Judicial Council of California

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January 19, 2024

Subject Text

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File #: 22-158, **Version:** 1

Title
Rules and Forms | Criminal Procedure: Criminal Protective Orders and Firearm Relinquishment Order (Action Required)

Summary

The Criminal Law Advisory Committee recommends revisions to two mandatory Judicial Council criminal protective orders to reflect statutory changes to Family Code section 6320 regarding enjoined actions and Penal Code section 15420(b) expanding the definition of a firearm. The committee also recommends revisions to a mandatory Judicial Council order to surrender firearms in a domestic violence criminal case to reflect the statutory changes expanding the definition of a firearm. The revisions to the forms also add a nonbinary gender option, improve consistency with the data fields in the California Restraining and Protective Order System, clarify protective order expiration dates, add additional provisions for protected persons from Penal Code section 136.2, and make changes to the forms' content, format, instructions, and advisements to make them easier to understand and complete.

Recommendation
The Criminal Law Advisory Committee recommends that the Judicial Council, effective March 1, 2023:

1. Revise *Criminal Protective Order--Domestic Violence* (form CR-160) and *Criminal Protective Order-- Other Than Domestic Violence*
    (form CR-161) to reflect statutory changes regarding enjoined actions and expanding the definition of a firearm, add a nonbinary gender option, improve consistency with the data fields in the California Restraining and Protective Order System (CARPOS), clarify protective order expiration dates, and add additional provisions for protected persons from Penal Code section 136.2; and

2. Revise *Order to Surrender Firearms in Domestic Violence Case* (form CR-162) to reflect statutory changes regarding prohibiting possession of firearm precursor parts, include a nonbinary gender option, improve consistency with the data fields in CARPOS, and clarify protective order expiration dates.