



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: **xxxxxx**

For business meeting on: January 20-21, 2023

Title

Firearm Relinquishment: Firearm
Relinquishment Grant Program, Fiscal Years
2022–25: Requests and Proposed Allocations

Rules, Forms, Standards, or Statutes Affected

None

Recommended by

Family and Juvenile Law Advisory
Committee
Hon. Stephanie E. Hulse, Cochair
Hon. Amy M. Pellman, Cochair

Agenda Item Type

Action Required

Effective Date

January **xx**, 2023

Date of Report

November 9, 2022

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Executive Summary

The Budget Act of 2022 (Assembly Bill 178; Stats. 2022, Ch. 45) appropriated \$40 million in one-time funding to the Judicial Council, of which \$36 million must be distributed to superior courts to support court-based firearm relinquishment programs. The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve the allocation and distribution of \$18,884,010 to seven superior courts for Firearm Relinquishment Grant awards for Fiscal Years 2022–25.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January **xx**, 2023:

1. Approve the allocation and distribution of \$18,884,010 to seven superior courts to fund new or expanded Firearm Relinquishment programs for Fiscal Years 2022–2025.
2. Delegate authority to the Family and Juvenile Law Advisory Committee to distribute and reallocate any unspent funding from these grant awards to any of the awarded courts, based on the same criteria established during the application period.

The proposed allocations for funding are listed in Attachment A.

Relevant Previous Council Action

The Judicial Council has taken no previous action to implement this legislation.

Analysis/Rationale

To support firearm relinquishment efforts statewide, AB 178 allocated a total of \$40 million to the Judicial Council. The program’s purpose is to ensure the consistent and safe removal of firearms from individuals who become prohibited from owning or possessing firearms and ammunition pursuant to court order. Approximately \$36 million out of the total amount allocated in funding is available to support court-based firearm relinquishment programs. The number of courts funded is subject to available funding and at the discretion of the council.

From September 13, 2022 through October 21, 2022, the Judicial Council’s Center for Families, Children & the Courts circulated an open competitive grant application to support new or expanded firearm relinquishment efforts. The application was sent to all superior court presiding judges and court executive officers. Information regarding the program was also posted on the California Courts website.¹

During the application period, courts were invited to participate in a webinar that covered the application process and program eligibility. A total of 50 individuals joined the webinar representing 24 superior courts. A recording of the webinar was posted on the Judicial Resources Network.

Eligibility and selection criteria

To be eligible for grant funding, AB 178 provided for the following criteria and priority areas in selecting applicant courts:

- Each court must contract with at least one law enforcement agency located within the county for activities that cannot reasonably and safely be conducted by the court. (“Law enforcement agency” (LEA) is defined as probation departments, sheriff’s offices, police departments, or multiagency teams including some or all of these agencies in a jurisdiction.)

¹ Firearm Relinquishment Grant Program California Courts website [link](#).

- At least 30 percent of the funding allocated to each court must be directed to law enforcement through contracts with the court.
- The selection process must consider statewide diversity in geographic location and court size.
- Priority given to firearm relinquishment activities related to domestic violence restraining orders, gun violence restraining orders, or any other civil court order.
- Priority given to courts with higher numbers of requests, per capita, for domestic violence restraining orders or gun violence restraining orders filed.

Applications received

In total, eight superior courts applied for funding. The applicants included the Superior Courts of Lassen County, Los Angeles County, Modoc County, San Diego County, San Francisco County, San Mateo County, Santa Clara County, and Ventura County. All courts that applied indicated that most, if not all, of their efforts would support firearm relinquishment in civil cases. All courts met the requirement to partner with at least one law enforcement agency with at least 30% of their proposed budget dedicated to law enforcement. Law enforcement partners included police departments, sheriff departments, and district attorney offices.

Proposed activities included new procedures for setting compliance review hearings; increasing self-help services for restraining orders; conducting background checks under Family Code section 6306; creating an electronic notification system; piloting a chatbot to answer questions on how to properly relinquish firearms; training on legal requirements to law enforcement; and investigating and removing firearms from prohibited persons.

The committee commends all applicants for working with their law enforcement partners to put together thoughtful approaches to ensuring the consistent and safe removal of firearms.

Some activities were not recommended for funding. The committee did not recommend funding activities to help the prosecution build a criminal case against a prohibited person (e.g., discovery efforts by prosecution, investigate to build criminal case). These activities were deemed to be outside the scope of the grant which is to ensure the removal of firearms. Committee members also believed that it would not be appropriate for a court-based program to fund the prosecution of criminal cases, as this would conflict with the judiciary's role to remain neutral.

Consistent with the council's additional grant requirement that funds be used for new or expanded firearm relinquishment efforts or activities, the committee recommends excluding activities or roles that applicants already engage in (e.g., funding for court staff to support existing restraining order departments, having an on-call judge to hear requests for Emergency Protective Orders).

