



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393

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RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

KATHLEEN T. HOWARD
Director, Office of Governmental Affairs

June 5, 2006

Hon. Carole Migden, Chair
Senate Public Safety Committee
State Capitol, Room 2059
Sacramento, California 95814

Subject: AB 2129 (Spitzer), as introduced - Sponsor
Hearing: Senate Public Safety Committee – June 13, 2006

Dear Senator Migden:

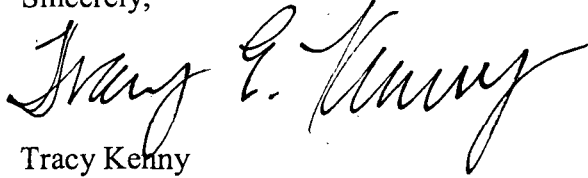
The Judicial Council is proud to sponsor AB 2129, which would require persons restrained by criminal, civil harassment, elder abuse, or workplace violence protective orders to relinquish any firearms in their possession within 24 hours of service of the order. This bill will establish a clear standard for firearms relinquishment for all of these protective orders, and make that standard consistent with provisions in current law that apply to domestic violence protective orders issued pursuant to the Family Code.

Under current law, the firearms relinquishment period that applies to these orders varies based upon whether the restrained person attended the court hearing. This variance creates confusion, and requires the inclusion of check boxes on the protective order forms to indicate which relinquishment period applies. The problems that result from these check boxes were highlighted in the report of the Attorney General's Task Force on the Local Criminal Justice Response to Domestic Violence. They recommended that the Judicial Council change the forms to eliminate the confusing check boxes. AB 2129 will provide the council with the statutory authority to make that change and make the protective order forms clearer for all. A clear and consistent standard will make it easier for restrained persons to understand, for law enforcement to enforce, and as a result, those protected by the orders will be safer.

Hon. Carole Migden
June 5, 2006
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For these reasons, the Judicial Council seeks your support of AB 2129.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy E. Kenny". The signature is fluid and cursive, with the first name "Tracy" being more prominent than the last name "Kenny".

Tracy Kenny
Legislative Advocate

TK/yt

cc: Members, Senate Public Safety Committee
Hon. Todd Spitzer, Member of the Assembly
Ms. Alison Anderson, Chief Counsel, Senate Public Safety Committee
Mr. Cory Salazillo, Consultant, Senate Republican Office of Policy
Mr. Eric Csizmar, Deputy Legislative Secretary, Office of the Governor
Ms. Sue Blake, Director of Legislation, Office of Planning and Research



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March 7, 2006

Hon. Mark Leno, Chair
Assembly Public Safety Committee
State Capitol, Room 3146
Sacramento, California 95814

Subject: AB 2129 (Spitzer) Firearms relinquishment: restraining orders – Sponsor

Dear Assembly Member Leno:

The Judicial Council is proud to sponsor AB 2129, which would require persons restrained by criminal, civil harassment, elder abuse, or workplace violence protective orders to relinquish any firearms in their possession within 24 hours of service of the order. This bill will establish a clear standard for firearms relinquishment for all of these protective orders, and make that standard consistent with provisions in current law that apply to domestic violence protective orders issued pursuant to the Family Code.

Under current law, the firearms relinquishment period that applies to these orders varies based upon whether the restrained person attended the court hearing. This variance creates confusion, and requires the inclusion of check boxes on the protective order forms to indicate which relinquishment period applies. The problems that result from these check boxes were highlighted in the report of the Attorney General's Task Force on the Local Criminal Justice Response to Domestic Violence. They recommended that the Judicial Council change the forms to eliminate the confusing check boxes. AB 2129 will provide the council with the statutory authority to make that change and make the protective order forms clearer for all. A clear and consistent standard will make it easier for restrained persons to understand, for law enforcement to enforce, and as a result, those protected by the orders will be safer.

Hon. Mark Leno
March 7, 2006
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For these reasons, the Judicial Council seeks your support of AB 2129.

Sincerely,

A handwritten signature in cursive script that reads "Tracy Kenny". The signature is fluid and elegant, with the first and last names clearly distinguishable.

Tracy Kenny
Legislative Advocate

TK/yt

Enclosure

cc: Members, Assembly Public Safety Committee
Hon. Todd Spitzer, Member of the Assembly
Mr. Gary Olson, Consultant, Assembly Republican Office of Policy
Ms. Karen Pank, Deputy Legislative Secretary, Office of the Governor
Ms. Sue Blake, Assistant Director of Legislation, Office of Planning and Research



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KATHLEEN T. HOWARD
Director, Office of Governmental Affairs

August 22, 2006

Hon. Arnold Schwarzenegger
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: AB 2129 (Spitzer) – Request for Signature

Dear Governor Schwarzenegger:

The Judicial Council is proud to sponsor AB 2129, which would require persons restrained by criminal, civil harassment, elder abuse, or workplace violence protective orders to relinquish any firearms in their possession within 24 hours of service of the order. This bill will establish a clear standard for firearms relinquishment for all of these protective orders, and make that standard consistent with provisions in current law that apply to domestic violence protective orders issued pursuant to the Family Code.

Under current law, the firearms relinquishment period that applies to these orders varies based upon whether the restrained person attended the court hearing. This variance creates confusion, and requires the inclusion of check boxes on the protective order forms to indicate which relinquishment period applies. The problems that result from these check boxes were highlighted in the report of the Attorney General's Task Force on the Local Criminal Justice Response to Domestic Violence. They recommended that the Judicial Council change the forms to eliminate the confusing check boxes. AB 2129 will provide the council with the statutory authority to make that change and make the protective order forms clearer for all. A clear and consistent standard will make it easier for restrained persons to understand, for law enforcement to enforce, and as a result, those protected by the orders will be safer.

Hon. Arnold Schwarzenegger
August 22, 2006
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Please note that AB 2129 also includes a change in the deadline for a restrained party to file a proof of relinquishment with the court. Current law provides a 72 hour period for relinquishment, however SB 585 (Kehoe), which has received no "no" votes throughout the legislative process, would shorten that deadline to 48 hours for cases filed under the Domestic Violence Prevention Act. In order to prevent a new area of inconsistency in firearms relinquishment provisions, AB 2129 would require those subject to other types of restraining orders to file their proof with the court within 48 hours. This change will ensure continuing consistency in the law, and put a significant emphasis on the timely relinquishment of firearms for those who are subject to any type of restraining order.

For these reasons, the Judicial Council requests your signature on AB 2129.

Sincerely,

A handwritten signature in black ink, reading "Tracy Kenny". The signature is written in a cursive, flowing style. The first name "Tracy" is written with a large, looped 'T' and the last name "Kenny" is written with a large, looped 'K'.

Tracy Kenny
Attorney

TK/yt

cc: Hon. Todd Spitzer, Member of Assembly
Eric Csizmar, Deputy Legislative Secretary, Office of the Governor
Ms. Sue Blake, Director of Legislation, Office of Planning and Research