

## AB 1014 (Skinner/Williams) Gun Violence Restraining Order

### BACKGROUND

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Family members and people close to us often see the warning signs when individuals are at imminent risk of being a danger to themselves or others before any violence occurs. In some cases, there is no mechanism in the law to limit a loved one's access to firearms while help or treatment (i.e. mental health counseling, substance abuse treatment, or anger management) is sought. The recent shootings in Santa Barbara, after the parents of the disturbed young man desperately tried but failed to get help before their son's killing spree, provide a tragic example of how options are limited for families in crisis.

California's gun control laws work. Our laws have helped to reduce the state's rate of firearm death by 56% between the years of 1999 and 2010. California now has the ninth-lowest rate of gun death in the nation. But more can be done at the state level to ensure that individuals who are temporarily dangerous do not have immediate access to firearms.

### THE BILL

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AB 1014, modeled on our state's domestic violence restraining order laws, provides family members and law enforcement with legal tools similar to those now available in Connecticut, Indiana, and Texas for protecting loved ones and the public from the danger of gun violence. AB 1014 allows for the removal of firearms from individuals who are at risk for committing acts of violence. It establishes a process for obtaining a Gun Violence Restraining Order (GVRO) from a court in order to *temporarily* limit (for one year, unless renewed) the individual's access to firearms when there are warning signs or indications that the person is at risk for violence.

Among other things, AB 1014 does the following:

- Provides guidance to courts for evaluating whether to issue a GVRO, based upon a person's prior acts of violence (or threats to commit acts of violence) toward themselves or others and risk factors for future violence:
  - Courts must consider certain facts, such as a recent violation of a restraining order or recent threat or act of violence to self or others.
  - Courts may consider other facts, such as recent firearms purchases.
- Provides for due process: allowing judicial review at initial hearing and renewal for a GVRO, and opportunities for the individual who is affected by the order to challenge it.

A Gun Violence Restraining Order is temporary, just like Domestic-Violence Restraining Order. The person who is affected by the order cannot possess or purchase a firearm while the order is in effect, but regains his or her right to possess firearms when the order expires or is revoked by the court.

### SUPPORT

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- Coalition to Prevent Gun Violence

### FOR MORE INFORMATION

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