



Office of the San Diego City Attorney

Mara W. Elliott
City Attorney

July 1, 2019

The Honorable Anthony J. Portantino
Senate Committee on Appropriations
California State Capitol, Room 2206
Sacramento, California 95814

Assembly Bill 12 (Irwin): Firearms: Gun Violence Restraining Orders – Support

Dear Chairman Portantino:

The San Diego City Attorney's Office is pleased to support Assembly Bill (AB) 12 by Assemblymember Jacqui Irwin.

AB 12 includes a number of changes to Gun Violence Restraining Orders that will make them a more effective and efficient tool for law enforcement and families.

The bill includes important clarifications that will allow more consistent application of the orders. It is important to pass these changes now that jurisdictions are issuing more orders and with law enforcement and the public becoming more aware of their availability in situations where it is critically important to quickly disarm an individual who poses a danger to themselves or others.

Our Office was the first in the state to aggressively enforce AB 1014 (Skinner), California's 2016 red flag law, and to make GVROs a top priority. Over the past year and a half, we have obtained roughly 170 GVROs and confiscated hundreds of guns, including assault weapons. Respondents included individuals who explicitly threatened violence – from suicide to workplace and school shootings – and others who handled firearms irresponsibly due to impairment by drugs, alcohol, or other underlying medical or psychological conditions.

Last year, my Office was selected by the Legislature to conduct trainings throughout California. Since May 2018, we have held 18 trainings for more than 220 law enforcement and government agencies throughout the California in cities such as Anaheim, San Francisco, Sacramento, Oakland, Eureka, Stockton, Fresno, Riverside, and Ontario. The City Attorney's Office has also extended trainings to non-government agencies, medical and mental health professionals, and schools, both locally and throughout the state. Roughly 1,500 individuals have received GVRO training by the City Attorney.

AB 12 addresses some of the holes we've identified in GVROs. It would extend the possible duration of a GVRO from one to five years, reducing the number of extension hearings as well as the impact they have on families, law enforcement, and the courts. The bill ensures a respondent retains the ability to petition for the restoration of their right to possess a firearm, but strikes a more balanced approach.

It also clarifies there is no 24-hour period in which to sell or transfer firearms after being served with an emergency temporary order by law enforcement. Such a grace period defeats the purpose of the GVRO, which is to act immediately to eliminate a threat of harm. This change will help those who implement GVROs avoid potentially deadly misinterpretations.

Finally, AB 12 allows law enforcement officers to request a GVRO in the name of their agency, sparing an individual officer from being solely named in court documents and becoming the target of the respondent's animosity. Currently an officer must request an order in their own name, which respondents can misperceive as an officer seeking to remove their firearms in a personal capacity, rather than in their official law enforcement capacity.

I strongly urge you and the other members of the Senate Appropriations Committee to support AB 12.

Sincerely yours,



Mara W. Elliott
City Attorney

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