



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on May 17, 2019

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**Title**

Restraining Orders: Senate Bill 1200  
Hearing Requirement for Gun Violence  
Restraining Orders

**Rules, Forms, Standards, or Statutes Affected**

Adopt forms GV-020 and GV-030; approve forms GV-009, GV-020-INFO, and GV-025; revise forms EPO-002, GV-200, GV-800, and GV-800-INFO

**Recommended by**

Civil and Small Claims Advisory Committee  
Hon. Ann I. Jones, Chair

**Agenda Item Type**

Action Required

**Effective Date**

September 1, 2019

**Date of Report**

April 3, 2019

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### Executive Summary

The Civil and Small Claims Advisory Committee recommends adopting two mandatory and approving three optional gun violence restraining order (GVRO) forms and revising four current GVRO forms to facilitate courts and parties in complying with the new hearing requirement in Penal Code section 18148. The proposal also revises the current GVRO forms relating to a restrained party providing proof of the surrender or sale of firearms, ammunition, and magazines to more clearly reflect the statutory provisions.

### Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective September 1, 2019:

1. Adopt the following mandatory forms to implement the new hearing requirement in Penal Code section 18148:

- Form GV-020, *Response to Gun Violence Emergency Protective Order*;
  - Form GV-030, *Gun Violence Restraining Order After Hearing on EPO-002*;
2. Approve the following optional forms to implement the new hearing requirement:
    - Form GV-009, *Notice of Court Hearing*;
    - Form GV-020-INFO, *How Can I Respond to a Gun Violence Emergency Protective Order*;
    - Form GV-025, *Proof of Service by Mail*;
  3. Revise the following forms to add complete instructions for persons turning in guns, ammunition, and magazines pursuant to a gun violence restraining order:
    - Form GV-800, *Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored*;
    - Form GV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms, Ammunition, and Magazines?*; and
  4. Revise form EPO-002, *Gun Violence Emergency Protective Order*, and form GV-200, *Proof of Personal Service*.

The new and revised forms are attached at pages 10-27.

### **Relevant Previous Council Action**

Recently enacted Senate Bill 1200 (Stats. 2018, ch. 898) amended the Gun Violence Restraining Orders Act<sup>1</sup> in several ways, effective January 1, 2019, including prescribing that orders under Penal Code section 18100 et seq. be referred to as gun violence restraining orders, expanding the definition of ammunition to include a magazine, prohibiting a filing fee for GVRO forms and documents, requiring a law enforcement officer to make a specific request when serving a GVRO, and providing that parties do not need to pay the sheriff for service of a GVRO. In order to ensure that the Judicial Council GVRO forms were in compliance with the law in January, the council approved revisions to almost all of the forms at its November 2018 meeting, effective January 1, 2019.

### **Analysis/Rationale**

SB 1200 implemented a new hearing requirement for temporary emergency gun violence restraining orders<sup>2</sup> (also called gun violence emergency protective orders or EPOs) issued with form EPO-002 by adding Penal Code section 18148. Under the new law, the court must hold a hearing within 21 days of the issuance of a gun violence emergency protective order. The Civil and Small Claims Advisory Committee proposed five new GVRO forms and four revised GVRO forms to facilitate courts and parties in complying with the new hearing requirement in Penal Code section 18148. The proposal also revised the current GVRO forms relating to a restrained

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<sup>1</sup> Assem. Bill 1014 (Stats. 2014, ch. 872).

<sup>2</sup> Pen. Code, § 18125.

party providing proof of the surrender or sale of firearms, ammunition, and magazines to more clearly reflect the statutory provisions.

As of January 1, 2019, new Penal Code section 18148<sup>3</sup> provides:

Within 21 days after the date on the order, the court that issued the order or another court in the same jurisdiction, shall hold a hearing pursuant to Section 18175 to determine if a gun violence restraining order should be issued pursuant to Chapter 4 (commencing with Section 18170) after notice and hearing.

This section is specific to chapter 2, Temporary Emergency Gun Violence Restraining Order (in part 6, title 2, division 3.2 of the Penal Code), which is the chapter authorizing issuance of the *Gun Violence Emergency Protective Order* (form EPO-002). These orders are issued on an ex parte basis at the request of a law enforcement officer (generally over the phone) when a judicial officer finds that there is reasonable cause to believe that “the subject of the petition *poses an immediate and present danger of causing personal injury* to himself, herself, or another” by having a firearm or ammunition. (§ 18125, emphasis added.)

#### **Process for issuance of a GVRO**

The process for issuance of a GVRO is essentially as follows: When a law enforcement officer is in a situation where a subject has firearms or ammunition within his or her custody and control and poses an immediate danger of causing injury, the officer calls the judicial officer on duty to obtain an EPO. The law enforcement officer provides a statement of the grounds for the judicial officer to issue the EPO orally and fills out form EPO-002 as it is issued. The law enforcement officer serves the EPO and requests the restrained person to immediately surrender any firearms, ammunition, and magazines to the officer.<sup>4</sup> The officer submits the completed form EPO-002 to the court as soon as practicable. (§ 18140.) The EPO lasts 21 days (§ 18125(b)) and the expiration date is noted on the form.

Before January 1, 2019 (the effective date of SB 1200), no hearing was held following the issuance of an EPO unless either law enforcement or a family member of the restrained person petitioned the court seeking a longer-term order, either an ex parte gun violence restraining order (under section 18160 et seq.) or a gun violence restraining order issued after notice and hearing (under section 18170 et seq.). In either event, the petitioner, law enforcement, or a family member was required to provide notice to the restrained party of the hearing.

#### **New hearing required following issuance of a gun violence EPO**

Under the new law, however, the court is required to set a hearing upon the issuance of an EPO, to be held regardless of whether a longer restraining order is requested by the law enforcement officer or family member. New section 18148 requires the court to “hold a hearing pursuant to

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<sup>3</sup> Unless otherwise noted, all statutory references hereafter are to the Penal Code.

<sup>4</sup> If no request is made, then the restrained person has 24 hours to surrender his or her firearms, ammunition, and magazines to law enforcement or sell or store them with a licensed gun dealer.

section 18175 to determine if a gun violence restraining order should be issued pursuant to [the statutes starting at section 18170] after notice and hearing.” The sections referenced in the new statute relate to orders issued after notice and hearing, which last for one year.

Form EPO-002, which triggers the hearing requirement, is being revised to include a box for the court’s filing stamp, with a box for the court address immediately underneath. A line for the restrained party’s address has been added to item 1, and one for the law enforcement agency address in item 10, so that the court will know where to serve notice of the newly required hearing. In addition, the Warnings and Information section for the restrained party on the back of the form—which was revised effective January 2019 to include the statement, “The court will hold a hearing within 21 days to determine if a longer term order should be issued”—will be expanded to provide information as to where notice of the hearing will be sent and how to respond. The form is also being amended to allow the court to issue a hearing date and time that the officer can write on the form and serve to the restrained person, if the court has the ability to do so, or indicate on the form that a hearing date and time will be sent to the restrained person at the address listed on the form.

### **New forms**

Existing judicial council forms cannot be adequately amended to include the hearing required to be held by section 18148 because the court originates the hearing generated from form EPO-002. Therefore, a new series of GVRO forms was created to implement the statutory hearing requirements. *Notice of Court Hearing* (form GV-009) is an optional form for courts to use to provide notice to the restrained party of the date and time of the hearing. This separate notice is being proposed because in some jurisdictions, the judicial officer would not practicably be able to provide a hearing date with any certainty during the application for the EPO. Proposed form GV-009 may be used by the court to send notice of the hearing to the restrained party and the law enforcement agency. (It is not a mandatory form, and another type of notice of a court hearing generated by the court may be used.) As noted above, there is no actual petitioner in the action at this point. The new form therefore addresses the “Requesting Agency” and “Restrained Person” rather than “Petitioner” and “Respondent” or “Restrained Party.” (This same format is used in the other new forms as well.)

The restrained person can use the proposed *Response to Gun Violence Emergency Protective Order* (form GV-020) to oppose the court’s issuance of a longer-term GVRO at the new hearing. The form is referenced on the EPO itself. Form GV-020 provides space for the restrained party to respond to the EPO, explain any disagreements with the statements of the law enforcement officer on that form, and to state any reasons for opposing a longer restraining order. The proposed form parallels the current *Response to Petition for Gun Violence Restraining Order* (form GV-120).

*How Can I Respond to a Gun Violence Emergency Protective Order?* (form GV-020-INFO) is an information sheet designed to answer questions for the restrained person and provide him or her resources when filling out the response. It explains how to respond to a gun violence EPO,

that the filing fee is free, that the restrained person should show up for the hearing, and other information the committee determined to be important for the restrained party to know.

The information sheet notes that that the restrained party must have the response served on the law enforcement agency that served the EPO and must file a proof of service. The proposed *Proof of Service by Mail* (form GV-025) has been specifically developed so it can be used for that purpose, because the current proof of service form for GVROs does not provide for service on law enforcement or for service by mail.

*Gun Violence Restraining Order After Hearing on EPO-002* (form GV-030) has been developed for a judicial officer to use upon a determination that the facts warrant a longer GVRO. The content parallels that of *Gun Violence Restraining Order After Hearing* (form GV-130).

### **Revised forms for proof of surrender of firearms, ammunition, and magazines**

The proposal also includes revised *Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored* (form GV-800) and the information sheet *How Do I Turn In, Sell, or Store My Firearms, Ammunition, and Magazines?* (form GV-800-INFO), which have been revised to more accurately reflect the law that not only firearms, but also ammunition and, under the new legislation, “magazines” must be surrendered.

Form GV-800 is the receipt to prove that the restrained party complied with the GVRO. The restrained party is required to file the form, signed by a law enforcement officer or a licensed gun dealer, with the court and provide a copy to the law enforcement agency that served the GVRO.<sup>5</sup> The proposed revisions correct some grammatical issues and add “ammunition” and “magazines” to the text wherever the form currently lists only firearms, or firearms and ammunition. The revised form also includes two new items to allow the party completing the form to list the ammunition and magazines (rather than just firearms) turned in, sold, or stored, including the magazine make, model, and number, and ammunition brand, type, and amount. The information about the ammunition mirrors the information that a licensed gun dealer has to include when selling ammunition in California, as required by section 30352. (See new items 7b and c.) As in the item for firearms (item 7a), in the instance where there are more items than lines provided, a party can use form MC-25 to list additional items.

The information sheet, *How Do I Turn In, Sell, or Store My Firearms, Ammunition, and Magazines?* (form GV-800-INFO), was also revised. It currently asks, “What is a firearm?” and provides the answer as a handgun, shotgun, rifle, or assault weapon. The revised form would be changed to say, “A firearm includes” instead of “A firearm is” to provide more inclusive language, and would add similar examples for the question, “What is ammunition?”

