section 3700.5 of the Labor Code.

30 (9) When the property or things to be seized include a firearm
31 or other deadly weapon at the scene of, or at the premises occupied
32 or under the control of the person arrested in connection with, a
33 domestic violence incident involving a threat to human life or a
34 physical assault as provided in Section 18250. This section does
35 not affect warrantless seizures otherwise authorized by Section
36 18250.

37 (10) When the property or things to be seized include a firearm
38 or other deadly weapon that is owned by, or in the possession of,
39 or in the custody or control of, a person described in subdivision
40 (a) of Section 8102 of the Welfare and Institutions Code.

1 (11) When the property or things to be seized include a firearm
2 that is owned by, or in the possession of, or in the custody or
3 control of, a person who is subject to any civil or criminal
4 protective order that includes a prohibition on owning, possessing,
5 or having custody or control of a firearm, including, but not limited
6 to, the prohibitions regarding firearms pursuant to Section 6389
7 of the Family Code, if a prohibited firearm is possessed, owned,
8 in the custody of, or controlled by a person against whom a
9 protective order has been issued, the person has been lawfully
10 served with that order, and the person has failed to relinquish the
11 firearm as required by law.

12 (12) When the information to be received from the use of a
13 tracking device constitutes evidence that tends to show that either
14 a felony, a misdemeanor violation of the Fish and Game Code, or
15 a misdemeanor violation of the Public Resources Code has been
16 committed or is being committed, tends to show that a particular
17 person has committed a felony, a misdemeanor violation of the
18 Fish and Game Code, or a misdemeanor violation of the Public
19 Resources Code, or is committing a felony, a misdemeanor
20 violation of the Fish and Game Code, or a misdemeanor violation
21 of the Public Resources Code, or will assist in locating an
22 individual who has committed or is committing a felony, a
23 misdemeanor violation of the Fish and Game Code, or a
24 misdemeanor violation of the Public Resources Code. A tracking
25 device search warrant issued pursuant to this paragraph shall be
26 executed in a manner meeting the requirements specified in
27 subdivision (b) of Section 1534.

28 (13) When a sample of the blood of a person constitutes
29 evidence that tends to show a violation of Section 23140, 23152,
30 or 23153 of the Vehicle Code and the person from whom the
31 sample is being sought has refused an officer's request to submit
32 to, or has failed to complete, a blood test as required by Section
33 23612 of the Vehicle Code, and the sample will be drawn from
34 the person in a reasonable, medically approved manner. This
35 paragraph is not intended to abrogate a court's mandate to
36 determine the propriety of the issuance of a search warrant on a
37 case-by-case basis.

38 (14) When the property or things to be seized are firearms or
39 ammunition or both that are owned by, in the possession of, or in
40 the custody or control of a person who is the subject of a gun

1 violence restraining order that has been issued pursuant to Division
2 3.2 (commencing with Section 18100) of Title 2 of Part 6, if a
3 prohibited firearm or ammunition or both is possessed, owned, in
4 the custody of, or controlled by a person against whom a gun
5 violence restraining order has been issued, the person has been
6 lawfully served with that order, and the person has failed to
7 relinquish the firearm as required by law.

8 (15) When the property or things to be seized include a firearm
9 that is owned by, or in the possession of, or in the custody or
10 control of, a person who is subject to the prohibitions regarding
11 firearms pursuant to Section 29800 or 29805, and the court has
12 made a finding pursuant to subdivision (c) of Section 29810 that
13 the person has failed to relinquish the firearm as required by law.

14 (16) When the property or things to be seized are controlled
15 substances or a device, contrivance, instrument, or paraphernalia
16 used for unlawfully using or administering a controlled substance
17 pursuant to the authority described in Section 11472 of the Health
18 and Safety Code.

19 (17) (A) When all of the following apply:

20 (i) A sample of the blood of a person constitutes evidence that
21 tends to show a violation of subdivision (b), (c), (d), (e), or (f) of
22 Section 655 of the Harbors and Navigation Code.

23 (ii) The person from whom the sample is being sought has
24 refused an officer's request to submit to, or has failed to complete,
25 a blood test as required by Section 655.1 of the Harbors and
26 Navigation Code.

27 (iii) The sample will be drawn from the person in a reasonable,
28 medically approved manner.

29 (B) This paragraph is not intended to abrogate a court's mandate
30 to determine the propriety of the issuance of a search warrant on
31 a case-by-case basis.

32 (18) When the property or things to be seized consists of
33 evidence that tends to show that a violation of paragraph (1), (2),
34 or (3) of subdivision (j) of Section 647 has occurred or is occurring.

