



JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT W19-02

Title

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

Proposed Rules, Forms, Standards, or Statutes

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

Proposed by

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

Action Requested

Review and submit comments by February 8,
2019

Proposed Effective Date

September 1, 2019

Contact

Kristi Morioka
916-643-7056 phone
kristi.morioka@jud.ca.gov

Anne M. Ronan
415-865-8933 phone
anne.ronan@jud.ca.gov

Executive Summary and Origin

The Civil and Small Claims Advisory Committee is proposing five new gun violence restraining order (GVRO) forms and two revised 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 ammunition to more clearly reflect the statutory provisions.

Background

Recently enacted Senate Bill 1200 (Stats. 2018, ch. 898) amended the Gun Violence Restraining Orders Act in several ways, effective January 1, 2019, including prescribing that orders pursuant to Penal Code section 18100 et seq. be referred to as gun violence restraining orders, expanding the definition of ammunition to include a magazine, prohibits a filing fee for GVRO forms and documents, requires a law enforcement officer to make a specific request when serving a gun violence restraining order, and provides that parties do not need to pay the sheriff for service of a

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. It is circulated for comment purposes only.

GVRO. In order to ensure that the Judicial Council GVRO forms are 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, 2109, and is separately circulating those for public comment post-adoption at the same time as this proposal is being circulated.

This proposal focuses on new and revised GVRO forms intended to make it easier for the courts and parties to comply with the new hearing requirement that SB 1200 has added, to be held within 21 days of issuance of a gun violence emergency protective order. (Pen. Code § 18148). Some other minor revisions to forms for surrender of firearms are also included.

The Proposal

New Hearing Required Following Issuance of a Gun Violence Emergency Protective Order

As of January 1, 2019, new Penal Code section 18148¹ will provide:

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 Orders, 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. (Emphasis added.) (§ 18125.)

The process for issuance of an EPO is essentially as follows. When a law enforcement officer is in a situation where a subject has firearms within their custody and control and poses an immediate danger of causing injury, the officer calls the judicial officer on duty to obtain an emergency protective order (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 officer serves the EPO and requests the restrained person to immediately surrender firearms, ammunition and magazines to the officer.² The law enforcement 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 form EPO-002. Prior to the effective date of SB 1200, no

¹ Unless otherwise noted, all statutory references hereafter are to the Penal Code.

² If no request is made (although it is hard to understand why a request would not be made when immediate and present danger of causing injury exists), then the restrained person has 24 hours to surrender his/her firearms, ammunition and magazines to law enforcement or sell or store them with a licensed gun dealer.

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 a temporary restraining order (under section 18160 et seq.) or an order after hearing (under section 18170, et seq.) In either event, the petitioner is required to provide notice to the restrained party of the hearing.

Under the new law, however, the court will be required to set a hearing upon the issuance of an EPO, to be held whether or not 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 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.

The committee is proposing a new set of forms to facilitate the new post-EPO hearing process. Even though the new statute states that the hearing should be under section 18175 (which requires notice to the restrained party), the current forms for noticed hearing cannot be used because the process of setting this hearing is different than under that section. Unlike a noticed hearing under section 18170, the court hearing following the issuance of a Gun Violence EPO is not initiated by a petitioner, but by the court itself, triggered by issuance of the EPO and based on facts and information already provided by a law enforcement officer and set out in the EPO, not in a petition. The following new and revised forms are being proposed to facilitate this new process.

- The EPO, when filed with the court by the law enforcement agency essentially initiates the action. For this reason, form EPO-002 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 law enforcement agency address to item 10, so that the court will know where to serve notice of the newly-required hearing. In addition, the information for the restrained party on the back of the form, which is being revised effective January 2019 to include the statement that “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 proposed *Notice of Court Hearing* (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 a 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 language in the new forms therefore starts with “Requesting Law Enforcement Agency,” and “Restrained Party,” rather than Petitioner and Restrained Party. (This same format is used in the other new forms as well.)

A separate notice is being proposed, rather than including a date of the hearing on the

EPO-002, because, in light of the emergency nature of the EPO, obtained on very short notice to the court, the judicial officer would not practically be able to provide a hearing date with any certainty during the application for the EPO. Because the law enforcement officer has to file issued form EPO-002 with the court as soon as practicable after issue, the court will be able to set a date that fits with the court schedule and then send out its own notice. 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.