### **Policy implications**

This proposal would implement the council policy to update forms to conform to current law. It also provides an avenue for the courts to properly notice a new hearing for GVROs. Creating

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<sup>5</sup> Pen. Code, § 18120(b)(2)(A) & (B).

forms specifically tailored to this new hearing requirement will assist the courts and litigants in preserving important rights in relation to public safety and due process.

## **Comments**

This proposal circulated for comment from December 11, 2018, to February 12, 2019. Comments were received from 10 individuals and entities including law enforcement, the courts, and public interest groups. Comments were received from the Giffords Law Center to Prevent Gun Violence (Giffords Law Center), the Orange County Bar Association, the Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, an individual attorney, the San Diego City Attorney's Office, and the Superior Courts of Los Angeles, Orange, Santa Cruz, San Diego, and Ventura Counties. All commenters agreed with the forms, although some asked for further modifications. The text of all the comments received is set out in the attached comments chart at pages 28-57, along with the committee's responses to each one; the principal ones are summarized below under the pertinent form.<sup>6</sup>

### ***Form EPO-002, Gun Violence Emergency Protective Order***

This is an existing form utilized by law enforcement as described above. The form is often produced in triplicate to facilitate having copies in the field to allow for immediate service on the restrained person. In response to comments requesting a space for a hearing date on form EPO-002, the committee further modified the circulated form to provide the option to include a hearing date and time when the EPO-002 is issued. In order to fit this new item in, the notices to the restrained party were reorganized (former items 2 and 5 were combined) and the proof of service was reorganized.

### ***Form GV-009, Notice of Court Hearing***

The law enforcement officer is required to file the issued form EPO-002 with the court as soon as practicable after issue. Form GV-009 will allow the court to set a date that fits with the court schedule and then send out its own notice. A comment from the San Diego City Attorney's office generated a question about whether mail service is proper in this instance. The committee concluded that service by mail is sufficient because the court will already have obtained jurisdiction over the restrained party through personal service of the EPO.

### ***Form GV-020, Response to Gun Violence Emergency Protective Order***

This form is mandatory for a restrained person to use when he or she responds to a hearing on form EPO-002. A comment from the Giffords Law Center requesting more space in items 4 and 5 for denying the grounds for the restraining order was included in the form revision. Minor

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<sup>6</sup> Note that some commenters proposed new or revised forms for continuances of the new post-EPO hearings. Those comments are responded to in the comments chart, but the revised forms (forms GV-115 and GV-116) are included with the Judicial Council Invitation to Comment titled Protective Orders: Revisions to Continuance Forms that includes revisions to all protective order continuance forms.

technical edits were suggested by the Los Angeles Superior Court and the Giffords Law Center and were incorporated into the form.

***Form GV-020-INFO, How Can I Respond to a Gun Violence Emergency Protective Order?***

This form is used to provide guidance to the restrained person following the service of an EPO or a hearing notice on an EPO. In response to comments received, this form was modified to include specific instructions that this proof of service is used for serving *Response to Petition for Gun Violence Restraining Order* (form GV-120) on the requesting agency.

***Form GV-030, Gun Violence Restraining Order After Hearing on EPO-002***

This is the order form for use by the judicial officer following a hearing on an EPO. Upon review of this form following circulation for comment, the committee further revised it to include provisions to be used when the court decides at the post-EPO hearing to *not* grant a longer GVRO at the end of the EPO. This includes items for findings to justify terminating the EPO-002 and an order dissolving or terminating the EPO under section 18175.<sup>7</sup>

***Form GV-200, Proof of Personal Service***

This is the personal service form that is used in all GVRO cases. In response to comments received, form GV-200 is being revised to add form EPO-002 and the new order (form GV-030) to the list of documents with which it may be used. (See item 4a.)<sup>8</sup>

***Timing of filing EPO with the court***

In addition to the comments about the individual forms, the committee received comments about the procedures for setting the new post-EPO hearings. Of particular note, comments from the Superior Courts of Orange and Los Angeles Counties and the JRS suggest that a legislative fix is needed to establish a better process for triggering the time frame for the hearing, by establishing in the statute a set deadline by which the law enforcement officer issuing the EPO must file the order with the court. The commenters note that, since the issuance (not the filing) of the EPO is what triggers the 21-day period in which the new post-EPO hearing must be held, it is possible that the period could run without the court having adequate time to set and provide notice of a timely hearing to the restrained party. Staff has learned that some law enforcement agencies may take as long as a week before filing EPO forms with the courts, which could make setting a timely hearing problematic, especially in those courts in which the hearing date is not provided on the EPO.

Currently the law requires the law enforcement officer to file the EPO with the court “as soon as practicable after issuance.”<sup>9</sup> The commenters urged the Judicial Council to work with the

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<sup>7</sup> This section mandates that an emergency order be dissolved if the year-long GVRO is not granted at a hearing.

<sup>8</sup> See section 18197 (personal service of the GVRO after hearing required if restrained party not present at the hearing).

<sup>9</sup> Section 18140 states:

Legislature to provide a more specific deadline within the statute. The committee will address these comments in a future proposal that will suggest adding the language “within three business days after the date of issuance” to section 18140(c), for introduction to the Legislature in January 2020 if approved by the council.

***Form GV-800, Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored***

This is the receipt filed with the court and the law enforcement agency to prove that the restrained party complied with the GVRO. There were no specific comments received on the revisions to this form.

The committee asked for specific comments as to whether an additional form should be created to use as an attachment to form GV-800 to provide a form on which to list other firearms, ammunition, or magazines. Two commenters were in favor of such a form. However, the committee decided not to recommend such a form, concluding that fewer forms were better overall from a public policy standpoint, and noting that the public and the courts were used to using and receiving form MC-25, the standard attachment form.

***Form GV-800-INFO, How Do I Turn In, Sell, or Store My Firearms, Ammunition, and Magazines?***

This is the information sheet that is used to provide information to the restrained party when he or she has not relinquished his or her guns, ammunition, and magazines to law enforcement or if he or she has additional items subject to the restraining order. Several examples of ammunition are included in this form, but because SB 1200 includes a statutory definition for magazine, that definition is used for that category. In response to comments received, some other minor changes have been made to the language of the form to make it more user-friendly.

**Alternatives considered**

The committee considered not recommending any new forms for the post-EPO hearings, but concluded that they are needed to facilitate the court’s holding and the restrained party appearing at the newly required hearings.

The committee considered not making any notice form (the proposed GV-009), instead leaving courts to create their own notices as they do in many case types. However, the committee

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A law enforcement officer who requests a temporary emergency gun violence restraining order shall do all of the following:

- (a) If the request is made orally, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person, if the restrained person can reasonably be located.
- (c) *File a copy of the order with the court as soon as practicable after issuance.*
- (d) Have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice.

(Emphasis added.)



concluded that at least an optional notice form should be created for use by courts that do not have a case management system that can automatically populate such notices.

The committee considered whether to make form EPO-002 a longer document to more clearly display the information, but because the form is used by law enforcement in carbon copy duplicate, an effort was made to keep it to one fill-in page. The committee was also concerned that the officer would not get hearing information in time to be able to put it on the EPO-002 form, so the committee decided to include the option of a check box that a court hearing will be set within 21 days or listing the hearing date and time.

### **Fiscal and Operational Impacts**

While the requirement for new hearings will have fiscal and operational impacts on the courts, they are mandated by statute. There will need to be training for clerks, judicial officers, and court legal services and self-help offices on the new statutory requirements, and how these new and revised forms reflect those changes. New training materials and internal procedures may need to be developed.

### **Attachments and Links**

1. Forms EPO-002, GV-009, GV-020, GV-020-INFO, GV-025, GV-030, GV-200, GV-800, and GV-800-INFO, at pages 10-27.
2. Chart of comments, at pages 28-57.
3. Senate Bill 1200 (Stats. 2018, ch. 898),  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB1200](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1200)

EPO-002  
GUN VIOLENCE EMERGENCY PROTECTIVE ORDER

LAW ENFORCEMENT CASE NUMBER:

1. RESTRAINED PERSON (insert name): \_\_\_\_\_  
Address: \_\_\_\_\_

Sex:  M  F Ht.: \_\_\_\_\_ Wt.: \_\_\_\_\_ Hair color: \_\_\_\_\_  
Eye color: \_\_\_\_\_ Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of birth: \_\_\_\_\_

2. TO THE RESTRAINED PERSON

(Also see important Warnings and Information on page 2):

You are required to surrender all firearms, ammunition, and magazines that you own or possess in accordance with Section 18120 of the Penal Code and you may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm, ammunition, or magazine while this order is in effect. However a more permanent gun violence restraining order may be obtained from the court. You may seek the advice of an attorney as to any matter connected with the order. The attorney should be consulted promptly so that the attorney may assist you in any matter connected with the order.

If you have any firearms, ammunition, and magazines, you MUST IMMEDIATELY SURRENDER THEM if asked by a police officer. If a police officer does not ask you to surrender any of the above, within 24 hours of getting this order, you must take them to a police station or a licensed gun dealer to sell or store them and must file a receipt with the court proving that this has been done. You have 48 hours to file a receipt with the court shown to the right. If you do not file a receipt within 48 hours you have violated this order and can go to jail.

3. This order will last until: \_\_\_\_\_ Time: \_\_\_\_\_

INSERT DATE OF 21st CALENDAR DAY (DO NOT COUNT DAY THE ORDER IS GRANTED)

4. Court Hearing  A court hearing will be set within 21 days.

A court hearing will take place at the court above on: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

You must go to the court hearing if you do not want this restraining order against you. At the hearing, the judge can make this order last for up to 1 year.

5. Reasonable grounds for the issuance of this order exist, and a Gun Violence Emergency Protective Order (1) is necessary because the Restrained Person poses an immediate danger of causing personal injury to himself or herself or to another by having custody or control, owning, purchasing, possessing, or receiving any firearms, ammunition, or magazines; and (2) less restrictive alternatives were ineffective or have been determined to be inadequate or inappropriate under the circumstances.

6. Judicial officer (name): \_\_\_\_\_ granted this order on (date): \_\_\_\_\_ at (time): \_\_\_\_\_

APPLICATION

7. Officer has a reasonable cause to believe that the grounds set forth in item 5, above, exist (state supporting facts and dates; specify weapons—number, type and location):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8.  Firearms were  observed  reported  searched for  seized.

Ammunition (including magazines) was  observed  reported  searched for  seized.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

By: \_\_\_\_\_  
(PRINT NAME OF LAW ENFORCEMENT OFFICER)

\_\_\_\_\_  
(SIGNATURE OF LAW ENFORCEMENT OFFICER)

Agency: \_\_\_\_\_ Telephone No.: \_\_\_\_\_ Badge No.: \_\_\_\_\_

Address: \_\_\_\_\_

PROOF OF SERVICE

9. I personally delivered copies of this Order to the restrained person name in item 1.

Date of service: \_\_\_\_\_ Time of service: \_\_\_\_\_ Address: \_\_\_\_\_

10. At the time of service, I was at least 18 years of age.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_  
\_\_\_\_\_  
(TYPE OR PRINT NAME OF SERVER/LAW ENFORCEMENT OFFICER) (SIGNATURE OF SERVER)

Clerk stamps date here when form is filed.