35 (19) (A) When the property or things to be seized are data, from
36 a recording device installed by the manufacturer of a motor vehicle,
37 that constitutes evidence that tends to show the commission of a
38 felony or misdemeanor offense involving a motor vehicle, resulting
39 in death or serious bodily injury to any person. The data accessed
40 by a warrant pursuant to this paragraph shall not exceed the scope

1 of the data that is directly related to the offense for which the
2 warrant is issued.

3 (B) For the purposes of this paragraph, “recording device” has
4 the same meaning as defined in subdivision (b) of Section 9951
5 of the Vehicle Code. The scope of the data accessible by a warrant
6 issued pursuant to this paragraph shall be limited to the information
7 described in subdivision (b) of Section 9951 of the Vehicle Code.

8 (C) For the purposes of this paragraph, “serious bodily injury”
9 has the same meaning as defined in paragraph (4) of subdivision
10 (f) of Section 243 of the Penal Code.

11 (20) When the property or things to be seized consists of
12 evidence that tends to show that a violation of Section 647.9 has
13 occurred or is occurring. Evidence to be seized pursuant to this
14 paragraph shall be limited to evidence of a violation of Section
15 647.9 and shall not include evidence of a violation of a
16 departmental rule or guideline that is not a public offense under
17 California law.

18 (b) The property, things, person, or persons described in
19 subdivision (a) may be taken on the warrant from any place, or
20 from any person in whose possession the property or things may
21 be.

22 (c) Notwithstanding subdivision (a) or (b), a search warrant
23 shall not be issued for any documentary evidence in the possession
24 or under the control of any person who is a lawyer as defined in
25 Section 950 of the Evidence Code, a physician as defined in Section
26 990 of the Evidence Code, a psychotherapist as defined in Section
27 1010 of the Evidence Code, or a member of the clergy as defined
28 in Section 1030 of the Evidence Code, and who is not reasonably
29 suspected of engaging or having engaged in criminal activity
30 related to the documentary evidence for which a warrant is
31 requested unless the following procedure has been complied with:

32 (1) At the time of the issuance of the warrant, the court shall
33 appoint a special master in accordance with subdivision (d) to
34 accompany the person who will serve the warrant. Upon service
35 of the warrant, the special master shall inform the party served of
36 the specific items being sought and that the party shall have the
37 opportunity to provide the items requested. If the party, in the
38 judgment of the special master, fails to provide the items requested,
39 the special master shall conduct a search for the items in the areas
40 indicated in the search warrant.

1 (2) (A) If the party who has been served states that an item or
2 items should not be disclosed, they shall be sealed by the special
3 master and taken to court for a hearing.

4 (B) At the hearing, the party searched shall be entitled to raise
5 any issues that may be raised pursuant to Section 1538.5 as well
6 as a claim that the item or items are privileged, as provided by
7 law. The hearing shall be held in the superior court. The court shall
8 provide sufficient time for the parties to obtain counsel and make
9 motions or present evidence. The hearing shall be held within three
10 days of the service of the warrant unless the court makes a finding
11 that the expedited hearing is impracticable. In that case, the matter
12 shall be heard at the earliest possible time.

13 (C) If an item or items are taken to court for a hearing, any
14 limitations of time prescribed in Chapter 2 (commencing with
15 Section 799) of Title 3 of Part 2 shall be tolled from the time of
16 the seizure until the final conclusion of the hearing, including any
17 associated writ or appellate proceedings.

18 (3) The warrant shall, whenever practicable, be served during
19 normal business hours. In addition, the warrant shall be served
20 upon a party who appears to have possession or control of the
21 items sought. If, after reasonable efforts, the party serving the
22 warrant is unable to locate the person, the special master shall seal
23 and return to the court, for determination by the court, any item
24 that appears to be privileged as provided by law.

25 (d) (1) As used in this section, a “special master” is an attorney
26 who is a member in good standing of the California State Bar and
27 who has been selected from a list of qualified attorneys that is
28 maintained by the State Bar particularly for the purposes of
29 conducting the searches described in this section. These attorneys
30 shall serve without compensation. A special master shall be
31 considered a public employee, and the governmental entity that
32 caused the search warrant to be issued shall be considered the
33 employer of the special master and the applicable public entity,
34 for purposes of Division 3.6 (commencing with Section 810) of
35 Title 1 of the Government Code, relating to claims and actions
36 against public entities and public employees. In selecting the
37 special master, the court shall make every reasonable effort to
38 ensure that the person selected has no relationship with any of the
39 parties involved in the pending matter. Information obtained by

1 the special master shall be confidential and may not be divulged
2 except in direct response to inquiry by the court.

