



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 1240 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

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

JODY PATEL
Interim Administrative Director of the Courts

CURT SODERLUND
Interim Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

May 31, 2012

Hon. Elaine K. Alquist
Member of the Senate
State Capitol, Room 5080
Sacramento, California 95814

Subject: SB 1433 (Alquist), as amended April 11, 2012 - Support

Dear Senator Alquist:

The Judicial Council is pleased to support SB 1433, which modifies existing statutory requirements concerning firearms relinquishment in cases in which a Domestic Violence Prevention Act (DVPA) protective order has been issued to: (1) require courts to conduct a search to determine if the restrained person has a registered firearm when the court is performing other required criminal history searches on the party to be restrained by the order, subject to the availability of resources for this task; (2) require law enforcement officers who serve DVPA orders to request that a restrained person surrender his/her firearm when the order indicates that the party might have a gun; (3) require the restrained party to file a copy of the form filed with the court documenting the surrender of the firearm with the law enforcement agency that served the order; and (4) require a peace officer serving a DVPA protective order to take temporary custody of any firearm in plain sight or discovered pursuant to a lawful search as necessary to protect the peace officer or other person present.

The council supports SB 1433 because it will increase the likelihood of compliance with courts' orders for persons who are restrained by a DVPA protective order to relinquish their firearms. In 2008, the Judicial Council Domestic Violence Practice and Procedure Task Force issued its report to the council entitled: *Guidelines and Recommended Practices for Improving the Administration of Justice in Domestic Violence Cases*. That report contained the findings and

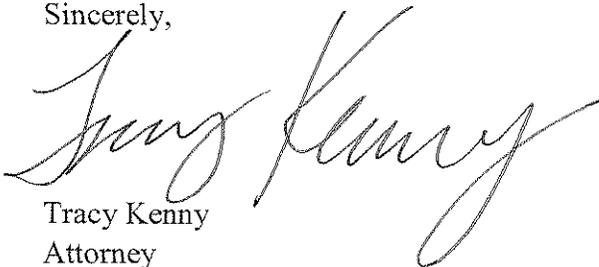
Hon. Elaine Alquist
May 31, 2012
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recommendations of the Task Force which included recommendations intended to ensure that firearms relinquishment orders of the court could be more effectively enforced. SB 1433 directly implements the Task Force recommendation that courts have the clear authority to search the Automated Firearms System (AFS) database to determine if the restrained person has a registered firearm.

In addition, SB 1433 will give law enforcement more effective tools to accomplish the timely relinquishment of firearms by persons who are prohibited from possessing them as a result of the issuance of a DVPA order. Currently, restrained parties are required to turn in proof to the court that they have relinquished their firearms within 48 hours of service of the order. Current Judicial Council DVPA order forms allow a court to indicate that it has received information suggesting that the restrained person has a firearm. Requiring law enforcement personnel who are serving these orders to use this information to request immediate relinquishment of firearms may result in earlier relinquishment and better protection from the order for the petitioner. The additional provisions of the bill further support enforcement of the relinquishment requirements, and give law enforcement tools to ensure that a court's orders are enforced and effective.

For these reasons, the Judicial Council supports SB 1433.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tracy Kenny".

Tracy Kenny
Attorney

TK/yc

cc: Mr. Gareth Elliott, Legislative Affairs Secretary, Office of the Governor



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June 11, 2012

Hon. Tom Ammiano, Chair
Assembly Public Safety Committee
State Capitol, Room 4005
Sacramento, California 95814

Subject: SB 1433 (Alquist), as amended April 11, 2012 - Support
Hearing: Assembly Public Safety Committee – June 19, 2012

Dear Assembly Member Ammiano:

The Judicial Council is pleased to support SB 1433, which modifies existing statutory requirements concerning firearms relinquishment in cases in which a Domestic Violence Prevention Act (DVPA) protective order has been issued to: (1) require courts to conduct a search to determine if the restrained person has a registered firearm when the court is performing other required criminal history searches on the party to be restrained by the order, subject to the availability of resources for this task; (2) require law enforcement officers who serve DVPA orders to request that a restrained person surrender his/her firearm when the order indicates that the party might have a gun; (3) require the restrained party to file a copy of the form filed with the court documenting the surrender of the firearm with the law enforcement agency that served the order; and (4) require a peace officer serving a DVPA protective order to take temporary custody of any firearm in plain sight or discovered pursuant to a lawful search as necessary to protect the peace officer or other person present.

The council supports SB 1433 because it will increase the likelihood of compliance with courts' orders for persons who are restrained by a DVPA protective order to relinquish their firearms. In 2008, the Judicial Council Domestic Violence Practice and Procedure Task Force issued its report to the council entitled: *Guidelines and Recommended Practices for Improving the*

Hon. Tom Ammiano
June 11, 2012
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Administration of Justice in Domestic Violence Cases. That report contained the findings and recommendations of the Task Force which included recommendations intended to ensure that firearms relinquishment orders of the court could be more effectively enforced. SB 1433 directly implements the Task Force recommendation that courts have the clear authority to search the Automated Firearms System (AFS) database to determine if the restrained person has a registered firearm.

In addition, SB 1433 will give law enforcement more effective tools to accomplish the timely relinquishment of firearms by persons who are prohibited from possessing them as a result of the issuance of a DVPA order. Currently, restrained parties are required to turn in proof to the court that they have relinquished their firearms within 48 hours of service of the order. Current Judicial Council DVPA order forms allow a court to indicate that it has received information suggesting that the restrained person has a firearm. Requiring law enforcement personnel who are serving these orders to use this information to request immediate relinquishment of firearms may result in earlier relinquishment and better protection from the order for the petitioner. The additional provisions of the bill further support enforcement of the relinquishment requirements, and give law enforcement tools to ensure that a court's orders are enforced and effective.

For these reasons, the Judicial Council supports SB 1433.

Sincerely,



Tracy Kenny
Attorney

TK/yc

cc: Members, Assembly Public Safety Committee

Hon. Elaine Alquist, Member of the Senate

Ms. Milena N. Blake, Counsel, Assembly Public Safety Committee

Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor

Mr. Gary Olson, Consultant, Assembly Republican Office of Policy



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August 28, 2012

Hon. Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: SB 1433 (Alquist) – Request for Signature

Dear Governor Brown:

The Judicial Council urges your signature on SB 1433, which modifies existing statutory requirements concerning firearms relinquishment in cases in which a Domestic Violence Prevention Act (DVPA) protective order has been issued to: (1) require courts to conduct a search to determine if the restrained person has a registered firearm when the court is performing other required criminal history searches on the party to be restrained by the order, subject to the availability of resources for this task; (2) require law enforcement officers who serve DVPA orders to request that a restrained person surrender his/her firearm when the order indicates that the party might have a gun; (3) require the restrained party to file a copy of the form filed with the court documenting the surrender of the firearm with the law enforcement agency that served the order; and (4) require a peace officer serving a DVPA protective order to take temporary custody of any firearm in plain sight or discovered pursuant to a lawful search as necessary to protect the peace officer or other person present.

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For these reasons, the Judicial Council requests your signature on SB 1433.

Sincerely,

A handwritten signature in black ink that reads "Tracy Kenny". The signature is written in a cursive, flowing style.

Tracy Kenny
Attorney

TK/yc

cc: Hon. Elaine Alquist, Member of the Senate

Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor