



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-201

For business meeting on November 17, 2023

Title

Report to the Legislature: *Report on Allocation of Funding in Fiscal Year 2022–23 for Court-Based Firearm Relinquishment Program*

Submitted by

Judicial Council staff
Charlene Depner, Director
Center for Families, Children & the Courts

Agenda Item Type

Information Only

Date of Report

October 20, 2023

Contact

Gregory Tanaka, 415-865-7671
gregory.tanaka@jud.ca.gov
Frances Ho, 415-865-7662
frances.ho@jud.ca.gov

Executive Summary

The Budget Act of 2022 (Assem. Bill 178 (Ting); Stats. 2022, ch. 45) appropriated \$40 million in one-time funding to the Judicial Council, of which \$36 million must be distributed to trial courts to support court-based firearm relinquishment programs. By October 1 of each year, beginning in 2023 and ending in 2025, the Judicial Council must provide a report to the Joint Legislative Budget Committee describing the allocation method of the funding, the ways each court has used or will use the funding, the structure of the program at each court, the roles and responsibilities of the court and its contractors, implementation challenges or other challenges faced, and key data outcomes by each court.

Relevant Previous Council Action

On January 20, 2023, the Judicial Council approved the allocation and distribution of \$18.5 million to seven trial courts to fund new or expanded firearm relinquishment programs.¹

¹ Judicial Council of Cal., Advisory Com. Rep., *Allocations and Reimbursements to Trial Courts: Firearm Relinquishment Grant Program for 2022–23 Through 2024–25* (Dec. 15, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=11589761&GUID=C8033AC8-2569-4E4B-A6E7-795900CF73F9>.

On May 12, 2023, the Judicial Council approved the allocation of \$1.5 million to an additional trial court for a new firearm relinquishment program in fiscal year 2023–24.²

Analysis/Rationale

Under the Budget Act of 2022, “[b]y October 1 of each year, beginning in 2023 and ending in 2025, the Judicial Council shall provide a report to the Joint Legislative Budget Committee describing how the funding has been allocated, how the funding has or will be used by each court, the structure of the program at each court, the roles and responsibilities of the court and its contractors, any implementation challenges or other challenges faced, and key data outcomes by each court.”³

Fiscal Impact and Policy Implications

The implementation process, for a majority of the firearm relinquishment programs, is still at a very early stage, and sufficient key data outcomes for the programs are not yet available to report. No costs or operational impacts will result from submission of this informational report to the Legislature.

Attachments and Links

1. Attachment A: *Report on Allocation of Funding in Fiscal Year 2022–23 for Court-Based Firearm Relinquishment Program*

² Judicial Council of Cal., Advisory Com. Rep., *Allocations and Reimbursements to Trial Courts: Firearm Relinquishment Grant Program for 2023–24 Through 2024–25* (Apr. 18, 2023), <https://jcc.legistar.com/View.ashx?M=F&ID=11916699&GUID=17B5267B-1AF0-4162-8E11-294501736165>.

³ Budget Act of 2022 (Assem. Bill 178 (Ting); Stats. 2022, ch. 45), item 0250-001-0001, prov. 18.



JUDICIAL COUNCIL of CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA 94102-3688
Tel. 415-865-4200
Fax 415-865-4205
www.courts.ca.gov

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October 1, 2023

Hon. Nancy Skinner
Chair, Senate Committee on Budget and Fiscal Review
Chair, Joint Legislative Budget Committee
Legislative Office Building
1020 N Street, Room 502
Sacramento, California 95814

Hon. Philip Y. Ting
Chair, Assembly Committee on Budget
Vice-Chair, Joint Legislative Budget Committee
1021 O Street, Suite 8230
Sacramento, California 95814

Re: Report on Allocation of Funding in Fiscal Year 2022–23 for Court-Based Firearm Relinquishment Program

Dear Senator Skinner and Assembly Member Ting:

Under item 0250-001-0001 of provision 11 of the Budget Act of 2022, the Judicial Council is submitting *Report on Allocation of Funding in 2022–23 for Court-based Firearm Relinquishment Program*.

As required by the 2022 Budget Act, the Judicial Council must submit an annual report to the Joint Legislative Budget Committee by October 1 for fiscal years 2022–23 through 2024–25 related to the court-based firearm relinquishment program. The report specifically describes the allocation method of the funding, the ways each court has used or will use the funding, the structure of the program at each court, the roles and responsibilities of the court and its contractors, any implementation challenges or other challenges faced, and key data outcomes by each court.

The Budget Act of 2022 appropriated \$40 million to the Judicial Council, of which \$36 million must be distributed to trial courts to support court-based firearm relinquishment programs to ensure the consistent and safe

removal of firearms from individuals who become prohibited from owning or possessing firearms and ammunition under court order.

To be eligible for grant funding, the Budget Act provided for the following criteria and priority areas in selecting applicant courts:

- Each court must contract with at least one law enforcement agency located within the county for activities that cannot reasonably and safely be conducted by the court.
- At least 30 percent of the funding allocated to each court must be directed to law enforcement through contracts with the court.
- The selection process must consider statewide diversity in geographic location and court size.
- Priority must be given to firearm relinquishment activities related to domestic violence restraining orders, gun violence restraining orders, or any other civil court order.
- Priority must be given to courts with higher numbers of requests for filing of domestic violence restraining orders or gun violence restraining orders.