3 (2) In any case in which the magistrate determines that, after
4 reasonable efforts have been made to obtain a special master, a
5 special master is not available and would not be available within
6 a reasonable period of time, the magistrate may direct the party
7 seeking the order to conduct the search in the manner described
8 in this section in lieu of the special master.

9 (e) Any search conducted pursuant to this section by a special
10 master may be conducted in a manner that permits the party serving
11 the warrant or that party's designee to accompany the special
12 master as the special master conducts the search. However, that
13 party or that party's designee may not participate in the search nor
14 shall they examine any of the items being searched by the special
15 master except upon agreement of the party upon whom the warrant
16 has been served.

17 (f) As used in this section, "documentary evidence" includes,
18 but is not limited to, writings, documents, blueprints, drawings,
19 photographs, computer printouts, microfilms, x-rays, files,
20 diagrams, ledgers, books, tapes, audio and video recordings, films,
21 and papers of any type or description.

22 (g) No warrant shall issue for any item or items described in
23 Section 1070 of the Evidence Code.

24 (h) No warrant shall issue for any item or items that pertain to
25 an investigation into a prohibited violation, as defined in Section
26 629.51.

27 (i) Notwithstanding any other law, no claim of attorney work
28 product as described in Chapter 4 (commencing with Section
29 2018.010) of Title 4 of Part 4 of the Code of Civil Procedure shall
30 be sustained where there is probable cause to believe that the
31 lawyer is engaging or has engaged in criminal activity related to
32 the documentary evidence for which a warrant is requested unless
33 it is established at the hearing with respect to the documentary
34 evidence seized under the warrant that the services of the lawyer
35 were not sought or obtained to enable or aid anyone to commit or
36 plan to commit a crime or a fraud.

37 (j) Nothing in this section is intended to limit an attorney's
38 ability to request an in-camera hearing pursuant to the holding of
39 the Supreme Court of California in *People v. Superior Court (Laff)*
40 (2001) 25 Cal.4th 703.

(k) In addition to any other circumstance permitting a magistrate to issue a warrant for a person or property in another county, when the property or things to be seized consist of any item or constitute evidence that tends to show a violation of Section 530.5, the magistrate may issue a warrant to search a person or property located in another county if the person whose identifying information was taken or used resides in the same county as the issuing court.

(l) This section shall not be construed to create a cause of action against any foreign or California corporation, its officers, employees, agents, or other specified persons for providing location information.

~~SEC. 8.~~

SEC. 7. Section 29825 of the Penal Code is amended to read:

29825. (a) A person who purchases or receives, or attempts to purchase or receive, a firearm knowing that the person is prohibited from doing so in any jurisdiction by a temporary restraining order or injunction issued pursuant to Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, a protective order as defined in Section 6218 of the Family Code, a protective order issued pursuant to Section 136.2 or 646.91 of this code, a protective order issued pursuant to Section 15657.03 of the Welfare and Institutions Code, or by a valid order issued by an out-of-state jurisdiction that is similar or equivalent to a temporary restraining order, injunction, or protective order specified in this subdivision, that includes a prohibition from owning or possessing a firearm, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(b) A person who owns or possesses a firearm knowing that the person is prohibited from doing so in any jurisdiction by a temporary restraining order or injunction issued pursuant to Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, a protective order as defined in Section 6218 of the Family Code, a protective order issued pursuant to Section 136.2 or 646.91 of this code, a protective order issued pursuant to Section 15657.03 of the Welfare and Institutions Code, or by a valid order issued by an out-of-state jurisdiction that is similar or equivalent to a temporary restraining order, injunction, or protective order specified in this subdivision,

1 that includes a prohibition from owning or possessing a firearm,
2 is guilty of a public offense, punishable by imprisonment in a
3 county jail not exceeding one year, by a fine not exceeding one
4 thousand dollars (\$1,000), or by both that imprisonment and fine.

5 (c) If probation is granted upon conviction of a violation of this
6 section, the court shall impose probation consistent with Section
7 1203.097.

