



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

September 10, 2019

Hon. Hannah-Beth Jackson, Chair
Senate Judiciary Committee
State Capitol, Room 2187
Sacramento, California 95814

Subject: Assembly Bill 465 (Eggman), as amended August 28, 2019 – Oppose

Dear Senator Jackson:

The Judicial Council regrettably opposes AB 465, which seeks to codify California Rules of Court, rule 4.700 and rule 5.495 regarding judicial oversight of the relinquishment of firearms by parties subject to domestic violence restraining orders, attempts to align the standards and timelines for setting review hearings when the court finds that the restrained person likely possesses a firearm in the two rules (one of which applies to the Family Code and the other to the Penal Code), creates new notice, service of process, and other court procedures related to the relinquishment of firearms by restrained persons, and implements a new provision that would allow a restrained person to be noticed about a firearms review hearing via e-mail.

While AB 465 uses existing rules of court as its starting point, the newly proposed Family Code statute on firearms relinquishment in Domestic Violence Prevention Act (DVPA) matters diverges significantly from the current rule of court in ways that present significant concerns about notice coupled with workload challenges for family courts. DVPA actions are common, and they must be heard within a short period of time in order to protect alleged victims and provide due process to restrained persons. As a result, significant changes to the procedures for

hearing these matters necessarily has a significant impact on court operations, calendaring, staffing assignments, and case management systems, and may well cause significant delays in *other* types of family law proceedings. The bill's requirements that the court make written findings at the *first* noticed hearing in all DVPA cases concerning whether the restrained person has possession or control of a firearm are a challenge, especially given that the language specifically requires findings in the negative:

If the court determines that the restrained party does not have possession or control of a firearm or ammunition, the court shall include in its written findings the specific basis for this determination, including any evidence considered by the court to refute the protected party's assertion that the restrained person has possession or control of a firearm or ammunition.

Given that these cases largely involve self-represented litigants, the preparation of such written findings will fall entirely on the court. In addition, the section contains a vague and difficult to implement directive to the court to "communicate" its finding on firearms to "the local law enforcement agency with jurisdiction over the restrained person." Yet the bill provides no specificity as to how this communication should occur, what local law enforcement is to do with the information, or who is responsible for following up on the communication.

The proposed language also requires subsequent review hearings to determine compliance with firearms relinquishment within two court days in family law matters. This timeframe is present in the current criminal rule of court, but those orders are issued in the context of a criminal prosecution in which the restrained person is also a criminal defendant represented by counsel. The DVPA context is sufficiently different; over 85% of Family Law litigants appear without counsel, there is no role for law enforcement in Family Law cases, and there are other significant differences between Family and Criminal courts. As such, it is problematic to impose the shortened timeframe without further consultation with the courts and other stakeholders on how this change would impact the courts and the parties.

The purposes of the proposed legislation, according to the author, are twofold: First, to codify two California Rules of Court, and second, to align the procedures of Domestic Violence Restraining Orders with those of Criminal Protective Orders. The proposal goes beyond these two policy issues, however, by addressing new and under-defined standards for communication (for example, between Family courts and law enforcement), service of process, and findings to be made on the record. As is, the proposed legislation could have a deleterious impact on Family Court proceedings by requiring hearings and findings for this proposed new restraining order procedure that would be very difficult, and therefore time consuming, for the courts to implement, while not resulting in increased numbers of weapons being confiscated or relinquished. Additionally, the proposed language fails to consider the procedures utilized by law

Hon. Hannah-Beth Jackson
September 10, 2019
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enforcement associated with removing firearms pursuant to Gun Violence Restraining Orders (GVROs); as with GVROs, a more logical approach to seizing firearms is at the time of service.

As was communicated in several conversations with the author's office since the amendments were published, the Judicial Council is very interested in pursuing this topic as part of a more deliberative effort to review and reconsider procedures that address relinquishment of firearms by restrained persons. The Judicial Council would very much like the opportunity to engage in further discussions with the author and other stakeholders on improvements to the current process that might better protect the public as well as those who seek these orders. The language before us presents too many ambiguities and problems. The issues presented here are critical and should be addressed in a fashion that allows the partners, especially the courts, to offer solutions that will result in greater success and protection of the public.