DRAFT  
04-25-19

NOT APPROVED BY  
THE JUDICIAL  
COUNCIL

Fill in court name and street address:

Superior Court of California, County of \_\_\_\_\_

Court fills in case number when form is filed.

Case Number: \_\_\_\_\_

**GUN VIOLENCE EMERGENCY PROTECTIVE ORDER  
WARNINGS AND INFORMATION**

EPO-002

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**TO THE RESTRAINED PERSON:** You are prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm, ammunition, or a magazine. (Pen. Code, § 18125 et seq.) A violation of this order is a misdemeanor punishable by a \$1,000 fine or imprisonment for six months or both. (Pen. Code, §§ 19, 18205.)

Within 24 hours of receipt of this order, you must turn in all firearms, ammunition, and magazines to a law enforcement agency or sell them to or store them with a licensed firearms dealer until the expiration of this order. (Pen. Code, § 18125 et seq.) A receipt proving surrender, sale, or storage must be filed with the court within 48 hours of receipt of this order, or on the next court business day if the 48-hour period ends on a day when the court is closed. You must also file the receipt with the law enforcement agency that served you with this Order. You may use Form GV-800, *Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored*.

This Gun Violence Emergency Protective Order is effective when made. It will last until the date and time in item 3 on the front. The court will hold a hearing within 21 days to determine if a longer-term order should be issued. If the date and time are not stated in item 4 on the front, you will get a notice with the date and time of the hearing in the mail at the residential address listed on page 1 of this form. If you would like to respond to this order in writing you must use Form GV-020, *Response to Gun Violence Emergency Protective Order*. A family member may also seek a more permanent restraining order from the court.

If you violate this order, you will also be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm, ammunition, or magazine for an additional five-year period, to begin on the expiration of the more permanent gun violence restraining order. (Pen. Code, § 18205.)

This protective order must be enforced by all law enforcement officers in the state of California who are aware of it or shown a copy of it. The terms and conditions of this order remain enforceable regardless of the acts or any agreement of the parties; it may be changed only by order of the court.

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**A LA PERSONA RESTRINGIDA:** Tiene prohibido ser dueño de un arma de fuego, municiones o cargadores, o poseer, comprar, recibir, o tratar de comprar o recibir un arma de fuego, municiones o cargadores. (Código Penal, §§ 18125 y siguientes). Una violación de esta orden está sujeta a una multa de \$1000 o encarcelamiento de seis meses o ambos. (Código Penal, §§ 19 y 18205.)

Dentro de las 24 horas de recibir esta orden, tiene que entregar sus armas de fuego, municiones y cargadores a una agencia del orden público o venderlos a un comerciante de armas autorizado, o almacenarlos con el mismo hasta el vencimiento de esta orden. (Código Penal, §§ 18125 y siguientes). Se tiene que presentar a la corte una prueba de haberlos entregado, vendido, o almacenado dentro de las 48 horas de recibir esta orden. Se puede usar el formulario GV-800, *Prueba de entrega, venta o almacenamiento de armas de fuego, municiones y cargadores*, por este propósito.

Esta orden de protección de emergencia de armas de fuego entra en vigencia en el momento en que se emite. Durará hasta la fecha y hora indicadas en el punto 3 de la primera página. Se realizará una audiencia dentro de 21 días para determinar si es necesario emitir una orden que dure por más tiempo. Si la fecha y la hora no se indican en el punto 4 de la primera página, recibirá un aviso con la fecha y la hora de la audiencia por correo a la dirección residencial indicada en la primera página. Si desea responder a esta orden por escrito, tiene que usar el formulario GV-020, *Respuesta a la orden de protección de emergencia de armas de fuego*. Un miembro de su familia también puede solicitar al tribunal una orden de restricción más permanente.

Si contraviene esta orden de restricción, se le prohibirá tener en su posesión o control, comprar, poseer o recibir, o tratar de comprar o recibir un arma de fuego, municiones o cargadores por otro periodo de cinco años más, comenzando a partir del vencimiento de la orden de restricción de armas de fuego más permanente. (Código Penal, § 18205.)

Todo agente del orden público del estado de California que tenga conocimiento de la orden o a quien se le muestre una copia de la misma deberá hacer cumplir esta orden de protección. Los términos y condiciones de esta orden se podrán hacer cumplir independientemente de las acciones de las partes; solo la corte podrá cambiar esta orden.

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**To law enforcement:** The Gun Violence Emergency Protective Order must be served on the restrained person by the officer if the restrained person can reasonably be located. Ask the restrained person if he or she has any firearms, ammunition, or magazines in his or her possession or under his or her custody or control. A copy must be filed with the court as soon as practicable after issuance so a hearing can be set, if one was not already scheduled. If the court did not give you a hearing date when issuing the order (to put in item 4 on the front), the court will set a hearing within 21 days and will provide you with notice of the hearing. Also, the officer must have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice.

The provisions in this temporary Gun Violence Emergency Protective Order do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in another existing protective order remain in effect.

Clerk stamps date here when form is filed.

**DRAFT**  
**3/29/19**  
**Not approved by**  
**the Judicial Council**

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number.

**Case Number:**

**1 Requesting Agency**

- a. Law enforcement agency that applied for the Gun Violence Emergency Protective Order: \_\_\_\_\_  
 \_\_\_\_\_
- b. Name of law enforcement officer: \_\_\_\_\_  
 \_\_\_\_\_

**2 Restrained Person**

Full Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**3 Hearing**

A *Gun Violence Emergency Protective Order* (form EPO-002) having been served on the Restrained Person, the court will hold a hearing at the time and place below to determine if a longer-term gun violence restraining order should be issued.

Name and address of court if different from above:

**Hearing Date** → Date: \_\_\_\_\_ Time: \_\_\_\_\_ \_\_\_\_\_  
 Dept.: \_\_\_\_\_ Room: \_\_\_\_\_ \_\_\_\_\_  
 \_\_\_\_\_

**CLERK'S CERTIFICATE OF MAILING**

I certify that I am not a party to this cause, and that a true copy of the *Notice of Court Hearing* was mailed first class, postage fully prepaid, in a sealed envelope, addressed as shown below, and that the notice was mailed at (place): \_\_\_\_\_, California, on (date): \_\_\_\_\_

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

Name and address of law enforcement officer and agency

Name and address of Restrained Person

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

Clerk stamps date here when form is filed.

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03-29-19  
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the Judicial Council**

**Use this form if you do not want the court to extend the Gun Violence Emergency Protective Order for a longer period.**

- Read *How Can I Respond to a Gun Violence Emergency Protective Order?* (form GV-020-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—mail a copy of this form and any attached pages to the law enforcement agency that applied for the EPO-002. (Use, Proof of Service by Mail, form GV-025.)

Fill in court name and street address:

**Superior Court of California, County of**

See Notice of Hearing for case number and fill in:

**Case Number:**

**1 Requesting Agency**

\_\_\_\_\_

**2 Restrained Person**

a. Your Name: \_\_\_\_\_  
 Your Lawyer (if you have one for this case):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_

b. Your Address (If you have a lawyer, give your lawyer's information. You do not have to give telephone, fax, or e-mail address.)

Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

Be prepared to present your opposition at the hearing. Write your hearing date, time, and place from the Notice of Hearing here:

**Hearing Date** → Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

**You must obey the Gun Violence Emergency Protective Order until the expiration date.** At the hearing, the court may make an order against you for one year.

**3 Gun Violence Restraining Order**

- I do not agree that a gun violence restraining order should be issued because:
- Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 3—Reasons I Disagree" as a title. You may use form MC-025, Attachment.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**4**  **Denial, Justification, or Excuse**

- I did not do anything described in item 6 of form EPO-002.
- If I did some of the things stated in the Gun Violence Emergency Protective Order, my actions were justified or excused for the following reasons (*explain*):
- Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 4-Denial, Justification, or Excuse" as a title. Use form MC-025, Attachment.

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**5** **Surrender of Guns, Ammunition, and Magazines**

**A Gun Violence Emergency Protective Order (form EPO-002) was issued. You cannot own or possess any guns, other firearms, ammunition, or magazines. You must surrender any of these items in your possession to law enforcement when they ask you to do so. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any other guns, other firearms, ammunition, or magazines in your immediate possession or control within 24 hours of being served with form EPO-002. You must file a receipt with the court and the law enforcement agency. You may use, *Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored* (form GV-800) for the receipt.**

- a.  I do not own or control any guns, other firearms, ammunition, or magazines.
- b.  I have turned in my guns, other firearms, ammunition, and magazines to a law enforcement officer or agency, or sold them to or stored them with a licensed gun dealer. A copy of the receipt
  - is attached.     has already been filed with the court.

**6** Number of pages attached to this form, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name (if any)*

\_\_\_\_\_  
*Lawyer's signature*

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

\_\_\_\_\_  
*Sign your name*

## What is a Gun Violence Emergency Protective Order?

It is a court order requested by law enforcement that prohibits someone from having any guns, ammunition, or magazines (any ammunition feeding device). The person must surrender all guns, ammunition, and magazines that he or she currently owns.

## Who can ask for a Gun Violence Emergency Protective Order?

The Gun Violence Emergency Protective Order must have been requested by a law enforcement officer and was issued by a judicial officer based on the statements made under penalty of perjury in the protective order.

## I've been served with a *Gun Violence Emergency Protective Order* (form EPO-002) and a *Notice of Court Hearing*. What do I do now?

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. Follow the *Gun Violence Emergency Protective Order* (form EPO-002) prohibiting you from having any guns, ammunition, or magazines and requiring you to surrender, sell, or store any guns, ammunition, or magazines that you currently own or possess. You must obey the order until the expiration date on the form.

## What if I don't obey the emergency protective order?

The police can arrest you. You can go to jail and pay a fine.

## What if I don't agree with what the order says?

If you disagree with the order that has been issued and do not want the court to extend it for a longer time, fill out *Response to Gun Violence Emergency Protective Order* (form GV-020), before your hearing date. File the form with the court and serve it on the requesting law enforcement agency. You can get the form from legal publishers or on the Internet at [www.courts.ca.gov](http://www.courts.ca.gov). You also may be able to find it at your local courthouse or county law library.

## Will I have to pay a filing fee?

No.

## Do I have to serve the other person with a copy of my response?

Yes. Have someone age 18 or older—**not you**—mail a copy of the completed, *Response to Gun Violence Emergency Protective Order* (Form GV-020), to the law enforcement agency that issued the *Gun Violence Emergency Protective Order* (form EPO-002). (This is called “service by mail.”)

The person who serves the form by mail must fill out *Proof of Service by Mail* (form GV-025). Have the person who did the mailing sign the original form GV-025. Take the completed form back to the court clerk or bring it with you to the hearing.

## Should I go to the court hearing?

Yes. You should go to court on the date listed on the *Notice of Court Hearing*. If you do not go to the hearing, the judge can extend the order against you for up to one year without hearing from you.



