



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE SACRAMENTO LEGISLATIVE OFFICE

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The Honorable Kevin McCarty
Assembly Public Safety Committee, Chair
1020 N Street, Room 111
Sacramento, CA 95814

ASSEMBLY BILL 2907 (ZBUR) SPONSOR

Dear Assembly Member McCarty:

The Los Angeles County District Attorney's Office is pleased to sponsor Assembly Bill 2907.

Existing law authorizes a criminal court to issue a 10-year protective order for victims of Domestic Violence (Penal Code Section 273.5(j)); Elder Abuse (Penal Code Section 368(1)); Stalking (Penal Code Section 646.9 (K)(1)); and Domestic Violence (Penal Code Section 1203.097(a)(2)).

While well intentioned, existing law has not proven to be effective in safely taking possession of prohibited firearms in domestic violence criminal cases. Major gaps exist in both Penal Code Section 29810 and Code of Civil Procedure 527.9.

California recently enacted SB 320 (Eggman) to better effectuate the requirement that a restrained party in a civil domestic violence restraining order (DVRO) relinquish their firearms.

Under Family Code 6389, if a restrained party does not relinquish their firearms upon the request of law enforcement at the time of the service of a domestic violence restraining order, the restrained party has 24 hours to relinquish their firearms and 48 hours to provide proof of the relinquishment to the court. Neither of these provisions apply to a domestic violence protective order issued by a criminal court.

SB 320 also requires a court to immediately notify the appropriate law enforcement agency whenever a subject of a DVRO fails to provide the required proof of firearm relinquishment and directs law enforcement to take all steps necessary to obtain any firearm owned or possessed by the restrained party.

Under existing law there is no requirement for a criminal court to notify law enforcement immediately when there is a failure to comply with a criminal protective order firearm prohibition, nor is there a requirement for law enforcement to take all necessary steps to enforce the firearm prohibition in a criminal protective order.

As a result, victims of domestic violence crimes who have a protective order issued by a criminal court are not given the same protection, priority and urgency as victims given a civil restraining order and are unnecessarily at risk for a longer time-period.

In order to better protect victims of domestic violence, stalking, and elder abuse, AB 2907 would require a defendant subject to a 10-year protective order who owns a firearm to notify the court when they relinquish the firearm and provide proof of the required storage, sale, or relinquishment. If evidence of compliance of the firearms prohibition is not provided, the court shall immediately notify the prosecuting attorney and law enforcement so they can take all actions necessary to address the violation of the protective order as soon as practicable.

AB 2907 will also better protect domestic violence victims by requiring the arresting officer in domestic violence cases to question the arrestee, victim, and other household members (if applicable) about any firearms owned or possessed by the arrestee and to check the Automated Firearm System (AFS) to determine whether the arrestee owns or possesses any firearms prior to presenting the case to the prosecuting attorney for filing.

The Cook's Corner shooting in Trabuco Canyon on August 23, 2023, ending in nine people shot and three dead is just the latest in a long string of examples of how domestic violence and guns combine not only to end in death but risk lives often beyond the domestic couple. Other examples are the December 23, 2020, shooting in a Whittier mall Kohl's location by a man who was upset with the mother of his child and the 2011 massacre at Salon Meritage in Seal Beach in which an angry ex-husband shot and killed his ex-wife and seven others.

In a 2021 paper published in Injury Epidemiology, Lisa Geller, MPH, lead author of the paper and state affairs manager of the Educational Fund to Stop Gun Violence (EFSGV), analyzed data from the Gun Violence Archive between 2014 and 2019 and discovered in more than two-thirds (68.2%) of mass shootings analyzed, the perpetrator either killed family/intimate partners or the shooter had a history of domestic violence. An Everytown for Gun Safety (Everytown) 2020 analysis analyzing FBI data on mass shootings between 2009 and 2015 had similar findings, discovering that 57% of those cases included domestic violence or perpetrators previously charged with domestic violence.

Everytown also discovered that an abuser's access to a gun makes it five times more likely that a woman will die at the hands of her domestic abuser. Every month an average of 70 women are shot and killed during domestic violence per Everytown's analysis of CDC, National Violent Death Reporting System (NVDRS), 2019. Everytown also reported that about 4.5 million women in the United States today report having been threatened with a gun by an intimate partner.

AB 2907 will help to better protect domestic violence, elder abuse and stalking victims ensuring that the courts, law enforcement and prosecutors receive information about the presence of firearms at the earliest possible stage to ensure the greatest protections to victims of domestic violence.

For these reasons our Office is proud to sponsor AB 2907 (Zbur).

If you have any questions or need additional information, please feel free to contact Daniel Felizzatto in my Sacramento Legislative Office at (916) 442-0668.

Very truly yours,



GEORGE GASCÓN
District Attorney