From September 13 through October 21, 2022, the Judicial Council's Center for Families, Children & the Courts (CFCC) circulated an open competitive grant application to support new or expanded firearm relinquishment efforts. The application was sent to all trial court presiding judges and court executive officers. Information regarding the program was also posted on the California Courts website and in the electronic newsletter distributed to court leadership. A total of eight applications were received, with one court withdrawing its application during the review process. On January 20, 2023, the Judicial Council approved the allocation and distribution of \$18.5 million to seven trial courts to fund new or expanded firearm relinquishment programs.¹

Of the \$36 million that must be allocated and distributed to trial courts under this program, \$17.5 million remains after the Judicial Council allocated the \$18.5 million in 2023. Prospective court applicants raised some unanticipated issues, including the challenge in securing law enforcement agency partners because the grant is for one-time funding. Without a law enforcement agency partner, many courts were ineligible to apply for the grant, given that the 2022 Budget Act requires courts to contract with at least one law enforcement agency located within the county.

¹ Judicial Council of Cal., Advisory Com. Rep., *Allocations and Reimbursements to Trial Courts: Firearm Relinquishment Grant Program for 2022–23 Through 2024–25* (Dec. 15, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=11589761&GUID=C8033AC8-2569-4E4B-A6E7-795900CF73F9>.

The following is a summary of the way each court grantee will be using the funding, the structure of each court's program, and the roles and responsibilities of each court and its respective law enforcement agency partners:

- The Superior Court of Los Angeles County (\$4,271,000), in partnership with the Los Angeles Police Department and Los Angeles County Sheriff's Department, seeks to create a new relinquishment program by piloting an electronic notification process allowing the court to quickly notify law enforcement if a person restrained by a domestic violence restraining order has not complied with the firearm relinquishment order. Law enforcement partners will also use funds to enforce firearm restrictions in domestic violence restraining orders.
- The Superior Court of Modoc County (\$529,544), in partnership with the Modoc County Sheriff's Office, seeks to establish a new firearm relinquishment program by having dedicated staff process restraining order cases and establish internal protocols for judicial review and the setting of compliance review hearings. The Sheriff's Office will create new relinquishment protocols for deputies to follow when serving restraining orders, investigating any allegation of firearm possession by prohibited persons, and enforcing firearm restrictions.
- The Superior Court of San Diego County (\$2,346,843), in partnership with the San Diego Police Department, seeks to expand the county's existing relinquishment program to increase the capacity of the Gun Violence Response Unit. It would establish a Gun Violence Task Force, which is responsible for reviewing each potential gun violence restraining order case to check for legal sufficiency and to run a firearms check. The task force would also be responsible for conducting regional and statewide training, with a goal to increase the number of gun violence restraining orders filed in the county. Officers would be responsible for enforcing the firearm restrictions in gun violence restraining orders.
- The Superior Court of San Francisco County (\$2,000,000), in partnership with the San Francisco Sheriff's Office, seeks to create a new relinquishment program by creating a standardized process for reviewing court files and setting compliance review hearings in domestic violence, gun violence, and other civil restraining order matters. The Sheriff's Office will use funds to enforce firearm restrictions.
- The Superior Court of San Mateo County (\$4,859,905), in partnership with the San Mateo County District Attorney's Office, seeks to expand the county's existing relinquishment program by expanding self-help services for restraining orders, providing more investigators to investigate and enforce firearm restrictions, and piloting a chatbot to provide information on how to properly relinquish firearms.
- The Superior Court of Santa Clara County (\$3,080,253), in partnership with the Santa Clara Office of the District Attorney, seeks to expand the county's existing

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relinquishment program by creating a Relinquishment Team to enforce firearm restrictions, including facilitating voluntary relinquishment and requesting search warrants. The court will also establish a specialized calendar to address relinquishment and compliance.

- The Superior Court of Ventura County (\$1,428,740), in partnership with the Ventura County District Attorney's Office, which is in collaboration with the Sheriff's Office, seeks to expand the county's existing relinquishment program by having dedicated court staff review and process court files to identify possible noncompliance and facilitate firearms relinquishment. The District Attorney's Office will have a dedicated investigator to enforce firearm restrictions.

In support of projects to be allocated to the courts in fiscal year 2023–24, CFCC circulated another grant application (Cycle 2), inviting all courts, including those that received grants in Cycle 1, to apply. The application was sent to all trial court presiding judges and court executive officers and was also posted on the California Courts website and in the electronic newsletter distributed to court leadership. A total of one application was received for Cycle 2. On May 12, 2023, the Judicial Council approved the allocation of \$1.5 million to the Superior Court of Orange County for a new firearm relinquishment program to begin in fiscal year 2023–24.²

The implementation process for a majority of the firearm relinquishment programs is still at a very early stage, and sufficient key data outcomes for the programs are not yet available to report.

If you have any questions related to this report, please contact Charlene Depner, Director, Judicial Council Center for Families, Children & the Courts, at 415-865-7572.

Sincerely,



Millicent Tidwell
Acting Administrative Director
Judicial Council

MT/GT

cc: Cara L. Jenkins, Legislative Counsel

² Judicial Council of Cal., Advisory Com. Rep., *Allocations and Reimbursements to Trial Courts: Firearm Relinquishment Grant Program for 2023–24 Through 2024–25* (Apr. 18, 2023), <https://jcc.legistar.com/View.ashx?M=F&ID=11916699&GUID=17B5267B-1AF0-4162-8E11-294501736165>.

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