**Can I bring a witness to the court hearing?**

Yes. You can bring witnesses or documents that support your case to the hearing. But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. (You can use *Declaration* (form MC-030), for this purpose.)

**Do I need a lawyer?**

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

**How long does the order last?**

The *Gun Violence Emergency Protective Order* (form EPO-002) will last until the expiration date listed on the front of the form in item 3. The court will decide at the hearing whether to issue a gun violence restraining order that can last for one year.

**Will I see the person who asked for the court order at the court hearing?**

It's possible the law enforcement officer may appear at the court hearing.

**What if I need help to understand English?**

When you file your papers, ask your court's clerk or [self-help center](#) if your court will provide an interpreter. To request an interpreter, you may use form INT-300. You should also check your local court's website via Find My Court for additional information on how to request an interpreter for a civil matter. If an interpreter is not available for your court date, you should ask someone who is over age 18 to interpret for you.

**What if I am deaf or hard of hearing?**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five court days before the hearing. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons with Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

**For help in your area, contact:**

*[Local information may be inserted.]*



*Clerk stamps date here when form is filed.*

**DRAFT  
04/03/19  
Not approved by  
the Judicial Council**

*(Use this form for serving form GV-020, Response to Gun Violence Emergency Protective Order)*

**1 Requesting Agency**

Full Name: \_\_\_\_\_

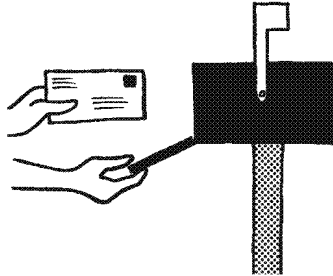
**2 Restrained Person**

Full Name: \_\_\_\_\_

**3 Notice to Server**

The server must:

- Be 18 years of age or older.
- Live or be employed in the county where the mailing took place.
- Not be a party to the case.
- Mail a copy of all documents checked in **4** to the agency in **1**.
- Complete and sign this form and give it to the person in **2**.



*Fill in court name and street address:*

**Superior Court of California, County of**

*Fill in case number:*

**Case Number:**

**4 PROOF OF SERVICE BY MAIL**

I am 18 years of age or older and not a party to this case. I live or am employed in the county where the mailing took place. I mailed the Requesting Agency a copy of all documents checked below:

- a. Form GV-020, *Response to Gun Violence Emergency Protective Order*
- b.  Other (*specify*): \_\_\_\_\_

**5** I placed copies of the documents above in a sealed envelope and mailed them as described below:

- a. Mailed to (*name*): \_\_\_\_\_  
Law enforcement agency: \_\_\_\_\_
- b. To this address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
- c. On (*date*): \_\_\_\_\_ Mailed from City: \_\_\_\_\_ State: \_\_\_\_\_

**6 Server's Information**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

*(If you are a registered process server):*

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print server's name*



\_\_\_\_\_  
*Server to sign here*

Clerk stamps date here when form is filed.

The court will complete this form.

**DRAFT  
04-03-19  
Not approved by  
the Judicial Council**

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:****1 Requesting Agency**

- a. Law enforcement agency that applied for the Gun Violence Emergency Protective Order: \_\_\_\_\_  
\_\_\_\_\_
- b. Name of law enforcement officer: \_\_\_\_\_  
\_\_\_\_\_

**2 Restrained Person**

- Full Name: \_\_\_\_\_
- b. Lawyer (if there is one for this case):  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

**Description of Restrained Person**

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**3 Expiration Date***This order expires at:*(Time): \_\_\_\_\_  a.m.  p.m.  midnight on (Date): \_\_\_\_\_

If no expiration date is written here, this order expires one year from the date of issuance.

**4 Hearing**

- a. There was a hearing on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_.  
(Name of judicial officer): \_\_\_\_\_ made the orders at the hearing.
- b. These people were at the hearing:
- (1)  The officer or representative of the Requesting Agency \_\_\_\_\_  
\_\_\_\_\_
- (2)  The Restrained Person  Lawyer for the Restrained Person (name): \_\_\_\_\_

**This is a Court Order.**



**6 Order**a.  **Order Prohibiting All Firearms, Ammunition, and Magazines**

- (1) You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm, ammunition, or magazine (any ammunition feeding device).
- (2) You must:
- (a) Surrender all firearms, ammunition, and magazines in your custody or control or that you possess or own. If a law enforcement officer orders you to surrender all of your firearms, ammunition, and magazines to him or her, you must do so immediately. If no order to surrender is made by a law enforcement officer, you must dispose of all of your firearms, ammunition, and magazines within 24 hours of receiving notice of this order. You may do so by either: (1) surrendering all of your firearms, ammunition, and magazines in a safe manner to the local law enforcement agency; or (2) selling all of your firearms, ammunition, and magazines to a licensed gun dealer; or (3) storing all of your firearms, ammunition, and magazines with a licensed gun dealer for as long as this order is in effect.
- (b) Within 48 hours of receiving this order, or if the court is closed, then on the next business day, file a receipt with the court that proves that all of your guns or firearms, ammunition, and magazines have been turned in, sold, or stored. (*You may use Form GV-800, Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored for the receipt.*) You must also file a copy of the receipt with the law enforcement agency that served you with this order. **FAILURE TO FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.**

b.  **Order dissolving (terminating) Gun Violence Emergency Protective Order.**

The court dissolves (terminates) the *Gun Violence Emergency Protective Order* (form EPO-002) originally issued on (date): \_\_\_\_\_ as of (date of hearing): \_\_\_\_\_.

**7 Service of Order on the Restrained Person**

- a.  The Restrained Person personally attended the hearing. No other proof of service is needed. The clerk has provided the Restrained Person with a blank copy of, *Request to Terminate Gun Violence Restraining Order* (form GV-600), if a restraining order was granted.
- b.  The Restrained Person did not attend the hearing. The Restrained Person must be personally served with a court file-stamped copy of this order and a blank copy of *Request to Terminate Gun Violence Restraining Order* (form GV-600), if a restraining order was granted.

**8** Number of pages attached to this Order, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

**Warnings and Notices to the Restrained Party**

**This order is valid until the expiration date and time noted on page 1. If you have not done so already, you must surrender all firearms, ammunition, and magazines that you own or possess in accordance with Section 18120 of the Penal Code. You may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearms, ammunition, or magazines while this Order is in effect. Pursuant to section 18185, you have the right to request one hearing to terminate this Order at any time during its effective period. You may seek the advice of an attorney as to any matter connected with the order.**

**This is a Court Order.**

**Violation of this Order is a misdemeanor punishable by a \$1,000 fine or imprisonment for six months or both. (Pen. Code, §§ 19, 18205.) If you violate this Order, you will be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, any firearm, ammunition, or magazine for a period of five years. This Order must be enforced by any law enforcement officer in the State of California who is aware of or shown a copy of this Order. The Order remains enforceable regardless of the acts of the parties; it may be terminated only by an order of the court.**

## **Instructions for Law Enforcement**

### **Duties of Officer Serving This Order**

The officer who serves this order on the Restrained Person must do the following:

- Ask the Restrained Person if he or she has any firearms, ammunition, or magazines in his or her possession or under his or her custody or control that have not already been turned in.
- Order the Restrained Person to immediately surrender all firearms, ammunition, and magazines to him or her.
- Issue a receipt to the Restrained Person for all firearms, ammunition, and magazines that he or she has surrendered.
- Complete a proof of personal service and file it with the court. You may use Form GV-200 for this purpose.
- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer's name and law enforcement agency.

### **Duties of Agency on Surrender of Firearms, Ammunition, and Magazines**

The law enforcement agency that has received surrendered firearms, ammunition, or magazines must do the following:

- Retain the firearms, ammunition, or magazines until the expiration of this Order or of any other gun violence restraining order issued by the court.
- On the expiration of this order or of any later gun violence restraining order issued by the court, return the firearms and ammunition to the Restrained Person as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850). Firearms, ammunition, or magazines that are not claimed are subject to the requirements of section 34000.
- If someone other than the Restrained Person claims title to any of the firearms, ammunition, or magazines surrendered, determine whether that person is the lawful owner. If so, return the firearms, ammunition, and magazines to him or her as provided by Chapter 2 of Division 11 of Title 4 of the Penal Code (commencing with section 33850).

### **Enforcing This Order**

The law enforcement officer should determine if the Restrained Person had notice of the order. Consider the Restrained Person "served" (given notice) if:

- The officer sees a copy of the proof of service or confirms that the proof of service is on file;
- The Restrained Person was informed of the order by an officer; or
- Item 7a is checked, the Restrained Person attended the hearing.

**This is a Court Order.**



**Instructions for Law Enforcement**

*(continued)*

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the respondent cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it (*see above: Duties of Officer Serving This Order*).

The provisions in this *Gun Violence Restraining Order After Hearing on EPO-002* do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in another existing protective order remain in effect.

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

*Clerk's Certificate*  
*[seal]*

I certify that this *Gun Violence Restraining Order After Hearing on EPO-002* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

Clerk stamps date here when form is filed.

**DRAFT  
03-29-19  
Not approved by  
the Judicial Council**

**1 Petitioner/Requesting Agency**

Name: \_\_\_\_\_

**2 Respondent/Restrained Person**

Name: \_\_\_\_\_

**3 Notice to Server**

The server must:

- Be 18 years of age or older.
- Not be the Petitioner unless the Petitioner is a law enforcement officer.
- Give a copy of all documents checked in **4** to the Respondent/Restrained Person. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the Petitioner.



Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**PROOF OF PERSONAL SERVICE**

**4** I personally gave the Respondent a copy of the forms checked below:

- a.  GV-030, Gun Violence Restraining Order After Hearing on EPO-002
- b.  GV-100, Petition for Gun Violence Restraining Order
- c.  GV-109, Notice of Court Hearing
- d.  GV-110, Temporary Gun Violence Restraining Order
- e.  GV-116, Order for Continuance and Notice of New Hearing Date
- f.  GV-120, Response to Petition for Gun Violence Restraining Order (blank form)
- g.  GV-120-INFO, How Can I Respond to a Petition for a Gun Violence Restraining Order?
- h.  GV-130, Gun Violence Restraining Order After Hearing
- i.  GV-600, Request to Terminate Gun Violence Restraining Order (blank form)
- j.  GV-800, Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored (blank form)
- k.  Other (specify): \_\_\_\_\_

**5** I personally gave copies of the documents checked above to the Respondent/Restrained Person:

- a. On (date): \_\_\_\_\_ b. At (time): \_\_\_\_\_  a.m.  p.m.
- c. At this address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**6 Server's Information**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

(If you are a registered process server):

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Type or print server's name      Server to sign here

Clerk stamps date here when form is filed.

