AB 1753

The Survivor Pathways to Safety Act

ASSEMBLYMEMBER DISTRICT 19
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SUMMARY

AB 1753 includes a package of provisions to increase safety for survivors and the public by ensuring CA's protective order laws work as intended, especially to prevent gun violence.

This bill closes the gap between what the law promises—and what survivors actually experience—through a comprehensive, multipronged approach that:

- Strives for consistency across restraining order and protection orders with firearm prohibitions.
- Strengthens firearm surrender requirements.
- Improves coordination and information-sharing between courts, law enforcement, and prosecuting agencies to identify and respond when someone is illegally armed in violation of a protective order.
- Registers more tribal and out-of-state protective orders in law enforcement and background check databases.
- Expands remote hearing access for protection order cases.
- Expands courts' authority to issue firearm-prohibiting protective orders in hate crime cases.
- Ensures people convicted of dangerous offenses, including hate crimes, school shooting threats, and violations of protective orders, fail firearm background checks for at least 10 years.

BACKGROUND

California has led the nation in developing a range of effective measures to prevent gun violence and protect survivors of violence and abuse. One of the most vital pathways to safety is California's array of nine court protection orders that include provisions to temporarily prohibit people from possessing or purchasing firearms if a court finds they engaged in dangerous conduct.

Efforts to separate dangerous individuals from firearms are vital for safety. In domestic violence and other dangerous circumstances, an abusive person's access to firearms is one of the leading risk factors for homicide. However, too often, people ordered by a court to relinquish all firearms unlawfully fail to do so. In 2021, a Cal Matters investigative report documented dangerous gaps in ensuring relinquishment compliance in domestic violence restraining order cases. A majority of unlawfully armed people added to California's Armed and Prohibited Persons System (APPS) each year are subject to firearm prohibitions as a result of a protective order.

In recent years, California legislators, the Department of Justice, and GIFFORDS have strived to strengthen California's protective order laws with a focus on improving access, service, information-sharing, and firearm relinquishment compliance and accountability.

Courts are now required to make findings about whether people subject to protective orders possess firearms and have complied with relinquishment requirements, and courts must report noncompliance to local law enforcement and prosecuting agencies.

California has also provided one-time funding for a Firearm Relinquishment Grant Program, which has supported coordinated firearm relinquishment partnerships in 13 counties. These programs have reported significant results. Still, significant process and coordination gaps remain.

Additionally, California law includes a list of dangerous misdemeanors that disqualify a person from lawfully possessing and purchasing firearms for 10 years after conviction. This list already includes some offenses related to violations of protective orders, hate crimes, and criminal threats, but omits other convictions involving very similar dangerous conduct.

THIS BILL

The provisions in this bill are focused on addressing these lingering implementation barriers, inconsistencies, and safety gaps in California's protective order processes and prohibitions designed to prevent violence.

AB 1753 includes provisions dually recommended by the CA Department of Justice and GIFFORDS to:

1. Prevent people from accessing firearm/ammunition for 10 years following misdemeanor convictions involving violation of protective orders and probation conditions, hate crimes, or criminal threats of violence against a school, house of worship, or medical facility.

2. Clarify that courts may obtain a check of information in law enforcement databases in any protective order case involving firearm prohibitions, especially to inform the court about whether the respondent possesses firearms that must be relinquished.

3. Make all local Law Enforcement Agencies (LEAs), not just sheriffs/marshals, eligible to receive reimbursement for serving protective orders.

4. Require prosecuting agencies to develop standard protocols for responding to court notifications of firearm relinquishment noncompliance in protective order cases, and require local LEAs and prosecuting agencies to designate a position responsible for receiving these notices.

5. Ensure California law provides a standard process for registering in the California Restraining and Protective Order System (CARPOS) and enforcing all valid protective orders issued by tribal courts and courts in other states, not just orders related to domestic violence, to promote consistent enforcement in California, including for firearm background checks.

6. Require prosecuting agencies to make reasonable efforts to notify victims and witnesses when a criminal court issues a protective order on their behalf.

7. Prohibit courts from maintaining blanket court rules that require petitioners to provide prior notice to a dangerous individual before they can submit a petition for a preliminary, ex-parte protective order. This bill would instead require courts

to make decisions about requiring pre-petition notice on a case-by-case basis based on the interests of justice and safety.

8. Clarify courts' ability to issue firearm-prohibiting Criminal Protective Orders in criminal hate crime cases, including when the defendant is a danger to the public or groups of people but there is no specifically targeted victim named as a protected person.

9. Makes technical fixes to SB 899 that make ammunition prohibitions consistent across protection order types.

10. Ensures individuals have access and awareness to remote hearings in all protection order types.

11. Authorizes California DOJ to establish an automated protected person information portal through available grant opportunities.

SUPPORT

- **GIFFORDS (Co-Sponsor)**
- **California Attorney General Rob Bonta (Co-Sponsor)**
- Everytown for Gun Safety
- City and County of San Francisco
- CA Chapter of the American College of Emergency Physicians

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