

UNDERSTANDING GUN VIOLENCE PREVENTION AND TEMPORARY GUN VIOLENCE RESTRAINING ORDERS IN CALIFORNIA



IF YOU OR A LOVED ONE IS ACTIVELY EXPERIENCING A CRISIS AND AT
IMMINENT RISK OF SELF-HARM OR HARM TO OTHERS, CALL 911.



Cal OES
GOVERNOR'S OFFICE
OF EMERGENCY SERVICES

Gun violence – from mass shootings to firearm suicide – is a preventable public health crisis that plagues our country.

Under Governor Gavin Newsom's leadership, California has implemented the strongest gun safety laws in the nation, including temporary Gun Violence Restraining Orders, to prevent self-harm and harm to others.

By empowering those with the ability to intervene by filing a temporary Gun Violence Restraining Order, and through education and increased awareness, Californians can reduce the impact of gun violence and firearm suicide in our communities.



GUN VIOLENCE AND FIREARM SUICIDE ON THE RISE NATIONALLY

Firearms are the most common means of homicide and suicide in the United States. Many acts of firearm violence are preceded by implicit or explicit threats, including two-thirds of public mass violence.



Californians are **25% LESS LIKELY TO DIE IN A MASS SHOOTING** compared to people in other states.

Gun sales are on the rise in California, and data shows that access to a firearm greatly increases the risk for both firearm-related violence and self-harm.

Stanford University recently found that gun owners and those living with gun owners are significantly more likely to harm themselves or others. More specifically, men who own handguns are eight times more likely to die of firearm suicides than men who don't own handguns, and women who own handguns are 35 times more likely than women who don't. Additionally, Californians living with handgun owners are more than twice as likely to die by homicide.

California has prioritized common-sense measures to prevent and reduce gun violence and firearm suicide and self-harm.



CALIFORNIA LEADS THE NATION IN GUN SAFETY

California is ranked as the top state in the nation for gun safety by Giffords Law Center, and, in 2021, the same year of the rankings, the state saw a 37% lower gun death rate than the national average.

Temporary Gun Violence Restraining Orders took effect in 2016, expanding the suite of firearm safety tools designed to keep Californians safe.



TEMPORARY GUN VIOLENCE RESTRAINING ORDERS: A TOOL TO PREVENT SELF-HARM AND HARM TO OTHERS

A temporary Gun Violence Restraining Order is an action made by a local court to stop someone in crisis from harming themselves or others by temporarily preventing access to guns and ammunition while the order is in place.

The order is civil, meaning it is not criminal in nature and is not reflected on an individual's record. It is not considered punishment under the law.

California **issued** 3,007 temporary Gun Violence Restraining Orders from 2016 to 2020. Approximately **80% of temporary Gun Violence Restraining Orders** were used in cases of threatened interpersonal violence between 2016 and 2019.



TEMPORARY GUN VIOLENCE RESTRAINING ORDERS CAN SAVE LIVES

A temporary Gun Violence Restraining Order gives an individual in crisis the opportunity to defuse a potentially dangerous situation and safely access help and care that could stop a harmful or deadly encounter from occurring.

Gun Violence Restraining Orders are considered a powerful tool to prevent firearm suicides, which on average, account for **more than half** of California's gun deaths. During the same three-year time frame, about **40% of Gun Violence Restraining Orders** were used in cases of an individual threatening suicide. No suicides occurred among the individuals who were under an order.

After Connecticut increased the **enforcement of its red flag law** (its Gun Violence Restraining Order equivalent), one study found the tool to be associated with a 14% reduction in the state's firearm suicide rate.

This tool is also helpful in preventing mass shootings. In the first three years of California's Gun Violence Restraining Order law, research from UC Davis shows they have **been used to help prevent 58 threatened mass shootings** in the state.



GUN OWNERS AND NON-OWNERS AGREE ON USING TEMPORARY GUN VIOLENCE RESTRAINING ORDERS

UC Davis found that Californians **overwhelmingly agreed that they would be willing to use a temporary Gun Violence Restraining Order** if a family member were experiencing an emotional crisis or if they had threatened to physically hurt themselves or someone else.



THOSE CLOSEST TO AN INDIVIDUAL MAY SEE THE WARNING SIGNS FIRST

Studies show that approximately **four out of five** mass shooting perpetrators exhibit warning signs such as agitation, abusive behavior and depression before a shooting occurs and some individuals who are in crisis and pose a risk of self-harm exhibit signs as well.