**DRAFT  
4-1-19  
Not approved by  
the Judicial Council**

**1 Petitioner/Requesting Agency**

Name: \_\_\_\_\_

**2 Respondent/Restrained Party**

a. Your Name: \_\_\_\_\_

Your Lawyer (if you have one for this case):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**3 To the Respondent/Restrained Person**

The court has ordered you to surrender all of your firearms, ammunition, and magazines by turning them in to law enforcement or by selling them to or storing them with a licensed gun dealer. You may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded firearms, ammunition, and magazines, ask the law enforcement officer or the licensed gun dealer to complete item 4 or 5 and item 7.

**4 To Law Enforcement**

Fill out this box and item 7 of this form. Keep a copy and give the original to the person who turned in the firearms, ammunition, or magazines.

The items listed in 7 were turned in on:

Date: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.

To: \_\_\_\_\_  
*Name and title of law enforcement agent*

\_\_\_\_\_  
*Name of law enforcement agency*

\_\_\_\_\_  
*Address*

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

▶ \_\_\_\_\_  
*Signature of law enforcement agent*

Badge Number: \_\_\_\_\_

**5 To Licensed Gun Dealer**

Fill out this box and item 7 of this form. Keep a copy and give the original to the person who sold you the firearms, ammunition, or magazines or stored them with you.

The items listed in 7 were:

sold  stored on:

Date: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.

To: \_\_\_\_\_  
*Name of licensed gun dealer*

\_\_\_\_\_  
*License number Telephone*

\_\_\_\_\_  
*Address*

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

▶ \_\_\_\_\_  
*Signature of licensed gun dealer*





**6 To the Respondent/Restrained Person**

After the form is signed, make two copies. File the original with the court clerk. File a copy with the law enforcement agency that served you with the gun violence restraining order. Keep a copy for yourself. Failure to file a receipt with the court and with the law enforcement agency is a violation of the court's order.

For help filling out this form, read *How Do I Turn In, Sell, or Store My Firearms, Ammunition, and Magazines?* (form GV-800-INFO).

**7 a. Firearms**

	<u>Make</u>	<u>Model</u>	<u>Serial Number</u>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

Check here if you turned in, sold, or stored more firearms. Use form MC-025 and write "GV-800, Item 7a-Firearms Turned In, Sold, or Stored" for a title. Include the make, model, and serial number of each firearm.

**b. Ammunition**

	<u>Brand</u>	<u>Type</u>	<u>Amount</u>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

Check here if you turned in, sold, or stored more ammunition. Use form MC-025 and write "GV-800, Item 7b-Ammunition Turned In, Sold, or Stored" for a title. Include the brand, type, and amount of ammunition.

**c. Magazines**

	<u>Make</u>	<u>Model</u>	<u>Number of Magazines</u>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

Check here if you turned in, sold, or stored more magazines. Use form MC-025 and write "GV-800, Item 7c-Magazines Turned In, Sold, or Stored" for a title. Include make, model, and serial number of magazines.

8 Do you have, own, possess, or control any other firearms, ammunition, or magazines besides the items listed in 7?  Yes  No

If you answered yes, have you turned in, sold, or stored those other items?  Yes  No

If yes, check one of the boxes below:

a.  I filed a Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored (form GV-800) for those firearms with the court on (date): \_\_\_\_\_

b.  I am filing the proof for those firearms, ammunition, or magazines along with this proof.

c.  I have not yet filed the proof for the other firearms, ammunition, or magazines. (Explain why not):  
 Check here if there is not enough space below for your answer. Use form MC-025 and write "Attachment 8c" for a title.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

\_\_\_\_\_  
Type or print your name



\_\_\_\_\_  
Sign your name

**1 What is a firearm?**

A firearm includes a:

- Handgun • Rifle
- Shotgun • Assault weapon

**What is ammunition?**

Ammunition, also called ammo, includes:

- Bullets • Shells
- Cartridges • Clips

**What is a magazine?**

A magazine is an ammunition feeding device. They can be removable or fixed to the firearm.

**2 If you own or have any firearms, ammunition, or magazines, you must:**

- Surrender any of these items in your possession to law enforcement when they ask you to do so.
- Additionally, within 24 hours you must do one of the following:
  - Turn any other firearms, ammunition, or magazine in to your local law enforcement agency;
  - Sell them to a licensed firearms dealer; or
  - Store them with a licensed firearms dealer.

**3 How do I sell or store my firearms, ammunition, and magazines?**

Find a licensed firearms dealer in your area.

Use the internet to find "Firearms Dealers" in your area. Make sure the dealer is licensed.

**4 How do I surrender my firearms, ammunition, and magazines to law enforcement?**

Call your local law enforcement agency to ask about their procedures. Take a copy of the court order with you. Go directly to the law enforcement agency. Do not go anywhere else with firearms in your vehicle!

**5 If I turn in my firearms, ammunition, and magazines to law enforcement, how long will they keep them?**

As long as any gun violence restraining order against you remains in effect.

**6 After I give my firearms, ammunition, and magazines to law enforcement, can I change my mind?**

Yes. You are allowed to sell them to a licensed gun dealer. To do this, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearms that you are selling.

**7 Do I have to pay the law enforcement agency to keep my firearms?**

You may have to pay the agency for keeping your firearms. Contact your local law enforcement agency and ask if a fee is charged. The agency will tell you how much you need to pay.

**8 Do I have to prove that I have turned in, sold, or stored my firearms, ammunition, and magazines?**

Yes. Within 48 hours you must file a receipt with the court and the law enforcement agency showing that you have surrendered your firearms, ammunition, and magazines to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use *Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored* (form GV-800), for this purpose.

**9 Questions?**

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

*(Insert local information here.)*

**W19-02**

**Restraining Orders: Proposed Gun Violence Restraining Orders for Senate Bill 1200 Hearing Requirement**

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Giffords Law Center to Prevent Gun Violence By Julia F. Weber, JD, MSW GVRO Implementation Fellow	A	<p>The advisory committee, staff, and Council members have done an excellent job proposing amendments to forms and the adoption of new forms to effectively implement changes in GVRO policy and procedure. They should be commended for the attention to detail and thoughtfulness in developing these forms. The following comments are offered for your consideration.</p> <p>New Hearing Requirement: Providing a new set of forms to allow for implementation of the new hearing requirement is necessary and appropriate, especially given that law enforcement members who request and are issued an EPO-002 (Gun Violence Emergency Protective Order) are the filing party and are expected to appear at the hearing to be automatically set by the court upon issuance of the EPO. This procedure involves taking steps that are significantly different from other civil restraining order processes. For example, in a domestic violence emergency protective order situation, a protected party, not law enforcement, would need to request that an order under the DVPA be issued to restrain the other party upon expiration of an EPO issued on EPO-001. Because this gun violence EPO and subsequent hearing process is so different from the long-standing EPO process for domestic violence, training for court staff, judicial officers, self-help center staff, and law enforcement is crucial. Currently, there are</p>	<p>The committees appreciate the Giffords Law Center’s comments on the GVRO process and forms.</p> <p>The committee appreciates that there are further needs for training for the courts the potential for law enforcement and the courts to coordinate their efforts for implementation. The advisory committee will make the Center for Judicial Education and Resources (CJER) aware of the commenter’s concerns.</p>

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	Commenter	Position	Comment	Committee Response
			<p>reports of some confusion at the local level about where these types of orders should be filed, whether law enforcement must be taken off the street during on-duty hours to wait for the case to be called, and the role attorneys appearing with the officers play in the civil restraining order proceeding. Local courts should coordinate with law enforcement to ensure all judicial officers, including those handling matters outside of court hours, are familiar with GVROs and law enforcement procedures. All stakeholders should make sure local procedures are developed to address these issues.</p> <p>The advisory committee should consider proposing a statewide rule of court to provide courts with guidance on all aspects of GVROs and to set out training and education requirements to ensure local familiarity with this important procedure, especially given the lethal and dangerous situations the statutory framework seeks to address.</p> <p>Setting a hearing date: One of the challenges with the approach proposed for setting hearing dates is that if the date setting doesn't happen until law enforcement officers file the EPO-002 form with the court, there may be delays or some EPOs will not be filed. Filing them has not been critical before with DV EPOs because those expire after just a few days and a TRO is required thereafter. However, the GV EPO is</p>	<p>This suggestion is outside the scope of this proposal, but the committee will consider it as time and resources permit.</p> <p>The committee notes that not all courts have processes in place whereby they would be able to provide a hearing date when issuing an EPO-002. However, the committee added an option to include a hearing date and time on the form, or to indicate that a notice will be sent for a hearing within 21 days.</p>

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			<p>good for 21 days, a time in which a court is supposed to hold a hearing and yet may not know an EPO was issued. A more effective approach would be for the hearing date to be set with issuance of the GV EPO. Each court could inform the judges on call of the preferred weekdays and times to set. This approach is likely to save a lot of clerical work and avoid the problem of missed court dates when officers don't file. It is also increases the likelihood the restrained person will know the hearing date; the officer would also not need to be served, because he/she would know the court date before filing the EPO-002. There could be cost savings with this alternate proposal because of the extra work involved with filing, setting, and serving parties subsequent to the GV EPO.</p> <p>Training for staff and judicial officers is crucial. Such training could be provided minimally during a 2-3 hour session that covered EPO procedures generally and GVROs specifically, including how they are similar to and different from DVRO, Civil Harassment, Elder Abuse, and related civil restraining order processes. It is of utmost importance that these matters be handled carefully so that firearms relinquishment procedures are clear to restrained parties to minimize risk to everyone, including law enforcement and the public. The GVRO statutory framework was adopted in light of the Isla Vista tragedy; research on similar policy approaches has shown that this</p>	<p>See response above regarding referral to CJER.</p>

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	Commenter	Position	Comment	Committee Response
			<p>legal remedy is effective at preventing gun violence. The courts have a critical role to play in ensuring these procedures are fully and effectively implemented.</p> <p>EPO-002: Agree with addition of “magazines.”</p> <p>On page 8, the front of the form should provide space for a hearing date to be provided by the magistrate at the time the GV EPO is issued. While that may not end up being the procedure statewide, the form should not dictate one approach that essentially requires waiting to set the hearing date until after law enforcement files the EPO-002 because waiting may cause delays that prevent the court from meeting the requirement in PC section 18148 that the hearing be held within 21 days . The hearing should be set upon issuance of the GV EPO, where possible. Under #3, add space for a hearing date to be provided by the duty judge so that it says “This order will expire on _____Time ____. [checkbox] A hearing will be held on _____Time __ or [checkbox] A hearing will be set within the next 21 days.”</p> <p>In #5, the language regarding the hearing date should be modified to say that a hearing will be held on whether a more permanent order should be issued instead of the current language (“a more permanent gun violence restraining order may be obtained”).</p>	<p>No response needed.</p> <p>The form has been revised to reflect this comment. Given the tight space on this form, and the fact that the EPO-002 is produced in triplicate for law enforcement, it was important to keep the written information on one page. The spacing of the form was moved around, and one line for the address in the proof of service was eliminated to create more room to accommodate this change.</p> <p>The committee declines to make this change. The current language is required by statute.</p>