For these reasons, the Judicial Council opposes AB 465.

Should you have any questions or require additional information, please contact Andi Liebenbaum at 916-323-3121.

Sincerely,

Mailed on September 11, 2019

Cory T. Jaspersen
Director, Governmental Affairs

cc: Hon. Susan Talamantes Eggman
Ms. Lilliana Udang, Office of Assemblymember Eggman
Ms. Krista Niemczyk, Public Policy Manager, California Partnership to End Domestic Violence
Ms. Julia Weber, GVRO Implementation Fellow, Giffords Law Center to Prevent Gun Violence
Ms. Gina Roberson, Chief Program Officer, WEAVE Sacramento
Ms. Margie Estrada Caniglia, Chief Counsel, Senate Judiciary Committee
Mr. Josh Tosney, Counsel, Senate Judiciary Committee
Mr. Anthony Williams, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California
Ms. Yvette Casillas-Sarcos, Judicial Council of California



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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

September 10, 2019

Hon. Nancy Skinner, Chair
Senate Public Safety Committee
State Capitol, Room 2031
Sacramento, California 95814

Subject: Assembly Bill 465 (Eggman), as amended August 28, 2019 – Oppose

Dear Senator Skinner:

The Judicial Council regrettably opposes AB 465, which seeks to codify California Rules of Court, rule 4.700 and rule 5.495 regarding judicial oversight of the relinquishment of firearms by parties subject to domestic violence restraining orders, attempts to align the standards and timelines for setting review hearings when the court finds that the restrained person likely possesses a firearm in the two rules (one of which applies to the Family Code and the other to the Penal Code), creates new notice, service of process, and other court procedures related to the relinquishment of firearms by restrained persons, and implements a new provision that would allow a restrained person to be noticed about a firearms review hearing via e-mail.

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hearing these matters necessarily has a significant impact on court operations, calendaring, staffing assignments, and case management systems, and may well cause significant delays in *other* types of family law proceedings. The bill's requirements that the court make written findings at the *first* noticed hearing in all DVPA cases concerning whether the restrained person has possession or control of a firearm are a challenge, especially given that the language specifically requires findings in the negative:

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Given that these cases largely involve self-represented litigants, the preparation of such written findings will fall entirely on the court. In addition, the section contains a vague and difficult to implement directive to the court to "communicate" its finding on firearms to "the local law enforcement agency with jurisdiction over the restrained person." Yet the bill provides no specificity as to how this communication should occur, what local law enforcement is to do with the information, or who is responsible for following up on the communication.

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The purposes of the proposed legislation, according to the author, are twofold: First, to codify two California Rules of Court, and second, to align the procedures of Domestic Violence Restraining Orders with those of Criminal Protective Orders. The proposal goes beyond these two policy issues, however, by addressing new and under-defined standards for communication (for example, between Family courts and law enforcement), service of process, and findings to be made on the record. As is, the proposed legislation could have a deleterious impact on Family Court proceedings by requiring hearings and findings for this proposed new restraining order procedure that would be very difficult, and therefore time consuming, for the courts to implement, while not resulting in increased numbers of weapons being confiscated or relinquished. Additionally, the proposed language fails to consider the procedures utilized by law

Hon. Nancy Skinner
September 10, 2019
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For these reasons, the Judicial Council opposes AB 465.

Should you have any questions or require additional information, please contact Andi Liebenbaum at 916-323-3121.

Sincerely,

Mailed on September 11, 2019

Cory T. Jaspersen
Director, Governmental Affairs

cc: Hon. Susan Talamantes Eggman
Ms. Lilliana Udang, Office of Assemblymember Eggman
Ms. [Krista Niemczyk](#), Public Policy Manager, California Partnership to End Domestic Violence
Ms. Julia Weber, GVRO Implementation Fellow, Giffords Law Center to Prevent Gun Violence
Ms. Gina Roberson, Chief Program Officer, WEAVE Sacramento
Ms. Stella Chloe, Senate Public Safety Committee
Mr. Anthony Williams, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California
Ms. Yvette Casillas-Sarcos, Judicial Council of California



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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

June 13, 2019

Hon. Hannah-Beth Jackson, Chair
Senate Judiciary Committee
State Capitol, Room 2032
Sacramento, California 95814