8 (d) The Judicial Council shall provide notice on all protective
9 orders issued within the state that the respondent is prohibited from
10 owning, possessing, purchasing, receiving, or attempting to
11 purchase or receive a firearm while the protective order is in effect.
12 For orders, after notice and hearing, issued on or after July 1, 2024,
13 the order shall state that the respondent is prohibited from owning,
14 possessing, purchasing, receiving, or attempting to purchase or
15 receive a firearm within three years after expiration of the
16 protective order. The order shall also state that a firearm owned
17 or possessed by the person shall be relinquished to the local law
18 enforcement agency for that jurisdiction, sold to a licensed firearms
19 dealer, or transferred to a licensed firearms dealer pursuant to
20 Section 29830 for the duration of the period that the firearm
21 relinquishment order is in effect, and that proof of surrender or
22 sale shall be filed within a specified time of receipt of the order.
23 The order shall state the penalties for a violation of the prohibition.
24 The order shall also state on its face the expiration date for
25 relinquishment.

26 ~~SEC. 9.~~

27 *SEC. 8.* Section 15657.03 of the Welfare and Institutions Code
28 is amended to read:

29 15657.03. (a) (1) An elder or dependent adult who has suffered
30 abuse, as defined in Section 15610.07, may seek protective orders
31 as provided in this section.

32 (2) (A) A petition may be brought on behalf of an abused elder
33 or dependent adult by a conservator or a trustee of the elder or
34 dependent adult, an attorney-in-fact of an elder or dependent adult
35 who acts within the authority of a power of attorney, a person
36 appointed as a guardian ad litem for the elder or dependent adult,
37 or other person legally authorized to seek the relief.

38 (B) (i) Subject to clause (ii), if the petition alleges abuse of an
39 elder or dependent adult in the form of isolation, the term “other
40 person legally authorized to seek the relief” as used in subparagraph

1 (A) includes an interested party as defined in paragraph (3) of
2 subdivision (b).

3 (ii) Clause (i) shall apply only for the purpose of seeking an
4 order enjoining isolation under subparagraph (E) of paragraph (5)
5 of subdivision (b).

6 (3) (A) A petition under this section may be brought on behalf
7 of an elder or dependent adult by a county adult protective services
8 agency in either of the following circumstances:

9 (i) If the elder or dependent adult has suffered abuse as defined
10 in subdivision (b) and has an impaired ability to appreciate and
11 understand the circumstances that place the elder or dependent at
12 risk of harm.

13 (ii) If the elder or dependent adult has provided written
14 authorization to a county adult protective services agency to act
15 on that person's behalf.

16 (B) In the case of a petition filed pursuant to clause (i) of
17 subparagraph (A) by a county adult protective services agency, a
18 referral shall be made to the public guardian consistent with Section
19 2920 of the Probate Code prior to or concurrent with the filing of
20 the petition, unless a petition for appointment of a conservator has
21 already been filed with the probate court by the public guardian
22 or another party.

23 (C) A county adult protective services agency shall be subject
24 to any confidentiality restrictions that otherwise apply to its
25 activities under law and shall disclose only those facts as necessary
26 to establish reasonable cause for the filing of the petition, including,
27 in the case of a petition filed pursuant to clause (i) of subparagraph
28 (A), to establish the agency's belief that the elder or dependent
29 adult has suffered abuse and has an impaired ability to appreciate
30 and understand the circumstances that place the elder or dependent
31 adult at risk, and as may be requested by the court in determining
32 whether to issue an order under this section.

33 (b) For purposes of this section:

34 (1) "Abuse" has the meaning set forth in Section 15610.07.

35 (2) "Conservator" means the legally appointed conservator of
36 the person or estate of the petitioner, or both.

37 (3) "Interested party" means an individual with a personal,
38 preexisting relationship with the elder or dependent adult. A
39 preexisting relationship may be shown by a description of past
40 involvement with the elder or dependent adult, time spent together,

1 and any other proof that the individual spent time with the elder
2 or dependent adult.

3 (4) “Petitioner” means the elder or dependent adult to be
4 protected by the protective orders and, if the court grants the
5 petition, the protected person.

6 (5) “Protective order” means an order that includes any of the
7 following restraining orders, whether issued ex parte, after notice
8 and hearing, or in a judgment:

9 (A) An order enjoining a party from abusing, intimidating,
10 molesting, attacking, striking, stalking, threatening, sexually
11 assaulting, battering, harassing, telephoning, including, but not
12 limited to, making annoying telephone calls as described in Section
13 653m of the Penal Code, destroying personal property, contacting,
14 either directly or indirectly, by mail or otherwise, or coming within
15 a specified distance of, or disturbing the peace of, the petitioner,
16 and, in the discretion of the court, on a showing of good cause, of
17 other named family or household members or a conservator, if
18 any, of the petitioner. On a showing of good cause, in an order
19 issued pursuant to this subparagraph in connection with an animal
20 owned, possessed, leased, kept, or held by the petitioner, or residing
21 in the residence or household of the petitioner, the court may do
22 either or both of the following:

23 (i) Grant the petitioner exclusive care, possession, or control of
24 the animal.

