

AB 1014 – Gun Violence Restraining Orders

July 1, 2014

Santa Barbara County

Board of Supervisors



Existing Law

- Regulates, sales, transfers, possession & ownership of firearms
- For example, persons subject to a DV protective order are prohibited from owning or possessing a firearm if prohibited by order
- Requires law enforcement to take temporary custody of a firearm at the scene of DV incident
- Require DOJ to request admission records from mental health institutions

AB 1014 would...

- Authorize courts to issue an *ex parte* gun violence restraining order on a person, upon showing good cause, from owning, purchasing, possessing a firearm or ammunition
- Establish fourteen-day expiration of *ex parte* order
- Require person to be served with order, if locatable
- Allow restrained person to request a hearing
- Authorize court to issue a gun violence restraining order for one year with convincing evidence of significant risk of injury to self or others

AB 1014 would...

- Require restrained person to surrender firearm to law enforcement
- Require court to notify DOJ and local DA of order
- Make violation of restraining order a misdemeanor and prohibit the owning or possessing a firearm for five years from expiration of order
- Make false reporting/petitioning a misdemeanor
- Allow warrant-based searches for firearms possessed by a restrained person and requires law enforcement to take custody of same

AB 1014 would...

- Require DOJ to only use mental health institution's admission information to determine eligibility for gun violence restraining order

Options for Board Action

Option 1

- a. Take no position on AB 1014, and
- b. Find that the proposed actions do not constitute a “Project” within the meaning of CEQA.

Option 2

- a. Take an advocacy position (support, watch or oppose) on AB 1014,
- b. Direct staff to forward, and authorize the Chair to sign, a letter stating the Board’s position , and
- c. Find that the proposed actions do not constitute a “Project” within the meaning of CEQA.