



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-051

For business meeting on January 20, 2023

Title

Allocations and Reimbursements to Trial Courts: Firearm Relinquishment Grant Program for 2022–23 Through 2024–25

Agenda Item Type

Action Required

Effective Date

January 20, 2023

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

December 15, 2022

Recommended by

Family and Juvenile Law Advisory Committee
Hon. Stephanie E. Hulse, Cochair
Hon. Amy M. Pellman, Cochair
Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair
Ms. Rebecca Fleming, Vice Chair

Contact

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

Executive Summary

The Budget Act of 2022 (Assem. Bill 178; 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. The Family and Juvenile Law Advisory Committee and the Trial Court Budget Advisory Committee recommend that the Judicial Council approve the allocation and distribution of \$18.5 million to seven trial courts for Firearm Relinquishment Grant awards for 2022–23 through 2024–25.

Recommendation

The Family and Juvenile Law Advisory Committee and the Trial Court Budget Advisory Committee recommend that the Judicial Council, effective January 20, 2023:

1. Approve the allocation and distribution of \$18.5 million to seven trial courts to fund new or expanded firearm relinquishment programs for fiscal years 2022–23 through 2024–25; and
2. Delegate authority to the Family and Juvenile Law Advisory Committee to reallocate and distribute any unspent funding from these grant awards to any of the awarded courts, based on the same criteria established during the application period.

The proposed allocations for funding are listed in Attachment A.

These recommendations were presented to the Judicial Branch Budget Committee on December 7, 2022, and approved for consideration by the Judicial Council.

Relevant Previous Council Action

The Judicial Council has taken no previous action to implement this legislation.

Analysis/Rationale

To support firearm relinquishment efforts statewide, Assembly Bill (AB) 178 allocated a total of \$40 million to the Judicial Council. The program’s purpose is to ensure the consistent and safe removal of firearms from individuals who become prohibited from owning or possessing firearms and ammunition under court order. Of the total amount, \$36 million is to support court-based firearm relinquishment programs. The number of courts funded is subject to the number of applications received, available funding, and the council’s approval.

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.¹

During the application period, courts were invited to participate in a webinar that covered the application process and program eligibility. A total of 50 individuals joined the webinar representing 24 trial courts. In addition, a recording of the webinar was posted on the Judicial Resources Network.

Eligibility and selection criteria

To be eligible for grant funding, AB 178 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. (“*Law enforcement agency*” is defined as probation departments, sheriff’s offices, police

¹ California Courts, “Firearm Relinquishment Grant Program,” www.courts.ca.gov/programs-cfcc.htm.

departments, or multiagency teams including some or all of these agencies in a jurisdiction.” (Assem. Bill 178, § 1, provision 14, italics added.))

- 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, per capita, for domestic violence restraining orders or gun violence restraining orders filed.

Applications received

A total of eight trial courts applied for funding. The applicants included Lassen, Los Angeles, Modoc, San Diego, San Francisco, San Mateo, Santa Clara, and Ventura Superior Courts. All courts that applied indicated that most if not all of their efforts would support firearm relinquishment in civil cases. All courts met the requirement to partner with at least one law enforcement agency, with at least 30 percent of their proposed budget dedicated to law enforcement. Law enforcement partners included police departments, sheriff departments, and district attorney offices.

Proposed activities included new procedures for setting compliance review hearings, increasing self-help services for restraining orders, conducting background checks under Family Code section 6306, creating an electronic notification system, piloting a chatbot to answer questions on how to properly relinquish firearms, training on legal requirements to law enforcement, and investigating and removing firearms from prohibited persons.

Some activities were not recommended for funding including activities to help the prosecution build a criminal case against a prohibited person (e.g., discovery efforts by prosecution and investigation to build criminal cases). These activities were deemed to be outside the scope of the grant, which is to ensure the removal of firearms. It was also determined that it would be inappropriate for a court-based program to fund the prosecution of criminal cases because doing so would conflict with the judiciary’s role to remain neutral.

