

EPO-002 C 枪支暴力紧急保护令

执法案件编号:

1. 被禁制人 (插入姓名): _____
地址: _____

性别: 男 女 身高: _____ 体重: _____ 发色: _____
眼睛颜色: _____ 种族: _____ 年龄: _____ 出生日期: _____

2. 对于受限制人

(另请参阅第2页上的重要警告和信息):

根据《刑法》第18120条, 您必须交出您拥有或占有的所有枪支、弹药和弹匣, 并且在本命令生效期间, 您不得保管或控制、拥有、购买、持有或接收或试图购买或接收任何枪支、弹药或弹匣。然而, 法院可能签发更持久的枪支暴力限制令。您可以就任何与命令有关的事宜征求律师的意见。应及时咨询律师, 以便律师协助您处理与命令有关的任何事项。

如果您有任何枪支、弹药和弹匣, 您必须在警官要求时立即将其交出。如果警官未要求您交出以上任何一项, 您必须在接到该命令后24小时内, 将它们带到警局或有执照的枪支经销商处将其出售或保存, 并向法院递交收据证明已如此行事。您要在48小时内向法院递交右侧所示的收据。如果您未在48小时内递交收据, 您将违反该命令, 可能被监禁。

3. 该命令将持续到: _____ 时间: _____

插入第21个日历日的日期 (命令日不计入在内)

4. 法庭审理 将在21日内确定法庭审理。

在以上法院进行庭审: 日期: _____ 时间: _____

如果您不想要针对您的该禁制令, 您必须参加庭审。审理时, 法官可让该命令持续最多一年。

5. 签发该命令的合理理由, 以及《枪支暴力紧急保护令》(1) 是必要的, 因为被禁制人通过保管或控制、拥有、购买、占有或接收任何枪支、弹药或弹匣, 构成对他(她)自身或他人的人身安全造成直接伤害的危险; 以及 (2) 限制性较小的替代方案并无效或在此情况下被认定为不足或不适当。

6. 司法官 (姓名): _____ 于 (日期): _____ (时间): _____ 签发本命令

申请

7. 司法官有合理的理由相信上述第5项所列的理由确实存在 (注明事实证据以及日期; 具体说明武器编号、类型和位置):

8. 枪支被 看到 报告 搜查 没收。
 弹药 (包括弹匣) 被 看到 报告 搜查 没收。

我根据加州伪证罪罚则声明, 前述事项真实无误。

签字: _____
(法律执行官打印姓名)

(法律执行官签名)

机构: _____ 电话号码: _____ 徽章编号: _____
地址: _____

送达证明

9. 我亲自将本命令的副本交付给第一项的被禁制人。
送达日期: _____ 送达时间: _____ 地址: _____

10. 在送达时, 我已满18岁。

我根据加州伪证罪罚则声明, 前述事项真实无误。

日期: _____
(送达人/执法官员键入或打印姓名)

(送达人签名)

递交表格时, 书记员在此盖章并注明日期。

仅用于提供信息

请勿提交

填写法院名称和街道地址:

加利福尼亚高等法院 县

提交表格时法院填写案件号。

案件号:

警告和信息

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, Ammunition, and Magazines Turned In, Sold, or Stored*.

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. If the date and time are not stated in item 4 on the front, you will get a notice with the date and time of the hearing in the mail at the residential address listed on page 1 of this form. If you would like to respond to this order in writing you must use Form GV-020, *Response to Gun Violence Emergency Protective Order*. A family member may also 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.

对于被禁制人：您不得拥有、持有、购买、接收，或试图购买或接收枪支、弹药或弹匣。（《刑法》第18125条及以下）。违反本命令的行为构成轻罪，应处以罚款1,000美元或监禁6个月或两者兼罚。（《刑法》第19和18205条）。

在收到此命令后的24小时内，您必须将所有枪支、弹药和弹匣上交执法机构，或将其出售或存放在有执照的枪支经销商处，直至此命令到期为止。（《刑法》第18125条及以下）。必须在收到此命令后的48小时内向法院提交证明您已交出、出售或存放的收据，如果48小时后恰逢法院下班，则在下一个法院工作日提交。您还必须向为您送达本命令的执法机构提交收据。为此，您可以使用表格GV-800《上交、出售或存放枪支、弹药和弹匣证明》。

此枪支暴力紧急保护令在做出时生效，将持续到前面第3项的日期和时间。法院将在21日内进行审理，以确定是否应当签发更长期限的命令。如果前面第4项没有写明日期和时间，您将在本表第1页所列的住址，接到写明审理日期和时间的邮寄通知。如果您想书面回复该命令，您必须使用表格GV-020《回复枪支暴力紧急保护令》。家庭成员还可以向法院寻求更永久的限制令。

如果您违反此命令，您将被禁止保管或控制、拥有、购买、持有或接受或尝试购买或接受任何枪支、弹药或弹匣，时间从更永久的枪支暴力限制令到期日开始，再延长五年。（《刑法》第18205条）。

知晓或见到本命令的加利福尼亚州执法人员必须执行本命令。无论当事人有何行为或是否达成任何协议，本命令的条款和条件均可强制执行；只能通过法院的命令进行修改。

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 so a hearing can be set, if one was not already scheduled. If the court did not give you a hearing date when issuing the order (to put in item 4 on the front), the court will set a hearing within 21 days and will provide you with notice of the hearing. 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.

对于执法机构：如果能够合理找到被禁制人，司法人员必须将枪支暴力紧急保护令送达被禁制人。询问被禁制人是否持有、保管或控制任何枪支、弹药或弹匣。签发后尽快向法院提交一份副本，以便确定审理日期。如果法院在签发命令时未给予您审理日期（在前面第4项写明），法院将在21日内确定审理日期，并向您提供审理通知。此外，司法人员必须将命令输入由司法部维护的针对保护令和禁制令的计算机数据库系统。

本临时枪支暴力紧急保护令的规定不影响任何其他生效的保护令或禁制令，包括刑事保护令。另一项现行保护令中的规定仍然有效。