25 (ii) Order the respondent to stay away from the animal and
26 refrain from taking, transferring, encumbering, concealing,
27 molesting, attacking, striking, threatening, harming, or otherwise
28 disposing of the animal.

29 (B) An order excluding a party from the petitioner’s residence
30 or dwelling, except that this order shall not be issued if legal or
31 equitable title to, or lease of, the residence or dwelling is in the
32 sole name of the party to be excluded, or is in the name of the party
33 to be excluded and any other party besides the petitioner.

34 (C) An order enjoining a party from specified behavior that the
35 court determines is necessary to effectuate orders described in
36 subparagraph (A) or (B).

37 (D) (i) After notice and a hearing only, a finding that specific
38 debts were incurred as the result of financial abuse of the elder or
39 dependent adult by the respondent. For purposes of this
40 subparagraph, the acts that may support this order include, but are

1 not limited to, the crimes proscribed by Section 530.5 of the Penal
2 Code.

3 (ii) The finding pursuant to clause (i) shall not entitle the
4 petitioner to any remedies other than those actually set forth in
5 this section. The finding pursuant to clause (i) shall not affect the
6 priority of any lien or other security interest.

7 (E) (i) After notice and a hearing only, an order enjoining a
8 party from abusing an elder or dependent adult by isolating them.
9 An order may be issued under this subparagraph to restrain the
10 respondent for the purpose of preventing a recurrence of isolation
11 if the court finds by a preponderance of the evidence, to the
12 satisfaction of the court, that the following requirements are met:

13 (I) The respondent's past act or acts of isolation of the elder or
14 dependent adult repeatedly prevented contact with the interested
15 party.

16 (II) The elder or dependent adult expressly desires contact with
17 the interested party. A court shall use all means at its disposal to
18 determine whether the elder or dependent adult desires contact
19 with the person and has the capacity to consent to that contact.

20 (III) The respondent's isolation of the elder or dependent adult
21 from the interested party was not in response to an actual or
22 threatened abuse of the elder or dependent adult by the interested
23 party or the elder or dependent adult's desire not to have contact
24 with the interested party.

25 (ii) The order may specify the actions to be enjoined, including
26 enjoining the respondent from preventing the interested party from
27 in-person or remote online visits with the elder or dependent adult,
28 including telephone and online contact.

29 (iii) An order enjoining isolation under this section is not
30 required for an elder or dependent adult to visit with anyone with
31 whom the elder or dependent adult desires visitation.

32 (iv) An order enjoining isolation shall not be issued under this
33 section if the elder or dependent adult resides in a long-term care
34 facility, as defined in Section 9701, or a residential facility, as
35 defined in Section 1502 of the Health and Safety Code. In those
36 cases, action may be taken under appropriate federal law.

37 (v) An order enjoining isolation shall not be issued under this
38 section if the elder or dependent adult is a patient of a health facility
39 as defined in subdivision (a), (b), or (f) of Section 1250 of the

1 Health and Safety Code. In those cases, action may be taken under
2 other appropriate state or federal law.

3 (6) “Respondent” means the person against whom the protective
4 orders are sought and, if the petition is granted, the restrained or
5 enjoined person.

6 (c) Except as provided in subdivision (b), an order may be issued
7 under this section, with or without notice, to restrain any person
8 for the purpose of preventing a recurrence of abuse, if a declaration
9 shows, to the satisfaction of the court, reasonable proof of a past
10 act or acts of abuse of the petitioning elder or dependent adult.

11 (d) Upon filing a petition for protective orders under this section,
12 the petitioner may obtain a temporary restraining order in
13 accordance with Section 527 of the Code of Civil Procedure, except
14 to the extent this section provides a rule that is inconsistent. The
15 temporary restraining order may include any of the protective
16 orders described in paragraph (5) of subdivision (b). However, the
17 court may issue an ex parte order excluding a party from the
18 petitioner’s residence or dwelling only on a showing of all of the
19 following:

20 (1) Facts sufficient for the court to ascertain that the party who
21 will stay in the dwelling has a right under color of law to possession
22 of the premises.

23 (2) That the party to be excluded has assaulted or threatens to
24 assault the petitioner, other named family or household member
25 of the petitioner, or a conservator of the petitioner.

26 (3) That physical or emotional harm would otherwise result to
27 the petitioner, other named family or household member of the
28 petitioner, or a conservator of the petitioner.