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	Commenter	Position	Comment	Committee Response
			<p>On page 9, the third paragraph should include the possibility that the person has been served with notice of the "within 21 days hearing" at the time the GV EPO is served. For example, "the court will hold a hearing within 21 days to determine if a longer-term order should be issued. You may receive notice with this EPO-002 and/or in the mail at the address listed on page 1 of this form."</p> <p>Making this form mandatory would be beneficial because jurisdictions are training each other and the more consistent these forms can be, the easier effective implementation will be statewide which supports the purpose of the legislation.</p> <p>The committee should consider whether GV-009 should allow for more information about the attorney who may represent law enforcement in these matters. If local protocols are developed that, for example, have the City Attorney routinely appearing with law enforcement, it may make it easier if that office could be served simultaneously.</p> <p>GV-020: In #4 on p. 11, add, "Please provide more information in #3 above," to ensure the party provides helpful information to the court given that no space is provided to more fully explain the denial in #4. A denial should have the same opportunity to be explained as #5.</p>	<p>The form has been revised in light of this suggestion.</p> <p>If this comment is about form GV-009 (about which a specific comment was requested), the response is appreciated.</p> <p>This suggestion will be considered in the future as GVRO procedures are developed.</p> <p>The form has been revised according to this suggestion.</p>

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			<p>In #6, reword the first sentence to become two sentences for clarity and make additional changes for accuracy and consistency: “A Gun Violence Emergency Protective Order (Form EPO-002) was issued. You cannot own or possess any guns, other firearms, ammunition or magazines. You must surrender any of these items in your immediate possession to law enforcement when they ask you to and/or you must also sell to or store with a licensed gun dealer, or turn in to a law enforcement agency any other guns, firearms, ammunition or magazines you own or have in your possession within 24 hours of being served with a signed Form EPO-002. You must file a receipt with the court and the law enforcement agency within 48 hours of being served with this order. You may use Form GV-800, Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored for the receipt.”</p> <p>GV-020-INFO: Under, “What is a Gun Violence...?” add “temporarily” to the first sentence.</p> <p>Sometimes in this forms packet, the phrase, “guns and other firearms” is used and at other times, just guns or firearms are mentioned. The committee should consider whether consistent language could be used to cover all the items that the restrained person is required to relinquish/not purchase.</p>	<p>The form has been changed to reflect this suggestion.</p> <p>The committee declines to take this suggestion, in order to preserve existing clarity.</p> <p>The statutory language varies in some instances and requires specific language in the forms. Where it is possible, the committee strives for consistent language.</p>

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	Commenter	Position	Comment	Committee Response
			<p>Under “What if I don’t agree...?” provide a direct link to the GVRO form rather than <a href="http://www.courts.ca.gov">www.courts.ca.gov</a> for ease of access.</p> <p>On page 14, when referencing MC-030, Declaration, consider adding that same or another direct link for ease of access.</p> <p>Does this packet of forms get produced in a way that makes it easy for law enforcement to retain a copy while providing another one to the restrained party at the scene?</p> <p>GV-800-INFO: on page 25, the illustration may be confusing given that it shows one type of gun. Consider removing it or replacing it with an image that reflects the content more effectively.</p> <p>References to the Yellow Pages may be outdated. Consider, “Use the Internet to find “Firearms Dealers” if you do not otherwise have information about local, licensed dealers.”</p> <p>In #2, the order is in effect when issued; as a result, would be clearer if it read: “Give them to law enforcement when he or she serves you with the order. If you are not served by law enforcement or otherwise told to hand over your firearms, ammunition, and magazines to them, you must turn those items in to a local law</p>	<p>A more general link is preferred at this time. The committee is concerned that the link to a web page for a specific form might change as servers are changed or forms revised, and users might be pointed to an incorrect version of the form.</p> <p>See above.</p> <p>Form EPO-002 is usually produced in triplicate carbon forms by local law enforcement.</p> <p>The committee considers the form effective and declines to take this suggestion at this time.</p> <p>The form has been revised to reflect this comment.</p> <p>The form has been revised with language that is similar to the suggested language.</p>

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			<p>enforcement agency (call the agency before going to the location); or sell them to or store them with a licensed firearms dealer.”</p> <p>In #6, consider clearly indicating that the restrained person may not physically transfer the firearms from law enforcement to the licensed gun dealer because they are prohibited from having firearms.</p>	<p>The committee considers the form clear and declines to take this suggestion.</p>
2.	<p>Susan Lea Attorney Los Angeles County</p>		<p>This is a frighteningly loose and ambiguous law showing a lack of due process in every sentence of the statutory language.</p> <p>1. What are the standards involved in issuing one of these orders?</p> <p>Is it just a "reasonable cause" standards, and is that legally adequate and should it be better spelled out". Yes, the restraining order requires a police officer and a judge, and can this statute make it clear that a Commissioner cannot replace a judge????</p> <p>2. What are the procedures for getting back one's firearms if in 21 days there is no hearing, and can it be clear that the 21 days cannot be extended unilaterally!!!!</p> <p>If the 21 days expires, that ends the effect of the restraining order, right???</p>	<p>Thank you for your comments on the GVRO forms.</p> <p>The legal standards for Gun Violence Restraining Orders can be found in California Penal Code section 18100 et seq. The question of whether reasonable cause is the appropriate standard to include in the statute, and other statutory requirements, are outside the scope of this proposal, and should be more appropriately addressed with the Legislature</p> <p>The Penal Code provides direction on the procedure for return of firearms. The hearing date may be extended for good cause. (See Pen. Code, § 18120(c)(1).)</p> <p>Each restraining order expires on the date stated on the specific court order. The Emergency Protective Order lasts for 21 days, absent a</p>

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	Commenter	Position	Comment	Committee Response
			<p>Can it be clear that the restraining order ("RO") does not become effective without personal service of the RO??? If the RO is not personally served within the 21 days, and if the required hearing does not occur within the 21 days, then the RO needs to automatically end, cancel out, have no force and effect. When the 21 days expires, that is it. No extensions, and make that clear in the Judicial Council forms, please.</p> <p>3. Since the police are asking the person who is the subject of the RO to turn over all firearms before and without a court hearing, there needs to be clear procedures for getting back one's firearms should the judge at the time of the hearing dismiss the RO!!!! The firearms need to be returned immediately and without further paperwork, waiting or the need for any more court time!!!! Let's not harm an innocent person, and let us not violate the person's legal right to own firearms.</p> <p>4. There needs to be accountability for false and bogus restraining orders filed under these penal Code sections!!!! The person filing the complaint needs to pay or be held accountable for falsity and harming another person.</p> <p>Thanks, Susan Lea (Cal. Bar # 83605)</p>	<p>request for a continuance that is ordered by the court.</p> <p>The legal standards for Gun Violence Restraining Orders and the service requirements can be found in California Penal Code Section 18100 et seq.</p> <p>This is addressed above.</p> <p>This comment is outside the scope of this proposal.</p>

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	Commenter	Position	Comment	Committee Response
3.	Orange County Bar Association By Deirdre Kelly, President	AM	<p>Specific Comments:</p> <p><b>Does the Proposal appropriately address the stated purpose?</b></p> <p>Yes.</p> <p><b>Form GV-009 Notice of Court Hearing, is proposed as an optional form because there are many courts that have a case management system that can generate this notice. Should Form GV-009 be mandatory or optional?</b></p> <p>Since Penal Code section 18165 requires the court to initiate the hearing, the courts are in a better position to answer this question.</p> <p><b>Form GV-800, Proof of Firearms, Ammunition, and Magazines Turned In, Sold or Stored, at items 7a, 7b, and 7c, includes a direction to use form MC-025 for more space to list more than five firearms, ammunition, and magazines. Would a new form, an attachment that lists each group—firearms, ammunition and magazines, and the details (for example, for firearms, a page that provides blank lines to list an entire page of firearms with their make, model and serial number) be helpful?</b></p>	<p>No response required.</p> <p>No response required.</p>

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			<p>Yes. Currently, the form allows for a person to list a maximum of five firearms, brand or types of ammunition, and brands or types of magazines. Although statistics on gun ownership can be a little slippery, a significant number of Americans may own more than five firearms. A 2017 study conducted by the Pew Research Center concluded that 29% of gun owners own more than five guns, which suggests that a modified form that allows for the memorialization of more than five firearms, ammunition or magazines would be helpful. (Pew Research Center, The Demographics of Gun Ownership In the U.S. (June 22, 2017) p. 6. [<a href="http://www.pewsocialtrends.org/2017/06/22/the-demographics-of-gun-ownership/">http://www.pewsocialtrends.org/2017/06/22/the-demographics-of-gun-ownership/</a>].)</p> <p><b>Form GV-800-INFO, How Do I Turn In, Sell, or Store My Firearms, Ammunition, and Magazines? Contains a list of items that are considered ammunition: bullets, cartridges, clips, shells, and “ammo.” Is there anything else that should be included on this list? Should it also include a technical definition of ammunition?</b></p> <p>The word “clip” is confusing in that a “clip” can mean a string of bullets but is most commonly used to refer to a magazine, which is listed separately. It would be helpful to include the legal definition of ammunition found in Penal Code section 16150, subdivision (a), along with</p>	<p>The committee considered adopting a new form but decided that the use of form MC-25 was sufficient for listing additional firearms, ammunition, and magazines. The courts and the public are familiar with the MC-25 attachment form, and the committee decided no additional form was necessary.</p> <p>The committee considered this issue and decided to include clip in order for the list to be more inclusive rather than less.</p>

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			<p>the lay terms included in the form. It could read:</p> <p>Ammunition means a loaded cartridge consisting of a primed case, propellant and with one or more projectiles and includes:</p> <ul style="list-style-type: none"> <li>• Bullets</li> <li>• Cartridges</li> <li>• Shells</li> </ul> <p>It might also be helpful to indicate, pursuant to subdivision (a) of Penal Code section 16150, that “ammunition does not include blanks.”</p> <p>The Orange County Bar Association (“OCBA”) sees two other issue apart from the areas addressed by the specific comments above.</p> <p>Question 9 on Form GV-800-INFO, directs readers to “call your local law enforcement agency” if they have any questions about their obligation to surrender firearms. However, Form EPO-002 (the emergency gun violence protective order served on the restrained person) directs the reader to “seek the advice of an attorney as to any matter connected with the order” and that “[t]he attorney should be consulted promptly so that that the attorney may assist you in any matter connected with the order.” We think the EPO-002 provides the better advice and suggest deleting the reference to contacting law enforcement in Question 9 on Form GV-800-INFO and replacing it with the</p>	<p>The committee considered whether to include the definition of ammunition from Penal Code section 16150 (which includes propellant and excludes blanks) but decided that the definition was technical in nature and did not clarify the meaning of ammunition for the purposes of the information sheet.</p> <p>The committee considered this change and incorporated changes that directed readers to call an attorney for legal advice and to call law enforcement for information on their procedures.</p>

