



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

March 16, 2018

Hon. Blanca Rubio
Member of Assembly
State Capitol, Room 5175
Sacramento, California 95814

Subject: Assembly Bill 2526 (Rubio), as introduced – Support/Sponsor

Dear Assembly Member Rubio:

The Judicial Council is pleased to sponsor and support AB 2526, which strengthens the procedures for obtaining emergency temporary gun violence restraining orders (GVROs). More specifically AB 2526 clarifies the process for issuance of temporary emergency gun violence restraining orders and furthers the court's ability to efficiently process and issue emergency orders by making oral requests for temporary GVROs requested by law enforcement the default procedure rather than written petitions for those GVROs.

Making the oral procedures the primary procedure in the statute reflects the reality of how these orders are issued: the request is generally made over the phone by a law enforcement officer who is in the field dealing with a situation in which someone poses an *immediate and present danger* of causing harm to himself or herself, or others. Thus, it is difficult to see how time and circumstances would allow the officer to present a written form to a judicial officer at the courthouse as required by the current default procedure.

In addition, AB 2526 aligns the temporary GVRO procedures with those for obtaining domestic violence emergency protective orders by adopting requirements similar to those specified by the

Hon. Blanca Rubio

March 16, 2018

Page 2

Legislature for emergency protection orders that law enforcement obtain orally in domestic violence cases (Fam. C. §6241). Finally, the bill retains the essential requirements of the original statutes. Specifically, the oral statements that the law enforcement officer seeking the order makes to the judicial officer must be declared under penalty of perjury on the order form eventually filed with the court—a parallel to the requirement of statements under oath for oral issue of search warrants ((Pen. C. §1526(b) (law enforcement officer statement made by telephone and recorded or sent in to court in writing via fax or e-mail).)

For these reasons, the Judicial Council is pleased to support and sponsor AB 2526.

Sincerely,

Mailed on March 16, 2018

Sharon Reilly

Attorney

SR/yc-s

cc: Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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March 27, 2018

Hon. Reginald B. Jones-Sawyer, Sr., Chair
Assembly Public Safety Committee
State Capitol, Room 2117
Sacramento, California 95814

Subject: Assembly Bill 2526 (Rubio), as introduced – Support/Sponsor
Hearing: Assembly Public Safety Committee – April 3, 2018

Dear Assembly Member Jones-Sawyer:

The Judicial Council is pleased to sponsor and support AB 2526, which strengthens the procedures for obtaining emergency temporary gun violence restraining orders (GVROs). More specifically, AB 2526 clarifies the process for issuance of temporary emergency gun violence restraining orders and furthers the court's ability to efficiently process and issue emergency orders by making oral requests for temporary GVROs requested by law enforcement the default procedure rather than written petitions for those GVROs.

Making the oral procedures the primary procedure in the statute reflects the reality of how these orders are issued: the request is generally made over the phone by a law enforcement officer who is in the field dealing with a situation in which someone poses an *immediate and present danger* of causing harm to himself or herself, or others. Thus, it is difficult to see how time and circumstances would allow the officer to present a written form to a judicial officer at the courthouse as required by the current default procedure.

Hon. Reginald B. Jones-Sawyer, Sr.

March 27, 2018

Page 2

In addition, AB 2526 aligns the temporary GVRO procedures with those for obtaining domestic violence emergency protective orders by adopting requirements similar to those specified by the Legislature for emergency protection orders that law enforcement obtain orally in domestic violence cases (Fam. C. §6241). Finally, the bill retains the essential requirements of the original statutes. Specifically, the oral statements that the law enforcement officer seeking the order makes to the judicial officer must be declared under penalty of perjury on the order form eventually filed with the court—a parallel to the requirement of statements under oath for oral issue of search warrants ((Pen. C. §1526(b) (law enforcement officer statement made by telephone and recorded or sent in to court in writing via fax or e-mail).)

For these reasons, the Judicial Council is pleased to support and sponsor AB 2526.

Should you have any questions or require additional information, please contact Sharon Reilly at sharon.reilly@jud.ca.gov or 916-323-3121.

Sincerely,

Mailed on March 27, 2018

Cory T. Jasperson
Director, Governmental Affairs

CTJ/SR/yc-s

cc: Members, Assembly Public Safety Committee
Hon. Blanca Rubio, Member of the Assembly
Mr. Matthew Fleming, Counsel, Assembly Public Safety Committee
Mr. Gary Olson, Consultant, Assembly Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

May 24, 2018

Hon. Nancy Skinner, Chair
Senate Public Safety Committee
State Capitol, Room 2059
Sacramento, California 95814

Subject: Assembly Bill 2526 (Rubio), as introduced – Support/Sponsor
Hearing: Senate Public Safety Committee – June 12, 2018

Dear Senator Skinner:

The Judicial Council is pleased to sponsor and support AB 2526, which strengthens the procedures for obtaining emergency temporary gun violence restraining orders (GVROs). More specifically, AB 2526 clarifies the process for issuance of temporary emergency gun violence restraining orders and furthers the court's ability to efficiently process and issue emergency orders by making oral requests for temporary GVROs requested by law enforcement the default procedure rather than written petitions for those GVROs.

Making the oral procedures the primary procedure in the statute reflects the reality of how these orders are issued: the request is generally made over the phone by a law enforcement officer who is in the field dealing with a situation in which someone poses an *immediate and present danger* of causing harm to himself or herself, or others. Thus, it is difficult to see how time and circumstances would allow the officer to present a written form to a judicial officer at the courthouse as required by the current default procedure.

Hon. Nancy Skinner

May 24, 2018

Page 2

In addition, AB 2526 aligns the temporary GVRO procedures with those for obtaining domestic violence emergency protective orders by adopting requirements similar to those specified by the Legislature for emergency protection orders that law enforcement obtain orally in domestic violence cases (Fam. C. §6241). Finally, the bill retains the essential requirements of the original statutes. Specifically, the oral statements that the law enforcement officer seeking the order makes to the judicial officer must be declared under penalty of perjury on the order form eventually filed with the court—a parallel to the requirement of statements under oath for oral issue of search warrants ((Pen. C. §1526(b) (law enforcement officer statement made by telephone and recorded or sent in to court in writing via fax or e-mail).)

For these reasons, the Judicial Council is pleased to support and sponsor AB 2526.

Should you have any questions or require additional information, please contact Sharon Reilly at sharon.reilly@jud.ca.gov or 916-323-3121.

Sincerely,

Mailed on May 24, 2018

Cory T. Jaspersen

Director, Governmental Affairs

CTJ/SR/yc-s

cc: Members, Senate Public Safety Committee
Hon. Blanca Rubio, Member of the Assembly
Ms. Stella Choe, Counsel, Senate Public Safety Committee
Mr. Eric Csizmar, Consultant, Senate Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California