Subject: Assembly Bill 465 (Eggman), as amended May 29, 2019 – Support
Hearing: Senate Judiciary Committee – June 18, 2019

Dear Senator Jackson:

The Judicial Council supports Assembly Bill 465, which defines various terms for purposes of tracking the involvement of youth in both the child welfare and juvenile justice systems. Additionally, the bill would state the intent of the Legislature to replace the term “delinquency” with “juvenile justice” in all parts of the code that address child welfare and juvenile justice. This bill seeks to codify the “identifying terms” and “terms necessary for tracking outcomes” within the “Recommendations regarding terms and definitions” presented in the *Dual Status Youth Data Standards (AB 1911): 2017 Report to the Legislature* submitted by the Judicial Council to the California Legislature in November 2017.

The council supports AB 465 because it is consistent with, and seeks to codify recommendations contained within, the *Dual Status Youth Data Standards (AB 1911): 2017 Report to the Legislature*. We believe that AB 465 represents a comprehensive and thoughtful response that will help improve the law for the thousands of children who are dual-involved.

Furthermore, AB 465 will serve as the first major step toward addressing the issues confronted by children who are in the child welfare system and the juvenile justice system. The support of common definitions and terminology, as pointed out by the Dual-Status Youth Standards

Hon. Hannah-Beth Jackson

June 13, 2019

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Working Group, will enable ongoing and future policy efforts to address the needs of dually-involved youth.

For these reasons, the Judicial Council supports AB 465.

Should you have any questions or require additional information, please contact Andi Liebenbaum at 916-323-3121.

Sincerely,

Mailed on June 13, 2019

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/AL/yc-s

cc: Members, Senate Judiciary Committee
Hon. Susan Talamantes Eggman, Member of the Assembly
Mr. Ed Howard, Senior Counsel, Children's Advocacy Institute, University of San Diego School of Law
Mr. Josh Tosney, Counsel, Senate Judiciary Committee
Mr. Scott Seekatz, Consultant, Senate Republican Office of Policy
Mr. Anthony Williams, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

May 30, 2019

Hon. Melissa Hurtado, Chair
Senate Human Services Committee
State Capitol, Room 2054
Sacramento, California 95814

Subject: Assembly Bill 465 (Eggman), as amended May 29, 2019 – Support
Hearing: Senate Human Services Committee – June 10, 2019

Dear Senator Hurtado:

The Judicial Council supports Assembly Bill 465, which defines various terms for purposes of tracking the involvement of youth in both the child welfare and juvenile justice systems. Additionally, the bill would state the intent of the Legislature to replace the term “delinquency” with “juvenile justice” in all parts of the code that address child welfare and juvenile justice. This bill seeks to codify the “identifying terms” and “terms necessary for tracking outcomes” within the “Recommendations regarding terms and definitions” presented in the *Dual Status Youth Data Standards (AB 1911): 2017 Report to the Legislature* submitted by the Judicial Council to the California Legislature in November 2017.

The council supports AB 465 because it is consistent with, and seeks to codify recommendations contained within, the *Dual Status Youth Data Standards (AB 1911): 2017 Report to the Legislature*. We believe that AB 465 represents a comprehensive and thoughtful response that will help improve the law for the thousands of children who are dual-involved.

Furthermore, AB 465 will serve as the first major step toward addressing the issues confronted by children who are in the child welfare system and the juvenile justice system. The support of common definitions and terminology, as pointed out by the Dual-Status Youth Standards

Hon. Melissa Hurtado

May 30, 2019

Page 2

Working Group, will enable ongoing and future policy efforts to address the needs of dually-involved youth.

For these reasons, the Judicial Council supports AB 465.

Should you have any questions or require additional information, please contact Andi Liebenbaum at 916-323-3121.