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			<p>language indicating the reader should contact an attorney for legal advice.</p> <p>Paragraph 2 to Form EPO-002 (Gun Violence Emergency Protective Order), reads in part, “YOU MUST NOT own possess, purchase, receive, or attempt to receive any firearms, ammunition, or magazines (any ammunition feeding devices.” The proposed amendment to that form only adds the italicized language and is entirely appropriate as it conforms with the changes in law brought about by SB 1200. However, the use of the word “own” in the existing version of the form is confusing. The language tracks the required contents of the order articulated in Penal Code sections 18135, subdivision (a)(4), and 18160, subdivision (a)(5). It is confusing because even though these Penal Code sections require the order to tell the restrained party that they may not “own” a firearm, the statutory scheme allows a restrained person to comply with the order by surrendering their firearms to law enforcement or a licensed gun dealer for the period the order is in effect while maintaining an ownership interest in the firearms. (See Penal Code § 18120, subd. (c)(1) &amp; (c)(2).) Both of those subdivisions provide for the return of the firearms to the restrained party once the Gun Violence Restraining Order has lapsed.</p> <p>The second page of the form, under “WARNINGS AND INFORMATION” has the</p>	<p>As the commenter acknowledges, the solution to this issue is a legislative fix and not within the scope of this proposal.</p>

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			<p>same problem. OCBA recognizes that the only solution to this problem is a legislative fix but is raising the issue since the confusion impacts the forms promulgated by Judicial Council.</p>	<p>As the commenter acknowledges, the solution to this issue is a legislative fix and not within the scope of this proposal.</p>
4.	<p>San Diego Office of the City Attorney By Nicole R. Crosby, Chief Deputy City Attorney Domestic Violence and Sex Crimes Unit</p>		<p>Presently, once an emergency GVRO is filed (EP-002), and served on scene, the law enforcement officer has to file the EPO-002 with the court “as soon as practicable” under 18140. Once the EPO is filed, the court will set the hearing date and notify the respondent of the hearing time, date and location—which must be within 21 days of the order being served (PC18148).</p> <p>We would like the judicial officer to provide a hearing date at the time the Emergency GVRO is granted and for the form to capture that hearing date. I am happy to discuss this in more detail if you would like. I have heard that other individuals and agencies have sent you questions or comments about this too.</p> <p>Separately, we have concerns with the court mailing documents to the respondent. Although this method does not run afoul of the code, two other code sections specifically require personal service (Ex-parte [PC 18140] and permanent orders [PC 18197]). Typically, the EPO, like DV EPOs are personally served on the respondent at the time of the request. Currently, we are obtaining a copy of the EPO from law enforcement and filing an ex-parte order over</p>	<p>The committee appreciates the comments from the San Diego City Attorney’s Office.</p> <p>The form has been modified in light of this suggestion.</p> <p>As the commenter acknowledges, there is no statutory mandate that the notice for the post-EPO hearing be served in person. The EPO itself must be personally served in order for the law enforcement officer to take guns away from the restrained person, and form EPO-002 will include a notice either of a hearing date or that the court will be holding a hearing within 21 days to possibly keep those guns for a longer time. Service by mail of a notice of a hearing after a</p>

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			<p>the top of the EPO, requesting the court to shorten time to keep the same hearing date, if the court has provided a date to the officer. We are then attempting service of notice of the ex-parte order and hearing on the respondent prior to the date set by the court.</p> <p>Our mail service worries stem from the courts history (in different regards) of not finding regular mail to be sufficient notice in various situations (think misdemeanor prosecution for civil DV order violations). In the event a respondent's rights are suspended, based on our petitions, we anticipate that a respondent can and will argue they never received the mailed notice. Without notice, the respondent had no reason to appear in court to contest the firearm prohibition at the hearing. Non appearance by a presumably served respondent would trigger a granted order. This order could then be challenged and overturned, which would then create more issues unraveling a GVRO and filing a new petition.</p> <p>Additionally, we have seen that address information the court has is unreliable. We see it more often in DV situations. The parties often separate after a criminal incident or the initial filing of a civil court order. This would also hold true for individuals contacted at hotels, motels, or places of business where the future respondent's home address is either not provided or outdated. Law enforcement often</p>	<p>court has jurisdiction over a party is generally allowable by law.</p>

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**W19-02**

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			<p>relies on DMV data to fill out reports on respondent’s last known address, but we have discovered in our attempts to serve GVROs that the address on file with the DMV or a police report is also outdated. Furthermore, military members are frequently transferred to different bases, barracks or assignments as a result of a criminal incident or the filing of a GVRO.</p>	
5.	Superior Court of California, County of Los Angeles	AM	<p>Implementation of these legislative changes would be extremely burdensome since it would require extensive training and the creation of new systems and procedures to handle Emergency Protective Orders outside the normal case process. In particular, the setting of the GVRO hearing without a required Ex Parte Application following the EPO and requiring the court to give notice of the hearing within the 21 days of oral issuance without a timeframe by which to file the EPO for law enforcement officers. These processes would likely be extraordinarily complex and cumbersome, especially for large courts.</p> <p>Without the time certain for the law enforcement agency to file, the time to give notice of the hearing may be too short and may cause subsequent documents such as the receipt of firearm relinquishment to be submitted without the court having received the EPO-002.</p>	<p>The committee appreciates the work that is involved with implementing this statute and appreciates the comments to assist in this process.</p> <p>The committee recognizes that the statute is difficult to implement because it relies on timely filing from law enforcement to the court, a quick timeframe for the court to send a notice the restrained person, and a hearing within 21 days. In response to this, and other similar comments, the committee will advance a legislative proposal to require that law enforcement file the EPO-002</p>

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**Restraining Orders: Proposed Gun Violence Restraining Orders for Senate Bill 1200 Hearing Requirement**

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	Commenter	Position	Comment	Committee Response
			<p>Further, when there is no further filing by the law enforcement agency after the EPO-002, the Court must determine whether to extend the protective order to one year without further request from the agency or any other party. The court cannot prosecute the GVRO. Only a party with standing can file a request for a hearing.</p> <p>We recommend that the Judicial Council work with the Legislature on urgency clean-up legislation that would establish a time certain for filing of the EPO-002 document, and then tie the 21-day hearing to the filing of the GV-100. The process should occur in a similar manner to all other restraining orders.</p> <p>Request for Specific Comments:</p> <p>In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:</p> <ul style="list-style-type: none"> <li>• <b>Does the proposal appropriately address the stated purpose?</b></li> </ul> <p>Yes.</p> <ul style="list-style-type: none"> <li>• <b>Form GV-009 Notice of Court Hearing, is proposed as an optional form because there are many courts that have a case management system that can generate this notice. Should Form GV-009 Notice of Court Hearing, be mandatory or optional?</b></li> </ul>	<p>with the court as soon as practicable after issuance, but not later than within 3 court days.</p> <p>See above regarding legislative proposal.</p> <p>No response needed.</p>

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			<p>This form should remain optional.</p> <p>The advisory committee also seeks comments from courts on the following cost and implementation matters:</p> <ul style="list-style-type: none"> <li>• <b>Would the proposal provide cost savings? If so, please quantify.</b></li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• <b>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</b></li> </ul> <p>Implementation would be extremely burdensome since it would require extensive training and the creation of new systems and procedures to handle Emergency Protective Orders outside the normal case process.</p> <ul style="list-style-type: none"> <li>• <b>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b></li> </ul> <p>No.</p>	<p>No response needed.</p> <p>No response needed.</p> <p>The committee appreciates the information regarding implementation and recognizes the burden the new statute is placing on the courts.</p>

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>Further explanation: This new process is substantially different from any existing Restraining Order processes. Implementation of these legislative changes would be extremely burdensome since it will require the creation of new systems and procedures to handle Emergency Protective Orders. In particular, setting the GVRO hearing, possibly without an application following the EPO and will be complex and cumbersome, especially for large courts. Creating a system which would allow a Judicial Officer to schedule a 21-day hearing, outside of regular business hours, in the appropriate location will require involving our court technology services and changing our case management systems. After developing these processes, we would then need time to train both court staff and many, many Judicial Officers (since night-time EPO/PCD duty is a rotating responsibility).</p>	<p>The committee understands the complications of implementing this statutory requirement. The description from the court regarding the difficulties in implementing this process is specific to the legislative requirements that were effective January 1, 2019. This form proposal should alleviate some of the work on the part of the trial court to provide forms and guidance to court staff, litigants, and law enforcement.</p>

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	Commenter	Position	Comment	Committee Response
			<p>• <b>How well would this proposal work in courts of different sizes?</b></p> <p>The procedure contemplated in this proposal would be extraordinarily complex and cumbersome for large courts.</p>	<p>The committee appreciates the information regarding implementation and the burden on large courts.</p>
6.	<p>Superior Court of California, County of Orange, Civil Operations By Sean E. Lillywhite Administrative Analyst/Officer, Training &amp; Analyst Group (TAG)</p>		<p>Restraining Orders: Proposed Gun Violence Restraining Orders for Senate Bill 1200 Hearing Requirement - W19 - 02</p> <p>While the proposed forms assist in the court implementing the hearing requirement per SB 1200, there are still gaps in the legislation related to the enforcement of police officers submitting the EPO-002 that need to be addressed.</p> <p>The forms could also provide more clarification to law enforcement that this emergency gun violence protective order is not a search and seizure order.</p> <p>Furthermore, additional forms still need to be revised to implement the SB 1200 hearing requirement including the Request to Continue Hearing for Gun Violence Restraining Order and Order for Continuance and Notice of New Hearing Date.</p> <p>We also have specific feedback on the forms themselves:</p>	<p>Thank you for your comments.</p> <p>This suggestion requires a legislative fix that is outside the scope of the current proposal.</p> <p>This suggestion will be taken into consideration as these forms continue to be revised.</p> <p>Revisions to forms GV-115 and GV-116 are being proposed to implement continuances related to this hearing requirement and will be circulated for comment to implement in January 2020.</p>

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	Commenter	Position	Comment	Committee Response
			<ul style="list-style-type: none"> <li>• EPO-002                             <ul style="list-style-type: none"> <li>o Item 7 the verbiage of firearms/ammunition “searched for” or “seized” is misleading as this EPO is not a search and seizure order. A disclaimer should be provided to law enforcement to differentiate this EPO from a search and seizure order.</li> <li>o Note to law enforcement (last 2 paragraphs on page 2): More emphasis should be provided to the officer that this form needs to be submitted to the court as soon as practicable after issuance. It could be worth mentioning that a timely submission to the court is imperative to allow adequate time for the court to set the required hearing and provide notice.</li> </ul> </li> <li>• GV-009                             <ul style="list-style-type: none"> <li>o Under the clerk’s certificate of mailing: Capitalize the “I” in the following phrase “certify that i am not a party to this cause”.</li> </ul> </li> <li>• GV-020                             <ul style="list-style-type: none"> <li>o Under “Use this form…” the third bullet point refers to GV-250; however, the form number should be GV-025.</li> </ul> </li> <li>• GV-200                             <ul style="list-style-type: none"> <li>o The forms listed under item 4 should include all proposed forms related to the emergency GVRO</li> </ul> </li> </ul>	<p>Due to space constraints on the form, a disclaimer cannot be added at this time. To the extent this requires better training of law enforcement it is outside the scope of the proposal and of this committee’s purview.</p> <p>The form has been modified in light of this suggestion.</p> <p>The form has been modified in light of this suggestion.</p> <p>The form has been modified in light of this suggestion.</p> <p>The committee declines to make this change. The other new forms, other than form GV-030, do not require personal service and so will not be added to the form.</p>