Governor Newsom signed legislation to expand the list of who can file a temporary Gun Violence Restraining Order in 2022. The new law went into effect January 1, 2023.

CALIFORNIANS WHO CAN FILE A GUN VIOLENCE RESTRAINING ORDER, ALSO KNOWN AS "ELIGIBLE PETITIONERS," INCLUDE:



A **family member or loved one** related by blood, marriage or adoption.



A **current or recent household member and roommate.**



A **coworker** who has had regular interactions with the person in crisis for at least one year, with approval from the employer.



An **individual** who has a child in common or who has a dating relationship with the person in crisis.



Law enforcement, including California peace officers.



A **teacher or employee at a middle school, high school, college or university** that the person in crisis has attended in the last six months, with approval from a school administrator or supervisor.

If a Californian does not fall into one of the eligible petitioner groups or if the threat of self-harm or violence against others is imminent, they can inform law enforcement, even if they are unsure if the person currently has access to guns. An officer may investigate and file a petition, or obtain an immediate, emergency Gun Violence Restraining Order, if they find that grounds exist.



FILING A TEMPORARY GUN VIOLENCE RESTRAINING ORDER

If you or a loved one is actively experiencing a crisis and at imminent risk of self-harm or harm to others, call 911.

If an individual thinks a temporary Gun Violence Restraining Order is right for their situation, the required documents to file the order are available [online](#) and at the individual's [local Superior Court](#). ***There is no fee to file.***

THE FOUR STEPS TO FILE:



STEP 1

Filling out the court papers and preparing to file.



STEP 2

Filing the court papers with the clerk.



STEP 3

Receiving the papers back from the court clerk.



STEP 4

Having the temporary Gun Violence Restraining Order served to the person in crisis.

A step-by-step general overview on filing a temporary gun violence restraining order can be found at: [GunSafety.CA.gov](https://www.gunsafety.ca.gov). The California Courts website also provides a [step-by-step guide](#) for properly filing a Gun Violence Restraining Order.



THE LENGTH OF THE ORDER DEPENDS ON THE TYPE

In the event of an emergency order filed by law enforcement or when an individual first files for a Gun Violence Restraining Order and a judge preliminarily approves the order, a Gun Violence Restraining Order lasts up to three weeks (21 days). A court appearance is only required if the individual filing the order would like to apply for an order longer than 21 days.

Orders issued after formal notice and court hearings can last from one to five years. At the court hearing, a judge will consider all the evidence and decide whether to approve a Gun Violence Restraining Order for up to five years. In the event of continued concern, the order can be renewed upon its expiration.



GUN VIOLENCE RESTRAINING ORDERS HAVE EXISTED IN CALIFORNIA FOR 7+ YEARS

California's Gun Violence Restraining Order tool was established after the tragic 2014 mass shooting in Isla Vista, when family and friends were concerned about the shooter's behavior before the shooting occurred, but law enforcement did not have the legal tools to suspend his possession of firearms.

To fill this legal gap, AB 1014 (2014) was introduced and signed into law, making California one of the first states in the nation to adopt this critical tool. The law went into effect two years later in 2016.



CALIFORNIA PROVIDES ADDITIONAL GUN VIOLENCE PREVENTION MEASURES

Other gun violence prevention measures implemented in California include:

- **Universal Background Checks**

California requires background checks on all gun purchases and transfers, including private transfers and sales at gun shows. It is one of 14 states and the District of Columbia that require universal background checks.

- **Mental Health Reporting**

California law requires the immediate reporting of involuntary inpatient and outpatient treatment, as well as those under guardianship. Mental health treatment facilities and psychotherapists are also required to report under certain circumstances.

- **Age Restrictions on Purchases**

In California, you must be at least 21 years of age to purchase firearms. There are narrow exceptions to this restriction (e.g., an 18-year-old with a valid hunting license is able to purchase certain long guns).

- **Waiting Period**

California has a waiting period of 10 days for all gun purchases. The state is one of nine states and the District of Columbia that have waiting periods and California's waiting period is among the strongest.

- **Assault Weapons Ban**

California law strictly prohibits assault weapons and high-capacity magazines. This includes possessing, distributing, selling, and manufacturing assault weapons.

For more information about temporary Gun Violence Restraining Orders and California's gun safety efforts, visit: [GunSafety.CA.gov](https://www.gunsafety.ca.gov).