Consistent with the council’s additional grant requirement that funds be used for new or expanded firearm relinquishment efforts or activities, the recommendations exclude activities or roles that applicants already engage in (e.g., funding for court staff to support existing restraining order departments and having an on-call judge to hear requests for Emergency Protective Orders), unless the applications demonstrate that the additional funding requested will add capacity and expand existing programs.

Proposed grant awards

The recommendations award seven courts according to the allocations listed in Attachment A. During the review period, Lassen Superior Court withdrew its application from consideration. The following is a summary of each program that the committees recommend funding:

1. Los Angeles Superior Court, 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 would also use funds to enforce firearm restrictions in domestic violence restraining orders.
2. Modoc Superior Court, 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 would 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.
3. San Diego Superior Court, 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 would be 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.
4. San Francisco Superior Court, 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 would use funds to enforce firearm restrictions.
5. San Mateo Superior Court, 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.
6. Santa Clara Superior Court, in partnership with the Santa Clara Office of the District Attorney, seeks to expand the county's existing relinquishment program by creating a Relinquishment Team to enforce firearm restrictions, including facilitating voluntary

relinquishment and requesting search warrants. The court would also establish a specialized calendar to address relinquishment and compliance.

7. Ventura Superior Court, 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 to review and process court files to identify possible noncompliance and facilitate firearms relinquishment. The District Attorney's Office would have a dedicated investigator to enforce firearm restrictions.

Policy implications

The recommended actions comply with the Budget Act of 2022 requirement that the Judicial Council allocate these funds to trial courts to support court-based firearm relinquishment programs. Upon approval of the recommended allocations, \$17.5 million would still be available for distribution. In early 2023, CFCC will reopen the grant application process and allow all courts to apply for the remaining unallocated funds, including requests for augmentation from the seven courts listed above.

Comments

This proposal was not circulated for comment and did not receive any public comment.

Alternatives considered

Other alternatives were not considered because of the specific conditions included in AB 178 for the Judicial Council to receive and allocate grant funds to selected trial courts in support of court-based firearm relinquishment programs. The grant eligibility and selection criteria were adopted directly from the requirements of the Budget Act. There was consideration to extend the deadline for courts to apply for the grant but, in the interest of making funds available as quickly as possible, it was decided to instead provide another opportunity for courts to apply for unallocated funds in early 2023.

Fiscal and Operational Impact

Funding will assist the trial courts in supporting firearm relinquishment efforts and activities statewide, in partnership with law enforcement agencies. The Judicial Council will execute contract agreements with the trial courts that are awarded funding, and the courts will then be required to execute memorandums of understanding with their law enforcement agency partners. All grant funding must be spent or encumbered by June 30, 2025. Each court that receives funding is required to submit quarterly reporting metrics to the Judicial Council and can utilize grant funds to update court management systems or firearms-related systems, as needed.

Attachments and Links

1. Attachment A: Firearm Relinquishment Grant Program Proposed Funding Allocation for 2022–23 through 2024–25.

Judicial Council of California

Firearm Relinquishment Grant Program
Proposed Funding Allocation for 2022–23 through 2024–25

#	Recipient Court	Region/Court Size	Proposed Grant Funding Allocation
1	Los Angeles	Southern California/Large	\$4,271,000
2	Modoc	Northern California/Small	529,544
3	San Diego	Southern California/Large	2,346,843 ¹
4	San Francisco	Bay Area/Large	2,000,000
5	San Mateo	Bay Area/Medium	4,859,905
6	Santa Clara	Greater Bay Area/Large	3,080,253
7	Ventura	Central California/Medium	1,428,740
Total			\$18,516,285

¹ The committee does not recommend funding leases for vehicles at this time. The award represents the proposed budget less the cost of leasing vehicles for law enforcement (\$81,200).