



California's Gun Violence Restraining Order:

HEALTH/MENTAL HEALTH PROVIDERS CAN
SPEAK FOR SAFETY

"A patient who is an avid gun owner has made threats of violence to his neighbors and has admitted to me during one of our appointments that he has thought about harming them. What can I do to help keep those around him safe?"

"As a primary care physician, I have a close relationship with many of my patients. Recently I spoke with a patient who was distressed that her son, who has attempted suicide in the past, recently purchased a hand-gun. When she asked him to give the gun to her he refused. What other options does she have to ensure he stays safe?"

A NEW LAW CAN HELP!

California's Gun Violence Restraining Order (GVRO) is a law that allows teachers, school employees, co-workers, employers, family, household members, and law enforcement to obtain a court order to prevent an at-risk person from accessing guns, ammunition, or magazines and that temporarily prohibits that person from purchasing or obtaining any new guns, ammunition, or magazines*. The firearm removal and purchase restriction can last from 21 days to five years, depending on the type of order, and what the judge thinks is appropriate. A final GVRO, lasting between one and five years, can be renewed before it expires if the danger still exists.

*Magazines are ammunition storage and feeding devices which can often be detached from a firearm.

WHO CAN REQUEST A GVRO AND HOW DO YOU GET ONE?

Law enforcement, family members, household members, employers, some co-workers, certain teachers/school employees officers can file a petition to obtain a GVRO with the Superior Court where the person to be restrained resides. As a health provider, you cannot petition directly for a GVRO. However, if a patient has risk factors and is demonstrating signs of being dangerous such as suicidal ideation, aggression, public threats of violence, or is exhibiting other dangerous behaviors, you can consider contacting your local sheriff or police department or advising the patient's family or household member about the GVRO. Educating patients and families about the GVRO can help reduce the potential for danger when a gun is present in the home of someone who is at risk of harming themselves or others.

GVROS AND OTHER RESTRAINING ORDERS

GVROs are civil orders specifically designed to ensure safety and allow the person being restrained the opportunity to heal or stabilize away from firearms. There are also other types of restraining orders available in California which

prohibit someone from accessing guns. If you are concerned about someone being or becoming violent towards themselves or others, you may want to consider talking with an attorney and family members, household members, employers, co-workers, or teachers/school employees about what type of order would be most appropriate for the situation. For more information on the different types of restraining orders available visit the Judicial Council of California's Self-Help page.

A CIVIL ACTION

The GVRO is a civil procedure, not a criminal one. The goal is to ensure safety and allow the respondent of the GVRO the opportunity to heal or stabilize. However, if the order is violated, the respondent may be charged with a misdemeanor crime. Only when the order expires or is terminated may firearms and ammunition be returned to the restrained person.

IMPORTANT FACTS ABOUT CALIFORNIA'S GVRO

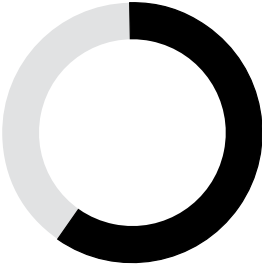
- If you think someone poses an immediate danger to themselves or others, you can contact law enforcement directly. They can request an emergency GVRO over the phone, even if it is not during normal court hours.
- The petitioner of a GVRO must be present at all court hearings to obtain a GVRO.
- If the court issues a final order, within three months before its expiration the petitioner may file a request for the renewal of a GVRO with the court if the respondent of the GVRO is still a risk to him or herself or others.
- A GVRO officially starts on the day of the hearing and the duration of the GVRO is determined based on the number of years from that date.
- If someone is being threatened directly by a spouse, partner, or someone in their family or household, they may petition for a Domestic Violence Restraining Order (DVRO). See Form [DV-500-INFO](#) for more information.
- If someone is being threatened directly by an employee or co-worker, the employer can file for a Workplace Violence Restraining Order on the behalf of themselves or an employee, under California Code, Code of Civil Procedure - CCP § 527.8. [Visit this website for more information.](#)
- If someone is being stalked, harassed, sexually assaulted, or threatened with violence you can seek a Civil Harassment Restraining Order. See [Form CH-100-INFO \(Can a Civil Harassment Restraining Order Help Me?\)](#)
- If the petitioner is under 18, a guardian would need to file on their behalf (i.e., a parent or legal guardian).

DID YOU KNOW?

- More than half of all gun deaths in California are suicides according to the [CDC](#).
- [A 2017 study](#) examined the results of a similar law in Connecticut and estimated that for every 10 to 20 orders removing firearms issued, at least one suicide was prevented.


- A [study from the UC Davis School of Medicine](#) identified **21 cases** where researchers believe a GVRO helped prevent a potential mass shooting. The lead author of the study, Dr. Garen J. Wintemute, said “I think the evidence suggests that extreme risk protection orders have a role to play in preventing mass shootings, but also in preventing firearm suicide and homicide.”
- On September 1, 2020, 4 new GVRO bills went into effect. [AB 61](#) expanded the list of eligible GVRO petitioners to include certain teachers, school employees, co-workers, and employers. [AB 1493](#) created an option for the subject of a GVRO to voluntarily surrender their firearms and not contest the GVRO. [AB 339](#) called on law enforcement departments to create official procedures for requesting and enacting a GVRO. [AB 12](#) allows judges to set the duration of a final order between one to five years.
- In a [poll by Aging Life Care Association](#) on the presence of firearms in elders’ homes, over one-third of professionals surveyed said they either frequently or sometimes had guns in their clients’ homes, and several respondents recounted stories of suicides by clients that took place while professional caregivers were in the home.

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MORE ABOUT GVROs AS A TOOL TO PREVENT GUN VIOLENCE

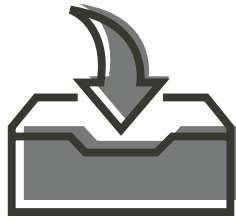
- [Assessment of Extreme Risk Protection Order Use in California From 2016 to 2019](#) – from Journal of American Medical Association.
- [New California Study Shows ‘Red Flag’ Laws May Help Stop Mass Shootings Across the Country](#) – from TIME Magazine, Aug. 19, 2020.
- [Nearly 50 gun violence restraining orders served in San Diego since beginning of March](#) – from CBS8, Aug. 13, 2020.
- [“Red Flag” Law In California Expands To Workplaces And Schools](#) – from the Faculty Executive, Feb. 28, 2020.
- [Using California’s Red Flag Law to combat hate crimes](#) – from San Diego Downtown News, written by City Attorney, Mara W. Elliott.
- [AG Becerra Discusses Gun Violence Restraining Orders as part of Domestic Violence Awareness Month](#) – from California Department of Justice, Oct. 29, 2019.

- [How to get a gun violence restraining order](#) – from , KERO, Aug. 8, 2019.
- [Armed With Knowledge](#) – from Sactown Magazine, June-Jul 2019 Issue.
- [Men & Means: Suicide Prevention SKills Building Webinar](#) - from Each Mind Matters “Know the Signs” campaign, Aug. 8, 2017.
- [Yes, You Can: Physicians, Patients, and Firearms](#) – from Annals of Internal Medicine, Aug. 1, 2016.

HOW CAN I SPREAD THE WORD ABOUT THE GVRO TO SPEAK FOR SAFETY?



Contact your local Superior Court or VA office and ask if they have heard of the GVRO.



Download our resources
SpeakForSafety.org



Work within your agency or organization to ensure that your colleagues know about the GVRO as a tool to prevent gun violence.

Disclaimer: This document does not provide legal advice and information is intended for general informational purposes only. If you need legal advice, please contact an attorney directly.

