



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-090

For business meeting on May 12, 2023

Title

Allocations and Reimbursements to Trial
Courts: Firearm Relinquishment Grant
Program for 2023–24 Through 2024–25

Agenda Item Type

Action Required

Effective Date

May 12, 2023

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

April 18, 2023

Recommended by

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

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Executive Summary

The Budget Act of 2022 (Assem. Bill 178; Stats. 2022, ch. 45) appropriated \$40 million in one-time General Fund 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 \$1.5 million to one trial court for Cycle 2 Firearm Relinquishment Grant awards for 2023–24 through 2024–25.

Recommendation

The Family and Juvenile Law Advisory Committee and the Trial Court Budget Advisory Committee recommend that the Judicial Council, effective May 12, 2023:

1. Approve the allocation and distribution of \$1.5 million to the Superior Court of Orange County to fund a new firearm relinquishment program for 2023–24 through 2024–25; and
2. Delegate authority to the Family and Juvenile Law Advisory Committee to reallocate and distribute any unspent funding allocated to any of the awarded courts in Cycles 1 and 2, based on the same criteria established during the application period.

The proposed allocation for funding is listed in Attachment A.

Relevant Previous Council Action

At its business meeting 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 Additionally, the Judicial Council delegated 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 recommendations for Cycle 2 were presented to the Judicial Branch Budget Committee on April 14, 2023 and approved for consideration by the Judicial Council.

Analysis/Rationale

Of the \$36 million that must be distributed to trial courts under this program, \$17.5 million remains after the Judicial Council allocated \$18.5 million earlier this year. A total of eight court applications were received for Cycle 1 of the grant program. With one court withdrawing its application, the remaining seven court applicants were awarded grant allocations. 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 under AB 178.

To distribute the remaining funds, the Judicial Council's Center for Families, Children & the Courts (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 on January 10, 2023, with an initial deadline of February 10, 2023. The deadline was subsequently extended to February 17, 2023. Information regarding the program was also posted on the California Courts website, and a live information webinar was

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 seven courts included Los Angeles, Modoc, San Diego, San Francisco, San Mateo, Santa Clara, and Ventura.

hosted on January 12, 2023.² In addition, a recording of the webinar was posted on the Judicial Resources Network.

The recommendation to delegate authority to the committee for the reallocation of unspent funds between any of the Cycle 1 and Cycle 2 grantee courts will provide the maximum flexibility and efficiency needed, administratively, to ensure all unspent grant funds under AB 178 can be reallocated across both grant cycles to support local firearm relinquishment activities.

Eligibility and selection criteria

To be eligible for grant funding, AB 178 provided 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 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.” (*Id.*, provision 12.)
- Priority must be given to courts with higher numbers of requests, per capita, for domestic violence restraining orders or gun violence restraining orders filed.

Proposed grant awards

Two trial courts applied for funding during Cycle 2: the Superior Courts of Orange and San Francisco Counties. Both courts met the eligibility criteria. However, during the review period, the San Francisco County court withdrew its application, leaving the Orange County court as the sole applicant for consideration.

The Orange court would partner with the Anaheim Police Department to focus on relinquishment efforts for civil domestic violence restraining orders. The court would also work with technology consultants to enhance communication between the court and law enforcement and would develop training and education for stakeholders and the public.

² California Courts, “Firearm Relinquishment Grant Program,” www.courts.ca.gov/programs-cfcc.htm.

The committees recommend awarding the Superior Court of Orange County the amount of \$1,551,777.

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. On approval of the recommended allocation, \$15.9 million would still be available for distribution. The committee will continue to assess and explore additional options to allocate the remaining funds.

Comments

The committee received no comments on this proposal, which did not circulate for 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.

Fiscal and Operational Impacts

Funding will allow the Superior Court of Orange County to establish a new firearm relinquishment program, in partnership with a local law enforcement agency. The Judicial Council will execute a contract agreement with the court, and the court will then be required to execute a memorandum of understanding with its law enforcement agency partner. All grant funding must be spent or encumbered by June 30, 2025.

Attachments and Links

1. Attachment A: *Firearm Relinquishment Grant Program Proposed Funding Allocation for 2023–24 Through 2024–25*

Judicial Council of California**Firearm Relinquishment Grant Program
Proposed Funding Allocation for 2023–24 Through 2024–25**

#	Recipient Court	Region/Court Size	Proposed Grant Funding Allocation
1	Orange	Southern California/Large	\$1,551,777
Total			\$1,551,777