29 (e) A request for the issuance of a temporary restraining order
30 without notice under this section shall be granted or denied on the
31 same day that the petition is submitted to the court, unless the
32 petition is filed too late in the day to permit effective review, in
33 which case the order shall be granted or denied on the next day of
34 judicial business in sufficient time for the order to be filed that day
35 with the clerk of the court.

36 (f) Within 21 days, or, if good cause appears to the court, 25
37 days, from the date that a request for a temporary restraining order
38 is granted or denied, a hearing shall be held on the petition. If no
39 request for temporary orders is made, the hearing shall be held

1 within 21 days, or, if good cause appears to the court, 25 days,
2 from the date that the petition is filed.

3 (g) The respondent may file a response that explains or denies
4 the alleged abuse.

5 (h) The court may issue, upon notice and a hearing, any of the
6 orders set forth in paragraph (5) of subdivision (b). The court may
7 issue, after notice and hearing, an order excluding a person from
8 a residence or dwelling if the court finds that physical or emotional
9 harm would otherwise result to the petitioner, other named family
10 or household member of the petitioner, or conservator of the
11 petitioner.

12 (i) (1) In the discretion of the court, an order issued after notice
13 and a hearing under this section may have a duration of not more
14 than five years, subject to termination or modification by further
15 order of the court either on written stipulation filed with the court
16 or on the motion of a party. These orders may be renewed upon
17 the request of a party, either for five years or permanently, without
18 a showing of any further abuse since the issuance of the original
19 order, subject to termination or modification by further order of
20 the court either on written stipulation filed with the court or on the
21 motion of a party. The request for renewal may be brought at any
22 time within the three months before the expiration of the order.

23 (2) The failure to state the expiration date on the face of the
24 form creates an order with a duration of three years from the date
25 of issuance.

26 (3) If an action is filed for the purpose of terminating or
27 modifying a protective order prior to the expiration date specified
28 in the order by a party other than the protected party, the party
29 who is protected by the order shall be given notice, pursuant to
30 subdivision (b) of Section 1005 of the Code of Civil Procedure,
31 of the proceeding by personal service or, if the protected party has
32 satisfied the requirements of Chapter 3.1 (commencing with
33 Section 6205) of Division 7 of Title 1 of the Government Code,
34 by service on the Secretary of State. If the party who is protected
35 by the order cannot be notified prior to the hearing for modification
36 or termination of the protective order, the court shall deny the
37 motion to modify or terminate the order without prejudice or
38 continue the hearing until the party who is protected can be
39 properly noticed and may, upon a showing of good cause, specify
40 another method for service of process that is reasonably designed

1 to afford actual notice to the protected party. The protected party
2 may waive the right to notice if that party is physically present in
3 court and does not challenge the sufficiency of the notice.

4 (j) In a proceeding under this section, a support person may
5 accompany a party in court and, if the party is not represented by
6 an attorney, may sit with the party at the table that is generally
7 reserved for the party and the party's attorney. The support person
8 is present to provide moral and emotional support for a person
9 who alleges to be a victim of abuse. The support person is not
10 present as a legal adviser and may not provide legal advice. The
11 support person may assist the person who alleges to be a victim
12 of abuse in feeling more confident that the alleged abuse victim
13 will not be injured or threatened by the other party during the
14 proceedings if the person who alleges to be a victim of abuse and
15 the other party are required to be present in close proximity. This
16 subdivision does not preclude the court from exercising its
17 discretion to remove the support person from the courtroom if the
18 court believes the support person is prompting, swaying, or
19 influencing the party assisted by the support person.

20 (k) Upon the filing of a petition for protective orders under this
21 section, the respondent shall be personally served with a copy of
22 the petition, notice of the hearing or order to show cause, temporary
23 restraining order, if any, and any declarations in support of the
24 petition. Service shall be made at least five days before the hearing.
25 The court may, on motion of the petitioner or on its own motion,
26 shorten the time for service on the respondent.

27 (l) A notice of hearing under this section shall notify the
28 respondent that if the respondent does not attend the hearing, the
29 court may make orders against the respondent that could last up
30 to five years.

31 (m) The respondent shall be entitled, as a matter of course, to
32 one continuance, for a reasonable period, to respond to the petition.

33 (n) (1) Either party may request a continuance of the hearing,
34 which the court shall grant on a showing of good cause. The request
35 may be made in writing before or at the hearing or orally at the
36 hearing. The court may also grant a continuance on its own motion.

37 (2) If the court grants a continuance, any temporary restraining
38 order that has been granted shall remain in effect until the end of
39 the continued hearing, unless otherwise ordered by the court. In

1 granting a continuance, the court may modify or terminate a
2 temporary restraining order.