Sincerely,

Mailed on June 3, 2019

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/AL/yc-s

cc: Members, Senate Human Services Committee
Hon. Susan Talamantes Eggman, Member of the Assembly
Mr. Ed Howard, Senior Counsel, Children's Advocacy Institute, University of San Diego School of Law
Ms. Marisa Shea, Principal Consultant, Senate Human Services Committee
Mr. Joe Parra, Consultant, Senate Republican Office of Policy
Mr. Anthony Williams, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

April 4, 2019

Hon. Eloise Gómez Reyes, Chair
Assembly Human Services Committee
State Capitol, Room 2175
Sacramento, California 95814

Subject: Assembly Bill Number 465 (Eggman), as introduced – Support
Hearing: Assembly Human Services Committee – April 9, 2019

Dear Assembly Member Reyes:

The Judicial Council supports Assembly Bill 465, which defines various terms for purposes of tracking the involvement of youth in both the child welfare and juvenile justice systems. Additionally, the bill would state the intent of the Legislature to replace the term “delinquency” with “juvenile justice” in all parts of the code that address child welfare and juvenile justice. This bill seeks to codify the “identifying terms” and “terms necessary for tracking outcomes” within the “Recommendations regarding terms and definitions” presented in the *Dual Status Youth Data Standards (AB 1911): 2017 Report to the Legislature* submitted by the Judicial Council to the California Legislature in November 2017.

The council supports AB 465 because it is consistent with, and seeks to codify recommendations contained within, the *Dual Status Youth Data Standards (AB 1911): 2017 Report to the Legislature*. We believe that AB 465 represents a comprehensive and thoughtful response that will help improve the law for the thousands of children who are dual-involved.

Furthermore, AB 465 will serve as the first major step toward addressing the issues confronted by children who are in the child welfare system and the juvenile justice system. The support of common definitions and terminology, as pointed out by the Dual-Status Youth Standards

Hon. Eloise Gómez Reyes

April 4, 2019

Page 2

Working Group, will enable ongoing and future policy efforts to address the needs of dually-involved youth.

For these reasons, the Judicial Council supports AB 465.

Should you have any questions or require additional information, please contact Andi Liebenbaum at 916-323-3121.

Sincerely,

Mailed April 5, 2019

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/AL/yc-s

cc: Members, Assembly Human Services Committee
Hon. Susan Talamantes Eggman, Member of the Assembly
Mr. Ed Howard, Senior Counsel, Children's Advocacy Institute, University of San Diego School of Law
Ms. Daphne Hung, Chief Consultant, Assembly Human Services Committee
Mr. Alex Khan, Consultant, Assembly Republican Office of Policy
Ms. Tam Ma, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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Chief Justice of California
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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

April 4, 2019

Hon. Susan Talamantes Eggman
Member of the Assembly
State Capitol, Room 4117
Sacramento, California 95814

Subject: Assembly Bill 465 (Eggman), as introduced – Support
Hearing: Assembly Human Services Committee – April 9, 2019

Dear Assembly Member Eggman:

The Judicial Council supports Assembly Bill 465, which defines various terms for purposes of tracking the involvement of youth in both the child welfare and juvenile justice systems. Additionally, the bill would state the intent of the Legislature to replace the term “delinquency” with “juvenile justice” in all parts of the code that address child welfare and juvenile justice. This bill seeks to codify the “identifying terms” and “terms necessary for tracking outcomes” within the “Recommendations regarding terms and definitions” presented in the *Dual Status Youth Data Standards (AB 1911): 2017 Report to the Legislature* submitted by the Judicial Council to the California Legislature in November 2017.

The council supports AB 465 because it is consistent with, and seeks to codify recommendations contained within, the *Dual Status Youth Data Standards (AB 1911): 2017 Report to the*

Hon. Susan Talamantes Eggman

April 4, 2019

Page 2

Legislature. We believe that AB 465 represents comprehensive and thoughtful response that will help improve the law for the thousands of children who are dual-involved.

Furthermore, AB 465 will serve as the first major step toward addressing the issues confronted by children who are in the child welfare system and the juvenile justice system. The support of common definitions and terminology, as pointed out by the Dual-Status Youth Standards Working Group, will enable ongoing and future policy efforts to address the needs of dually-involved youth.

For these reasons, the Judicial Council supports AB 465.

Should you have any questions or require additional information, please contact me at 916-323-3121.

Sincerely,

Mailed April 5, 2019

Andi Liebenbaum

Attorney

AL/yc-s

cc: Mr. Anthony Williams, Deputy Legislative Affairs Secretary, Office of the Governor

Mr. Martin Hoshino, Administrative Director, Judicial Council of California