

GUN VIOLENCE RESTRAINING ORDERS

WHAT IS IT? An order that allows law enforcement to take guns and ammo from persons who are danger to self/others. Requires party to relinquish weapons/ammo immediately.

3 TYPES: There are three types of GVRO's: (1) Temporary Emergency Order is for an immediate threat, and is only for Law Enforcement, (2) Temporary Ex-Parte is a formal application made in court by LEA or Family/Housemates, (3) Order after Notice/Hearing is a One Year order after a full hearing.

TIPS: If you have an imminent threat, you can request a GVRO over the phone, and memorialize it on the emergency order. If there's no emergency, request the ex-parte order. This triggers a formal hearing, and sets a court date when the judge first reviews the paperwork.

TAKING GUNS: The order requires the party to relinquish guns/ammo **immediately** to law enforcement. If they refuse, you have a basis for a search warrant pursuant to PC 1524(a)(14).

FOR HELP: On-Call Search Warrant DDAs can assist with an emergency order or warrant. Forms and Instructions Available Online at: <https://speakforsafety.org/>

	TEMPORARY EMERGENCY	TEMP EX-PARTE	ONE YEAR AFTER HEARING
STANDARD FOR ISSUANCE	Must show there is <i>reasonable cause</i> : (1) the party is and immediate and present danger of causing personal injury to self or another by having guns/ammo AND (2) order is necessary to protect injury because other means have been tried OR are inappropriate under the circumstances	Must show there is a <i>substantial likelihood</i> : (1) the party poses a significant danger, in the near future, of injury to self/others, AND (2) order is necessary to protect injury because other means have been tried OR are inappropriate under the circumstances	Must show by <i>clear and convincing evidence</i> : (1) party poses significant danger of injury to self or others, AND less restrictive alternatives were ineffective or inappropriate under the circumstances.
WHO CAN APPLY?	LAW ENFORCEMENT ONLY	LAW ENFORCEMENT & FAMILY/HOUSEMATES	LAW ENFORCEMENT
PROCESS	- Apply Orally or in Writing - Contact Duty Judge - Form EPO-002 - Once issued, serve & take guns immediately	- Apply in Writing in Family Court - Forms: GV-100, CLETS-001, GV-109	- The hearing is set EITHER by filing Ex Parte OR by operation of law after a temporary emergency order is issued
DURATION	21 days (triggers 1 Year hearing, but otherwise expires)	21 days (pending hearing on 1 Year order)	One year
LEGAL AUTHORITY	PC 18125, et seq.	pc 18150, et seq	PC 18170, et seq



Questions about California Gun Laws, contact us:
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