3 (o) (1) If a respondent, named in an order issued under this
4 section after a hearing, has not been served personally with the
5 order but has received actual notice of the existence and substance
6 of the order through personal appearance in court to hear the terms
7 of the order from the court, no additional proof of service is
8 required for enforcement of the order.

9 (2) If the respondent named in a temporary restraining order is
10 personally served with the order and notice of hearing with respect
11 to a restraining order or protective order based on the temporary
12 restraining order, but the respondent does not appear at the hearing,
13 either personally or by an attorney, and the terms and conditions
14 of the restraining order or protective order issued at the hearing
15 are identical to the temporary restraining order, except for the
16 duration of the order, then the restraining order or protective order
17 issued at the hearing may be served on the respondent by first-class
18 mail sent to the respondent at the most current address for the
19 respondent that is available to the court.

20 (3) The Judicial Council form for temporary orders issued
21 pursuant to this subdivision shall contain a statement in
22 substantially the following form:

23 “If you have been personally served with a temporary restraining
24 order and notice of hearing, but you do not appear at the hearing
25 either in person or by a lawyer, and a restraining order that is the
26 same as this temporary restraining order except for the expiration
27 date is issued at the hearing, a copy of the order will be served on
28 you by mail at the following address:

29 If that address is not correct or you wish to verify that the
30 temporary restraining order was converted to a restraining order
31 at the hearing without substantive change and to find out the
32 duration of that order, contact the clerk of the court.”

33 (p) (1) Information on a protective order relating to elder or
34 dependent adult abuse issued by a court pursuant to this section
35 shall be transmitted to the Department of Justice in accordance
36 with either paragraph (2) or (3).

37 (2) The court shall order the petitioner or the attorney for the
38 petitioner to deliver a copy of an order issued under this section,
39 or a reissuance, extension, modification, or termination of the
40 order, and any subsequent proof of service, by the close of the

1 business day on which the order, reissuance, extension,
2 modification, or termination was made, to each law enforcement
3 agency having jurisdiction over the residence of the petitioner, and
4 to any additional law enforcement agencies within the court's
5 discretion as are requested by the petitioner.

6 (3) Alternatively, the court or its designee shall transmit, within
7 one business day, to law enforcement personnel all information
8 required under subdivision (b) of Section 6380 of the Family Code
9 regarding any order issued under this section, or a reissuance,
10 extension, modification, or termination of the order, and any
11 subsequent proof of service, by either one of the following
12 methods:

13 (A) Transmitting a physical copy of the order or proof of service
14 to a local law enforcement agency authorized by the Department
15 of Justice to enter orders into the California Law Enforcement
16 Telecommunications System (CLETS).

17 (B) With the approval of the Department of Justice, entering
18 the order or proof of service into CLETS directly.

19 (4) Each appropriate law enforcement agency shall make
20 available information as to the existence and current status of these
21 orders to law enforcement officers responding to the scene of
22 reported abuse.

23 (5) An order issued under this section shall, on request of the
24 petitioner, be served on the respondent, whether or not the
25 respondent has been taken into custody, by any law enforcement
26 officer who is present at the scene of reported abuse involving the
27 parties to the proceeding. The petitioner shall provide the officer
28 with an endorsed copy of the order and a proof of service, which
29 the officer shall complete and send to the issuing court.

30 (6) Upon receiving information at the scene of an incident of
31 abuse that a protective order has been issued under this section,
32 or that a person who has been taken into custody is the respondent
33 to that order, if the protected person cannot produce an endorsed
34 copy of the order, a law enforcement officer shall immediately
35 attempt to verify the existence of the order.

36 (7) If the law enforcement officer determines that a protective
37 order has been issued but not served, the officer shall immediately
38 notify the respondent of the terms of the order and where a written
39 copy of the order can be obtained, and the officer shall at that time
40 also enforce the order. The law enforcement officer's oral notice

1 of the terms of the order shall constitute service of the order and
2 is sufficient notice for the purposes of this section and for the
3 purposes of Section 273.6 of the Penal Code.

4 (8) This subdivision does not apply, and the protective order
5 shall not be subject to the requirements of Section 6380 of the
6 Family Code, if the protective order issued pursuant to this section
7 was made solely on the basis of isolation unaccompanied by force,
8 threat, harassment, intimidation, or any other form of abuse.

9 (q) This section does not preclude either party from
10 representation by private counsel or from appearing on the party's
11 own behalf.

