



# LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE SACRAMENTO LEGISLATIVE OFFICE

GEORGE GASCÓN • District Attorney  
SHARON L. WOO • Chief Deputy District Attorney  
JOSEPH F. INIGUEZ • Chief of Staff

DANIEL FELIZZATTO • Legislative Advocate  
TAMAR TOKAT • Legislative Advocate

May 26, 2023

The Honorable Rebecca Bauer-Kahan  
California State Assembly  
1021 O Street, Suite 6320  
Sacramento, CA 95814

## **ASSEMBLY BILL 301 (BAUER-KAHAN) SUPPORT**

Dear Assembly Member Bauer-Kahan:

The Los Angeles County District Attorney's Office is pleased to support Assembly Bill 301 (Bauer-Kahan).

AB 301 would allow a court to consider the acquisition of body armor as a factor which is indicative of an increased risk of violence for purposes of issuing an ex parte Gun Violence Restraining Order (GVRO) or a GVRO after notice and hearing.

According to The Violence Project, over the past forty years at least 21 mass shooters wore body armor during their attacks, with a majority of those occurring in the past decade. In the recent tragedy in Buffalo the perpetrator wore body armor. He was shot by a security guard but his body armor allowed him to prolong his bloody rampage.

While acquisitions of body armor alone might not be indicative of a person posing a significant danger of causing injury to themselves or to another, for purposes of issuing a GVRO, when taken into consideration with other relevant factors, it may.

California's GVRO process allows a court to prohibit someone from possessing a firearm or ammunition for a temporary period of time. Prior to issuing a GVRO, a court must examine the petitioner or review a written affidavit from the petitioner signed under oath. In its evaluation of the evidence, a court is required to consider all evidence of recent threats of violence or acts of violence, any violations of emergency protective orders or other unexpired protective orders, certain types of convictions, or any pattern of violent acts or violent threats within the past 12 months.

During that process of determining whether grounds for a GVRO exist, the court may consider any other evidence of increased risk for violence, including but not limited to, evidence of unlawful and reckless use, display, or brandishing of a firearm; the history of use, attempted use, or threatened use of physical force against another person; a

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prior arrest for a felony offense; a history of a violation of an emergency protective order or other protective orders; documentary evidence of recent criminal offenses involving controlled substances or alcohol of ongoing abuse of controlled substances or alcohol; or evidence of recent acquisition of firearms, ammunition, or other deadly weapons.

Body armor's primary purpose is to provide a defensive barrier for one's body while in the line of fire. Purchase or acquisition of body armor is a signal that a person anticipates requiring protection from bullets. When combined with recent threats or violent behavior, acquisition of body armor can be an important indicator of an increased risk for gun violence.

AB 301 is a commonsense measure. It is entirely logical that possession of body armor should be a factor considered by the court when hearing a GVRO. Although acquisition of body armor in and of itself is not indicative of a greater risk for violence, when taking it into account under the totality of the circumstances, it is certainly pertinent to the court's decision to grant or deny a GVRO. For these reasons our Office is pleased to support AB 301.

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,

A handwritten signature in blue ink, appearing to read "George Gascón", written in a cursive style.

GEORGE GASCÓN  
District Attorney