



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
SACRAMENTO LEGISLATIVE OFFICE

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May 29, 2024

The Honorable Aisha Wahab
Senate Public Safety Committee, Chair
1020 N Street, Room 545
Sacramento, CA 95814

ASSEMBLY BILL 2759 (PETRIE-NORRIS)
SUPPORT
Senate Public Safety Committee
Hearing Date: June 4, 2024

Dear Senator Wahab:

The Los Angeles County District Attorney's Office is pleased to support Assembly Bill 2759 (Petri-Norris).

AB 2759 amends California law that allows (with court permission) peace officers and other professionals who carry firearms to be exempt from the requirement that they surrender their firearms after they become the subject of a domestic violence protective order.

Family Code section 6389 generally prohibits any person who is the subject of a protective order, from owning or possessing a firearm or ammunition while the protective order is in place. Family Code section 6389 pertains to protective orders, which are usually requested by law enforcement to protect the victim of a crime, including the victim of domestic violence. This prohibition applies whether a person is a peace officer or not, or whether the person is required to carry a firearm in the course of employment.

Existing law allows a court to grant an exemption from the relinquishment order if the respondent is able to demonstrate a particular firearm is necessary as a condition of continued employment and the current employer is unable to reassign the recipient of the protective order to another position where a firearm is unnecessary.

Family Code section 6389 conflates relinquishment exceptions for peace officers and non-peace officers and is, admittedly, confusing. The standard for granting an exemption is slightly different for peace officers because in some circumstances, a peace officer may have a need to carry a firearm off duty to protect themselves.

May 29, 2024
Page Two

AB 2759 requires that if a peace officer seeks to possess a specified firearm or ammunition off duty, the peace officer must show, by a preponderance of evidence, the peace officer's personal safety depends on the ability to carry that firearm or ammunition outside of scheduled work hours; and by a preponderance of evidence, the peace officer does not pose an additional threat of harm to a protected party or the public by having access to the firearm or ammunition, including whether the peace officer might use the firearm for a purpose other than for the reasons of employment and personal safety.

This is a more robust determination that aims to ensure law enforcement officers do not continue to possess a firearm even if their employment requires it unless they can prove it is necessary for safety off duty; and there is no evidence the peace officer will misuse the firearm or present a threat to others including the alleged victim of domestic violence.

For non-peace officers the court would apply the same standard that applies to peace officers. However, for a non-peace officer the exemption would be limited only to scheduled work hours and the exemption would specify that the respondent is not authorized to possess any other firearm or ammunition, or to possess the specific firearm, ammunition, or firearm and ammunition outside of scheduled work hours.

Existing law related to the firearm surrender requirement is generally unclear, limited, and contradictory. It increases the possibility that someone receives an exemption who should not have one, putting victims and the public at risk.

AB 2759 is a common-sense domestic violence gun control measure that our Office is pleased to support.

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

cc: Assembly Member Petrie-Norris
Eric Czimar, Senate Republican Policy Unit