Proposed grant awards

The committee recommends awarding seven courts according to the allocations listed in Attachment A. During the review period, the Superior of Court of Lassen withdrew their application from consideration. The following is a summary of each program that the committee recommends funding:

1. The Superior Court of Los Angeles County, in partnership with the Los Angeles Police Department and Los Angeles Sheriff's Department, seeks to create a new relinquishment program by piloting an electronic notification process, allowing the court to quickly notify law enforcement if a person restrained by a domestic violence restraining order has not complied with the firearm relinquishment order. Law enforcement partners would also use funds to enforce firearm restrictions in domestic violence restraining orders.
2. The Superior Court of Modoc County, in partnership with the Sheriff's Department, seeks to establish a new firearm relinquishment program by having dedicated staff process restraining order cases and establishing internal protocols for judicial review and the setting of compliance review hearings. The Sheriff's Department would create new relinquishment protocols for deputies to follow when serving restraining orders, investigate any allegation of firearm possession by prohibited persons, and enforce firearm restrictions.
3. The Superior Court of San Diego County, in partnership with the San Diego Police Department, seeks to expand their county's existing relinquishment program to increase the capacity of the gun violence response unit. They would do so by establishing a new Gun Violence Task Force which would be responsible for reviewing each potential gun violence restraining order case for legal sufficiency and to run a firearms check. The Task Force would also be responsible for conducting regional and statewide training, which would be expected to increase the number of gun violence restraining orders filed in the county. Officers would be responsible for enforcing the firearm restrictions in gun violence restraining orders.
4. The Superior Court of San Francisco County, in partnership with the San Francisco Sheriff's Department, seeks to create a new relinquishment program by creating a standardized process for reviewing court files and setting compliance review hearings in domestic violence, gun violence, and other civil restraining order matters. The Sheriff's department would use funds to enforce firearm restrictions.
5. The Superior Court of San Mateo County, in partnership with the San Mateo's District Attorney's office, seeks to expand their county's existing relinquishment program by expanding self-help services for restraining orders, providing more investigators to investigate and enforce firearm restrictions; and piloting a chatbot to provide information on how to properly relinquish firearms.

6. The Superior Court of Santa Clara County, in partnership with the Santa Clara's District Attorney's office, seeks to expand their county's existing relinquishment program by creating a Relinquishment Team to enforce firearm restrictions which would include facilitating voluntary relinquishment and requesting search warrants. The court would also establish a specialized calendar to address relinquishment and compliance.
7. The Superior Court of Ventura County, in partnership with the Ventura District Attorney's office, in collaboration with the Sheriff's department, seeks to expand their county's existing relinquishment program by having dedicated court staff to review and process court files to identify possible non-compliance and facilitate firearms relinquishment. The District Attorney's office would have a dedicated investigator to enforce firearm restrictions.

Policy Implications

The recommended action complies with the Budget Act of 2022 (Stats 2022, Ch. 45) mandate requiring the Judicial Council to allocate these funds to superior courts. If these recommendations are approved by the council, approximately \$17,115,990 would still be available for distribution. In early 2023, the Center for Families, Children & the Courts will reopen the grant application process and allow all courts to apply for the remaining unallocated funds, including requests for augmentation from the seven courts listed above.

Comments

This proposal was not circulated for comment.

Alternatives considered

The committee did not consider any alternatives due to the legislative mandate of AB 178 for the Judicial Council to receive and allocate grant funds to selected superior courts in support of court-based firearm relinquishment programs. The grant eligibility and selection criteria were adopted directly from the requirements of the Budget Act. The committee considered extending the deadline for courts to apply for the grant, but in the interest of making funds available as quickly as possible, decided to instead provide another opportunity for courts to again apply for unallocated funds in early 2023.

Fiscal and Operational Impacts

Funding will assist the superior courts to support firearm relinquishment efforts and activities statewide, in partnership with law enforcement agencies. The Judicial Council will execute contract agreements with the superior courts awarded funding, who will then be required to execute memorandums of understanding with their law enforcement agency partners. All grant funding must be spent or encumbered by June 30, 2025. Each court that receives funding is required to submit quarterly reporting metrics to the Judicial Council under AB 178 and can utilize grant funds to update court management systems or firearms-related systems, as needed.

Attachments and Links

Attachment A: Firearm Relinquishment Grant Program Proposed Funding Allocation for Fiscal Years 2022–25.

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ATTACHMENT A

Judicial Council of California

**Firearm Relinquishment Grant Program
Proposed Funding Allocation for Fiscal Years 2022–25**

	Recipient Court	Region/Court Size	Proposed Grant Funding Allocation
1	Los Angeles	Southern California/Large	\$4,271,000
2	Modoc	Northern California/Small	\$529,544
3	San Diego	Southern California/Large	\$2,346,843 ¹
4	San Francisco	Bay Area/Large	\$2,000,000
5	San Mateo	Bay Area/Medium	\$5,227,630 ²
6	Santa Clara	Greater Bay Area/Large	\$3,080,253
7	Ventura	Central California/Medium	\$1,428,740
Total			\$18,884,010

¹ The committee does not recommend funding leases for vehicles at this time. The award represents the proposed budget minus the cost of leasing vehicles for law enforcement (\$81,200).

² This amount will likely change as the Superior Court of San Mateo is in the process of modifying their proposed budget. A new proposed award amount will be provided at the meeting on November 14.