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	Commenter	Position	Comment	Committee Response
7. h e	Superior Court of California, County of San Diego By Michael Roddy, Chief Executive Officer	AM	<p><b>Q: Does the proposal appropriately address the stated purpose?</b></p> <p>Yes.</p> <p><b>Q: Form GV-009 Notice of Court Hearing, is proposed as an optional form because there are many courts that have a case management system that can generate this notice. Should Form GV-009 Notice of Court Hearing, be mandatory or optional?</b></p> <p>The form should be optional.</p> <p><b>Q: Form GV-800, Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored, at items 7a, 7b, and 7c, includes a direction to use form MC-025 for more space to list more than five firearms, ammunition, and magazines. Would a new form, an attachment that lists each group—firearms, ammunition and magazines, and the details (for example, for firearms, a page that provides blank lines to list an entire page of firearms with their make, model and serial number) be helpful?</b></p> <p>Yes, an attachment listing the information required for each group would be helpful for the individual completing the form.</p>	<p>No response required.</p> <p>No response required.</p> <p>The committee considered adopting a new form but decided that the use of form MC-25 was sufficient for listing additional firearms, ammunition, and magazines. The courts and the public are familiar with the MC-25 attachment</p>

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	Commenter	Position	Comment	Committee Response
			<p><b>Q: Form GV-800-INFO, How Do I Turn In, Sell, or Store My Firearms, Ammunition, and Magazines? contains a list of items that are considered ammunition: bullets, cartridges, clips, shells, and “ammo.” Is there anything else that should be included on this list? Should it also include a technical definition of ammunition?</b></p> <p>The included list appears to be sufficient.</p> <p><b>Q: Would the proposal provide cost savings? If so, please quantify.</b></p> <p>No. Additional costs will be incurred as new forms will need to be printed and added to case managements system.</p> <p><b>Q: What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</b></p> <p>Training staff (business office and courtroom clerks), creating local packets, and updating case management system and internal procedures.</p>	<p>form, and the committee decided no additional form was necessary.</p> <p>No response required.</p> <p>Thank you for the response.</p> <p>No response required.</p>

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			<p><b>Q: Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b></p> <p>Yes.</p> <p><b>Q: How well would this proposal work in courts of different sizes?</b></p> <p>It appears that the proposal would work for courts of all sizes.</p> <p><b>General Comments:</b></p> <p><b>EPO-002:</b></p> <ul style="list-style-type: none"> <li>This version of the form should be adopted prior to September 1st, as it contains information needed by the court to provide notice (i.e. address of the restrained party and law enforcement.). Law enforcement agencies in San Diego have agreed to include this information as of January 1st, as it allows the court to provide notice of the hearing rather than the law enforcement agency.</li> </ul> <p><b>GV-009:</b></p> <ul style="list-style-type: none"> <li>The form listed in the clerk’s certificate of mailing should list “Notice of Court Hearing.”</li> </ul>	<p>No response required.</p> <p>No response required.</p> <p>The committee is working within the Judicial Council cycle to allow for comments and notice of the effective date of the revisions to this form.</p> <p>The form has been modified in light of this suggestion.</p>

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			<p><b>GV-025:</b></p> <ul style="list-style-type: none"> <li>It is unclear why item 4 lists the “Restrained Person” as an option for the individual being served. Item 4a is not optional and would provide that the restrained person is being served with a copy of his or her own Response (GV-020). Additionally, item 5 only provides fields for the server to list where copies were mailed to the law enforcement agency. Propose that “restrained party” be removed as an option, as it may cause confusion or cause the server to inadvertently check that box instead of “Requesting Agency.”</li> </ul>	<p>The form has been modified in light of this suggestion.</p>
8.	<p>Superior Court of California, County of Santa Cruz By Sasha Morgan, Director of Operations</p>	NI	<p>We just had our first one filed, based on the EPO-002, only. When they went to court day it was continued because there is now a companion case. In filing out the GV-116, on item 5b it seems like we need check boxes so that we could mark temporary orders based on EPO-002 were granted on _____ or TRO based on GV-110. Maybe this is in the works? Continued beyond the 21 days with an agreement by the restrained person to sync up a workplace violence problem.</p> <p>If the RO is granted based on an EPO-002 – then we believe GV-130 Item 5 (Findings), c. should be changed. It now reads The facts as stated in the <i>Petition</i> and supporting documents. We think it should at least read</p>	<p>Revisions to forms GV-115 and GV-116 are being proposed in light of this suggestion and will go out for public comment in Spring 2019 with a proposed January 2020 effective date.</p> <p>Form GV-030 (not form GV-130) is designed to be used as the order after hearing on an EPO-002. In that form, item 5 does include the language in the comment.</p>

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			<p><i>The facts as stated in the EPO-002 or Petition and supporting documents.</i></p> <p>It would be great to hear more about what to do if we get another call where the Police say they do not want to proceed. Was it correct to ask them to file a dismissal or should we have said you have to go to your court date?</p> <p>Also one other think that is a typo – on the JC Forms site if you bring up the GV-130, look at page two footer, there are works on time of the footer third line – Firearms Restraining Order – easy fix.</p> <p>I know you have my EPO-002 comments: Add address and name for Police and Restrained Party.</p>	<p>Law enforcement can notify the court if they do not wish to proceed on a hearing after the EPO-002, however, the court is still required by statute to hold a hearing.</p> <p>Thank you for noting this; the form GV-130 on the website will be corrected.</p> <p>This is included in the revised EPO-002.</p>
9.	<p>Superior Court of California, County of Ventura By Brenda McCormick, DEO &amp; General Counsel</p>	AM	<p>1. In addition to the proof of service section on the bottom of the EPO-002, a separate proof of personal service form is necessary because some law enforcement agencies serve and file the Proof of service after EPO-002 has been filed with the court– either create a new form for proof of personal service of the EPO-002, or revise the GV-200 Proof of Personal Service to include the EPO-002 in Section 4.</p>	<p>Form GV-200 has been modified in light of this suggestion.</p>

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			<p>2. Forms to be used to request a continuance of the hearing (like the GV-115 and GV-116) are necessary – either create 2 new forms or revise the GV-115 and GV-116 – our first EPO-002 that was filed and set for hearing on 2/6/19 was continued and the court had to alter the GV-115 Order for Continuance and Notice of New Hearing Date, so that it could be filed and scanned into CCPOR for transmission to law enforcement to make all law enforcement agencies aware that the temporary emergency protective order continued in effect pending the new hearing date.</p> <p>3. The GV-020 has a typo in the first paragraph, bullet number 3 that states at the end (Use Form GV-250, Proof of Service by Mail) – this refers to the existing form and a new proof of service form for the service of the Response to the EPO-002 has been created GV-025.</p> <p>4. To make it easier and consistent for law enforcement agencies, the GV-009 Notice of Court Hearing should be a mandatory form used by all courts to make the process easier for law enforcement and to ensure that the necessary information is on the court form and the JC should add language that allows a court to generate the form from their case management system, as long as it contains all the same information as on the GV-009.</p>	<p>Revisions to forms GV-115 and GV-116 are being proposed in light of this suggestion, and will go out for public comment during Spring 2019.</p> <p>The form has been modified in light of this comment.</p> <p>The committee considered whether this form should be mandatory but declined to recommend that. There are courts that prefer to generate notice of hearings within their case management systems, who might be unable to do that if the form was mandatory.</p>

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			<p>5. GV-009 Notice of Court Hearing – what if the restrained party is transient and no address is provided by law enforcement on the EPO-002? How does the court provide notice to the restrained party?</p> <p>6. GV-800 Proof of Firearms, Ammunition and Magazines Turned In, Sold or Stored – rather than directing a party to use the MC-025 if there is not enough space to list all firearms, etc. on page 2, a new attachment form should be created that lists each group – firearms, ammunition, etc. to ensure that the restrained party lists all the information required.</p> <p>7. On EPO-002 consider including a place on the form for the officer to list the name(s) and address(es) of family members or others who want to be informed of the hearing date.</p>	<p>The committee notes that the statute does not make any provision for this. Mail to the last known address provided by law enforcement officer on the EPO-002 is the only address that may be available to the court.</p> <p>The committee considered adopting a new form but decided that the use of form MC-25 was sufficient for listing additional firearms, ammunition, and magazines. The courts and the public are familiar with the MC-25 attachment form, and the committee decided no additional form was necessary.</p> <p>The committee considered this option, but declined to include it because the court is not authorized to serve nonparties and because of privacy concerns over including information of nonparties on a protective order.</p>
10.	TCPJAC/CEAC Joint Rules Subcommittee (JRS), on behalf of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC)	AM	<p>The JRS notes that new processes and procedures must be put into place to handle unfiled EPOs as though they were filed documents.</p> <p>The JRS notes the following impact to court operations:</p> <ul style="list-style-type: none"> <li>• Significant fiscal impact</li> <li>• Results in additional training, which requires the commitment of staff time and court resources.</li> <li>• Increases staff workload</li> </ul>	<p>The committee appreciates the work that goes into implementing new processes and standards for this legislative change.</p>

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			<ul style="list-style-type: none"> <li>• Impact on local or statewide justice partners</li> </ul> <p>Implementation of these legislative changes would be extremely burdensome since it would require extensive training and the creation of new systems and procedures to handle Emergency Protective Orders outside the normal case process. In particular, the setting of the GVRO hearing without a required Ex Parte Application following the EPO, and requiring the court to give notice of the hearing within the 21 days of oral issuance without a timeframe by which to file the EPO for law enforcement officers, would likely be extraordinarily complex and cumbersome, especially for large courts.</p> <p>New processes and procedures must be put into place to handle unfiled EPOs as though they were filed documents. Whatever the costs, it is likely that the informal process created by this legislation and by the use of these forms will be prone to error – in an area of litigation that is crucial to public safety.</p> <p>A more formal and reliable process is required and a statutory change may be required to achieve it.</p> <p>JRS recommends that the Judicial Council work with the Legislature on urgency clean-up legislation that would establish a time certain</p>	<p>The committee agrees that courts will need to develop new processes. The change made to form EPO-002, to make space for court endorsement, is designed to facilitate the filing of the EPO, to start a more formal process.</p> <p>In response to this, and other similar comments, the committee will advance a legislative proposal to require that law enforcement file the EPO-002 with the court as soon as practicable after issuance, but not later than within 3 court days.</p>

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			for filing of the EPO-002 document, and then tie the 21-day hearing to the filing of the EPO-002.	

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