- 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. It provides space for the restrained party to respond to the EPO and 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)
- The proposed information sheet *How Can I Respond to a Gun Violence Emergency Protective Order* (form GV-020-INFO), explains how to respond to a Gun Violence EPO, that the filing fee is free, that the Restrained Person should show up for their 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.
- The new *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 the content of *Gun Violence Restraining Order After Hearing* (form GV-130).
- The current *Proof of Personal Service* (form GV-200) is being revised to add the new order, form GV-030, to the list of documents with which it may be used. (see item 4a.)³

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*

³ See section 18197 (personal service of the GVRO after hearing required if restrained party not present at the hearing).

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.⁴ 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 in Penal Code 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.⁵

The information sheet, *How Do I Turn In, Sell, or Store My Firearms, Ammunition, and Magazines?* (form GV-800-INFO) 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 questions “What is ammunition?” Several examples of ammunition are included, but because SB 1200 includes a statutory definition for magazine, that definition is used for that category.

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

The committee considered whether to make the EPO-002 form a longer document to more clearly show the information on it, but since the form is used by law enforcement in carbon copy duplicate, an effort was made to keep the document to one page that needs to be filled in. The

⁴ Penal Code section 18120(b)(2)(A) and (B).

⁵ The committee is asking for specific comments on whether an additional mandatory form, rather than the MC-025, should be developed for this.

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.

Fiscal and Operational Impacts

While the new hearings will have fiscal and operational impacts on the court, they are mandated by statute and so not are something that can be eliminated by the council. 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.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- 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?
- 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?
- 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?

The advisory committee also seeks comments from courts on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- 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?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Proposed forms EPO-002, GV-009, GV-020, GV-020-INFO, GV-025, GV-030, GV-200, GV-800, and GV-800-INFO at pages 8-25.
2. Link to Senate Bill 1200 is http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1200.

EPO-002
GUN VIOLENCE EMERGENCY PROTECTIVE ORDER **DRAFT 11/06/18**

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 MUST NOT** own, possess, purchase, receive, or attempt to purchase or receive any firearms, ammunition, or magazines (any ammunition feeding devices). If you have any firearms, ammunition, or magazines, you **MUST IMMEDIATELY SURRENDER THEM IN A SAFE MANNER TO LAW ENFORCEMENT ON REQUEST**. If no request has been made, you must surrender any firearms, ammunition, or magazines in a safe manner to your local law enforcement agency or sell them to or store them with a licensed gun dealer **within 24 hours** of being served with this order. You must **file a receipt proving surrender, sale, or storage with the Court listed below within 48 hours**, or if the court is closed, then on the next business day after the firearms, ammunition, or magazines are surrendered or sold. **FAILURE TO TIMELY FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.**

3. **THIS ORDER WILL EXPIRE ON:** _____ **TIME** _____
INSERT DATE OF 21st CALENDAR DAY (DO NOT COUNT DAY THE ORDER IS GRANTED)

4. 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.

5. **To the Restrained Person:** This order will last until the expiration date and time noted above. 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.

Clerk stamps date here when form is filed.

Fill in court name and street address:
Superior Court of California, County of

Court fills in case number when form is filed.
Case Number:

Judicial officer (name): _____ granted this Order on (date): _____ at (time): _____

APPLICATION

6. Officer has a reasonable cause to believe that the grounds set forth in item 4, above, exist (state supporting facts and dates; specify weapons—number, type and location):

7. 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.: _____

PROOF OF SERVICE

8. Person served (name): _____

9. I personally delivered copies of this Order to the person served as follows: Date: _____ Time: _____
Address: _____

10. **At the time of service, I was at least 18 years of age. I am a California law enforcement officer. My name, and law enforcement agency address are:** _____

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) _____ (SIGNATURE OF SERVER)

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

EPO-002

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. 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 you may 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.

