



Superior Court of California
County of Sonoma

NOTICE FROM THE CLERK OF THE COURT

Temporary Emergency Gun Violence

Restraining Orders

(GVRO) AB 2526

January 1, 2019

REQUIRES IMMEDIATE ATTENTION

Effective January 1, 2019, amendments to the gun violence restraining order (GVRO) statutes authorizes a Judicial Officer to orally issue a temporary emergency GVRO. The law also requires the Court to hold a hearing within 21 days after issuance of a temporary emergency GVRO to determine if a one-year GVRO should be issued. The Judicial Council's current Form EPO-002 does not contain a section for the hearing date, so officers will need to add hearing information to the form. Please see sample form EPO-002 for more detailed information about where to add the hearing date and location.

Thank you!

EXAMPLE

EPO-002 GUN VIOLENCE EMERGENCY PROTECTIVE ORDER

LAW ENFORCEMENT CASE NUMBER: _____

1. RESTRAINED PERSON (*insert name of subject*): _____

Sex: M F Ht.: _____ Wt.: _____ Hair color: _____ Eye color: _____ Race: _____ Age: _____ Date of birth: _____

2. TO THE RESTRAINED PERSON (*Also see important Warnings and Information on Page 2*): YOU MUST NOT own, possess, purchase, receive, or attempt to purchase or receive any firearms, ammunition, or magazines (any ammunition feeding devices). If you have any firearms, ammunition, or magazines, you MUST IMMEDIATELY SURRENDER THEM IN A SAFE MANNER TO LAW ENFORCEMENT ON REQUEST. If no request has been made, you must surrender any firearms, ammunition, or magazines in a safe manner to your local law enforcement agency or sell them to or store them with a licensed gun dealer within 24 hours of being served with this order. You must file a receipt proving surrender, sale, or storage with the Court listed below within 48 hours, or if the court is closed, then on the next business day after the firearms, ammunition, or magazines are surrendered or sold. FAILURE TO TIMELY FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.

(Name and address of court):

**Civil and Family Courthouse
3055 Cleveland Ave.
Santa Rosa, CA**

You must attend the court hearing on Friday, [DATE] at 9:00 a.m. in Dept. 22.

3. THIS ORDER WILL EXPIRE ON: [DATE] TIME: [TIME]

INSERT DATE OF 21st CALENDAR DAY (DO NOT COUNT DAY THE ORDER IS GRANTED)

4. Reasonable grounds for the issuance of this Order exist, and a Gun Violence Emergency Protective Order (1) is necessary because the Restrained Person poses an immediate danger of causing personal injury to himself or herself or to another by having custody or control, owning, purchasing, possessing, or receiving any firearms, ammunition, or magazines; and (2) less restrictive

The location of the hearing is to be added here.

determined to be inadequate or inappropriate. The officer completing this form needs to write the hearing information here.

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surrender all firearms, ammunition, and magazines that you own or possess in accordance with section 18120 of the Penal Code and you may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm, ammunition, or magazine while this order is in effect. However a more permanent gun violence restraining order may be obtained from the court. You may seek the advice of an attorney as to any matter connected with the order. The attorney should be consulted promptly so that the attorney may assist you in any matter connected with the order.

Judicial officer (name): _____

granted this Order on (date): _____

at (time): _____

APPLICATION

6. Officer has a reasonable cause to believe that the grounds set forth in item 4, above, exist (*state supporting facts and dates; specify weapons-number, type and location*):

7. Firearms were observed reported searched for seized.

Ammunition (including magazines) was observed reported searched for seized.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

By: _____
(PRINT NAME OF LAW ENFORCEMENT OFFICER)

⇨ _____
(SIGNATURE OF LAW ENFORCEMENT OFFICER)

Agency: _____

Telephone No.: _____

Badge No.: _____

PROOF OF SERVICE

8. Person served (name): _____

9. I personally delivered copies of this Order to the person served as follows: Date: _____ Time: _____
Address: _____

10. At the time of service, I was at least 18 years of age. I am a California law enforcement officer.

11. My name, address, and telephone number are (*this does not have to be server's home telephone number or address*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____
(TYPE OR PRINT NAME OF SERVER)

⇨ _____
(SIGNATURE OF SERVER)

EXAMPLE

GUN VIOLENCE EMERGENCY PROTECTIVE ORDER WARNINGS AND INFORMATION

EP0-002

TO THE RESTRAINED PERSON: You are prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm, ammunition, or a magazine. (Pen. Code, § 18125 et seq.) A violation of this Order is a misdemeanor punishable by a \$1,000 fine or imprisonment for six months or both. (Pen. Code, §§ 19, 18205.)