12 (r) There shall not be a filing fee for a petition, response, or
13 paper seeking the reissuance, modification, or enforcement of a
14 protective order filed in a proceeding brought pursuant to this
15 section.

16 (s) Pursuant to paragraph (4) of subdivision (b) of Section
17 6103.2 of the Government Code, a petitioner shall not be required
18 to pay a fee for law enforcement to serve an order issued under
19 this section.

20 (t) The prevailing party in an action brought under this section
21 may be awarded court costs and attorney's fees, if any.

22 (u) (1) (A) A person subject to a protective order under this
23 section shall not own, possess, purchase, receive, or attempt to
24 receive a firearm or ammunition while the protective order is in
25 effect.

26 (B) If, after notice and hearing, the protective order is issued
27 on or after July 1, 2024, a person subject to the protective order
28 shall not own, possess, purchase, or receive a firearm or
29 ammunition within three years after the expiration of the order.

30 (2) The court shall order a person subject to a protective order
31 issued under this section to relinquish any firearms that the person
32 owns or possesses pursuant to Section 527.9 of the Code of Civil
33 Procedure.

34 (3) (A) Every person who owns, possesses, purchases, or
35 receives, or attempts to purchase or receive a firearm or
36 ammunition while subject to a protective order issued under this
37 section ~~or within three years after expiration of an order described~~
38 ~~in subparagraph (B) of paragraph (1)~~ is punishable pursuant to
39 Section 29825 of the Penal Code.

1 (B) A person who owns, possesses, purchases, or receives, or
2 attempts to purchase or receive, a firearm or ammunition within
3 three years after the expiration of an order described in
4 subparagraph (B) of paragraph (1) is punishable pursuant to
5 subdivision (b) of Section 29825 of the Penal Code. If the court
6 finds that the person has willfully violated this subparagraph, the
7 court shall impose the maximum fine allowed under Section 29825
8 of the Penal Code.

9 (4) This subdivision does not apply in a case in which a
10 protective order issued under this section was made solely on the
11 basis of financial abuse or isolation unaccompanied by force, threat,
12 harassment, intimidation, or any other form of abuse.

13 (v) In a proceeding brought under paragraph (3) of subdivision
14 (a), all of the following apply:

15 (1) Upon the filing of a petition for a protective order, the elder
16 or dependent adult on whose behalf the petition has been filed
17 shall receive a copy of the petition, a notice of the hearing, and
18 any declarations submitted in support of the petition. The elder or
19 dependent adult shall receive this information at least five days
20 before the hearing. The court may, on motion of the petitioner or
21 on its own motion, shorten the time for provision of this
22 information to the elder or dependent adult.

23 (2) The adult protective services agency shall make reasonable
24 efforts to assist the elder or dependent adult to attend the hearing
25 and provide testimony to the court, if that person wishes to do so.
26 If the elder or dependent adult does not attend the hearing, the
27 agency shall provide information to the court at the hearing
28 regarding the reasons why the elder or dependent adult is not in
29 attendance.

30 (3) Upon the filing of a petition for a protective order and upon
31 issuance of an order granting the petition, the county adult
32 protective services agency shall take all reasonable steps to provide
33 for the safety of the elder or dependent adult, pursuant to Chapter
34 13 (commencing with Section 15750), which may include, but are
35 not limited to, facilitating the location of alternative
36 accommodations for the elder or dependent adult, if needed.

37 (w) Willful disobedience of a temporary restraining order or
38 restraining order after hearing granted under this section is
39 punishable pursuant to Section 273.6 of the Penal Code.

(x) This section does not apply to any action or proceeding governed by Title 1.6C (commencing with Section 1788) of Part 4 of Division 3 of the Civil Code, Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, or Division 10 (commencing with Section 6200) of the Family Code. This section does not preclude a petitioner's right to use other existing civil remedies.

(y) (1) The Judicial Council shall develop forms, instructions, and rules relating to matters governed by this section. The petition and response forms shall be simple and concise, and shall be used by parties in actions brought pursuant to this section.

(2) On or before February 1, 2023, the Judicial Council shall revise or promulgate forms as necessary to implement the changes made by the act that added this paragraph.

(z) When issuing a protective order pursuant to this section for abuse involving acts described in paragraph (1) or (2) of subdivision (a) of Section 15610.07, after notice and a hearing, the court may, if appropriate, also issue an order requiring the restrained party to participate in mandatory clinical counseling or anger management courses provided by a counselor, psychologist, psychiatrist, therapist, clinical social worker, or other mental or behavioral health professional licensed in the state to provide those services.

(aa) This section shall become operative on January 1, 2023.

~~SEC. 10.~~

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.