A la persona restringida: Tiene prohibido ser dueño de un arma de fuego, municiones o cargadores, poseer, comprar o tratar de comprar, recibir o tratar de recibir u obtener un arma de fuego, municiones o cargadores de alguna otra manera. (Código Penal, §§ 18125 y siguientes). Una violación de esta orden está sujeta a una multa de \$1000 y 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, o almacenarlos con, un comerciante de armas autorizado hasta el vencimiento de esta orden. (Código Penal, §§ 18125 y siguientes). Dentro de las 48 horas de recibir esta orden, se tiene que presentar a la corte una prueba de haberlos entregado, vendido, o almacenado. Se puede usar el formulario GV-800, *Prueba de entrega, venta o almacenamiento de armas de fuego*, 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 al otro lado. Se realizará una audiencia dentro de 21 días para determinar si es necesario emitir una orden que dure por más tiempo.

Un agente o agencia del orden público o un familiar puede solicitar una orden de restricción más permanente de la corte. Si está en violación de este orden de restricción, se le prohibirá tener en su posesión o control, comprar, poseer o recibir, o intentar 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.

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. 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 court will set a hearing within 21 days and will provide you with notice of the hearing.

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
11-3-18
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.

Hearing Date	Date: _____ Dept.: _____	Time: _____ Room: _____	Name and address of court if different from above: _____ _____ _____
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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 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.

**DRAFT
11-3-18
Not approved by
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 who applied for the EPO-002. (Use Form GV-250, Proof of Service by Mail.)

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: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-mail Address: _____

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

I did not do anything described in number 6 of Form EPO-002.

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.



5 **Justification or Excuse**

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 5–Justification or Excuse" as a title. You may use form MC-025, Attachment.

6 **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 sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any 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 Form GV-800, Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored 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.

7 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* (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 Form GV-020, *Response to Gun Violence Emergency Protective Order*, 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. 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 completed Form GV-020, *Response to Gun Violence Emergency Protective Order*, to the law enforcement agency who 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 Form GV-025, *Proof of Service by Mail*. 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 Form MC-030, *Declaration*, 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 for you at no cost. If not, you will have to pay a fee for the interpreter. 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 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
11-07-18
Not approved by
the Judicial Council**

1 Requesting Agency

Full Name: _____

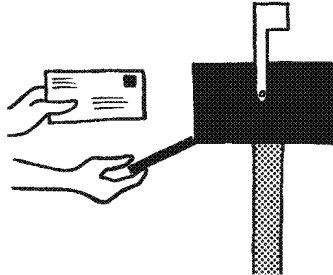
2 Restrained Person

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 Restrained Person 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
11-07-18
Not approved by
the Judicial Council****1 Requesting Agency**

- a. Law enforcement agency that applied for the Gun Violence Emergency Protective Order: _____

- b. Name of Law Enforcement Officer: _____

*Fill in court name and street address:***Superior Court of California, County of****2 Restrained Person**

- Full Name: _____
- b. Your Lawyer (if you have one for this case):
Name: _____ State Bar No.: _____
Firm Name: _____
Address: _____
City: _____ State: ____ Zip: _____
Telephone: _____ Fax: _____
E-Mail Address: _____

*Court fills in case number when form is filed.***Case Number:**

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 Requesting Agency (name of officer or Representative): _____
- (2) The Restrained Person Lawyer for the Restrained Person (name): _____

This is a Court Order.

6 Order Prohibiting All Firearms, Ammunition, and Magazines

- a. 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).
- b. You must:
- (1) 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.
 - (2) 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.**

7 Service of Order on the Restrained Party

- a. The Restrained Person personally attended the hearing. No other proof of service is needed. The clerk has provided the Restrained Party with a blank copy of Form GV-600, *Request to Terminate Gun Violence Restraining Order*.
- 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 Form GV-600, *Request to Terminate Gun Violence Restraining Order*.

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 firearm, 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; or
- The Restrained Person was informed of the Order by an officer.
- 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
11-07-18
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 Turned In, Sold, or Stored (blank form)**
- k. Other (specify): _____

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

- 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
10-28-18
Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

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: _____

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

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 GV-800 Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored 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 includes:

- Bullets • Shells
- Cartridges • Also called ammo
- 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:

- If demanded, give them to the law enforcement officer when he or she serves you with the court order requiring surrender.
- Otherwise, within 24 hours you must do one of the following:
 - Turn them 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.

Look under “Firearms Dealers” in your local Yellow Pages or on the Internet. 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 my firearms, ammunition, and magazines in 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 Form GV-800, *Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored* for this purpose.

9 Questions?

Call your local law enforcement agency, for example, your city police or county sheriff.

(Insert local information here.)