Within 24 hours of receipt of this order, you must turn in all firearms, ammunition, and magazines to a law enforcement agency or sell them to or store them with a licensed firearms dealer until the expiration of this order. (Pen. Code, § 18125 et seq.) A receipt proving surrender, sale, or storage must be filed with the court within 48 hours of receipt of this order, or on the next court business day if the 48 hour period ends on a day when the court is closed. You must also file the receipt with the law enforcement agency that served you with this Order. You may use Form GV-800, *Proof of Firearms Turned In, Sold, or Stored* for this purpose.

This Gun Violence Emergency Protective Order is effective when made. It will last until the date and time in item 3 on the front. The court will hold a hearing within 21 days to determine if a longer term order should be issued.

A law enforcement officer or agency or a family member may seek a more permanent restraining order from the court.

If you violate this order, you will also be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm, ammunition, or magazine for an additional five-year period, to begin on the expiration of the more permanent gun violence restraining order. (Pen. Code, § 18205.)

This protective order must be enforced by all law enforcement officers in the State of California who are aware of it or shown a copy of it. The terms and conditions of this order remain enforceable regardless of the acts or any agreement of the parties; it may be changed only by order of the court.

A la persona restringida: Tiene prohibido ser dueño de un arma de fuego, municiones o cargadores, poseer, comprar o tratar de comprar, recibir o tratar de recibir u obtener un arma de fuego, municiones o cargadores de alguna otra manera. (Código Penal, §§ 18125 y siguientes). Una violación de esta orden esta sujeta a una multa de \$1000 y encarcelamiento de seis meses o ambos. (Código Penal, §§ 19 y 18205.)

Dentro de las 24 horas de recibir esta orden, tiene que entregar sus armas de fuego, municiones y cargadores a una agencia del orden publico o venderlos a, o almacenarlos con, un comerciante de armas autorizado hasta el vencimiento de esta orden. (Código Penal, §§ 18125 y siguientes). Dentro de las 48 horas de recibir esta orden, se tiene que presentar a la corte una prueba de haberlos entregado, vendido, o almacenado. Se puede usar el formulario GV-800, *Prueba de entrega, venta o almacenamiento de armas de fuego*, por este propósito.

Esta orden de protección de emergencia de armas de fuego entra en vigencia en el momento en que se emite. Durará hasta la fecha y hora indicadas en el punto 3 al otro lado. Se realizará una audiencia dentro de 21 días para determinar si es necesario emitir una orden que dure por más tiempo.

Un agente o agencia del orden publico o unfamiliar puede solicitar una orden de restricción más permanente de la corte. Si esta en violación de este orden de restricción, se le prohibirá tener en su posesión o control, comprar, poseer o recibir, o intentar comprar o recibir un arma de fuego, municiones o cargadores por otro periodo de cinco años más, comenzando a partir del vencimiento de la orden de restricción de armas de fuego más permanente. (Código Penal, § 18205.)

Todo agente del orden publico del estado de California que tenga conocimiento de la orden o a quien se le muestre una copia de la misma deberá hacer cumplir esta orden de protección. Los terminos y condiciones de esta orden se podrán hacer cumplir independientemente de las acciones de las partes; solo la corte podrá cambiar esta orden.

To law enforcement: The Gun Violence Emergency Protective Order must be served on the restrained person by the officer if the restrained person can reasonably be located. Ask the restrained person if he or she has any firearms, ammunition, or magazines in his or her possession or under his or her custody or control. A copy must be filed with the court as soon as practicable after issuance. Also, the officer must have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice.

The provisions in this Temporary Gun Violence Emergency Protective Order do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in another existing protective order remain in effect.



Superior Court of California

County of Sonoma

Gary Nadler
Presiding Judge
Arlene D. Junior

Court Executive Officer/Clerk of the Court/Jury Commissioner

ACCESS, SERVICE, JUSTICE

Hearing Date Setting Guide for Gun Violence Emergency Protective Orders

If EPO is issued between:	Hearing can be set either date:		
Th 2/7 and Wed 2/13	Friday 2/22/19	or	Friday 3/1/19
Th 2/14 and Wed 2/20	Friday 3/1/19	or	Friday 3/8/19
Th 2/21 and Wed 2/27	Friday 3/8/19	or	Friday 3/15/19
Th 2/28 and Wed 3/6	Friday 3/15/19	or	Friday 3/22/19
Th 3/7 and Wed 3/13	Friday 3/22/19	or	Friday 3/29/19
Th 3/14 and Wed 3/20	Friday 3/29/19	or	Friday 4/5/19
Th 3/21 and Wed 3/27	Friday 4/5/19	or	Friday 4/12/19
Th 3/28 and Wed 4/3	Friday 4/12/19	or	Friday 4/19/19
Th 4/4 and Wed 4/10	Friday 4/19/19	or	Friday 4/26/19
Th 4/11 and Wed 4/17	Friday 4/26/19	or	Friday 5/3/19
Th 4/18 and Wed 4/24	Friday 5/3/19	or	Friday 5/10/19