



JUDICIAL COUNCIL OF CALIFORNIA

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February 20, 2020

Hon. Hannah-Beth Jackson
Member of the Senate
State Capitol, Room 2032
Sacramento, California 95814

Subject: Senate Bill 897, as introduced – Support/Sponsor

Dear Senator Jackson:

The Judicial Council is pleased to support and sponsor SB 897, which promotes compliance with the new 21-day hearing requirement for temporary emergency gun violence restraining orders created by SB 1200 (Stats. 2018, ch. 898), by requiring law enforcement to file a copy of the order with the court “no later than three days” after issuance to ensure that the court has sufficient time to set and give notice of the mandatory hearing within the 21-day period.

AB 1014 (Stats. 2014, ch. 872) created a process for a law enforcement officer who is in the field to request a temporary emergency gun violence restraining order (emergency GVRO) from the court in cases where an individual poses a danger to oneself or others due to possession of a firearm(s). Judicial officers issue emergency GVROs orally and they last for 21 days. Under SB 1200 the court must now hold a hearing within 21 days of issuance of the emergency GVRO to determine whether a year-long GVRO is necessary (Pen. C. § 18148). Once the emergency GVRO is issued, law enforcement is required to file a copy of the order with the court “as soon as practicable” (Pen. C. § 18140).

Amending Penal Code section 18140 to require law enforcement to file a copy of the emergency GVRO with the court as soon as practicable, “but not later than three court days” of issuance ensures that courts have sufficient time to calendar the hearing within in 21 days, creates uniformity across all jurisdictions, and provides clarity for law enforcement.

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For these reasons, the Judicial Council is pleased to support and sponsor SB 897.

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

Sincerely,

Mailed February 20, 2020

Sharon Reilly
Attorney

SR/jh

cc: Mr. Anthony Williams, Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California