**GV-030** 

# **Gun Violence Restraining Order After Hearing on EPO-002**

The court will complete this form. **Requesting Agency or Officer** (A petition may be filed in the name of the law enforcement agency in which the officer is employed.) Law enforcement agency or officer that applied for the Gun Violence Emergency Protective Order: Fill in court name and street address: Superior Court of California, County of **Restrained Person** Full Name: Lawyer (if there is one for this case): Name: \_\_\_\_\_ State Bar No.: \_\_\_\_ Firm Name: \_\_\_\_ Court fills in case number when form is filed. Address: **Case Number:** State: Zip: City: Telephone: Fax: Email Address: **Description of Restrained Person** Gender: M F Nonbinary Height: Weight: Date of Birth: Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_ Race: \_\_\_\_ Home Address: State: Zip: **Expiration Date** This order expires at: (Time):  $\square$  a.m.  $\square$  p.m.  $\square$  midnight on (date): If no expiration date is written here, this order expires one year from the date of issuance. Hearing a. There was a hearing on (date): at (time): in Dept.: Room: (Name of judicial officer): \_\_\_\_\_ made the orders at the hearing. b. These people attended the hearing: (1) The officer or representative of the Requesting Agency (2) The Restrained Person Lawyer for the Restrained Person (*name*):

Gun Violence Restraining Order
After Hearing on EPO-002
(CLETS-HGV) (Gun Violence Prevention)

This is a Court Order.

Clerk stamps date here when form is filed.

			Case Number:		
)	Findings				
a.   The court finds by clear and convincing evidence that the following are true:					
		The Restrained Person poses a significant danger of causing personal injury to themself or another person by having in their custody or control, owning, purchasing, possessing, or receiving firearms, firearm parts, ammunition, or magazines. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).  A gun violence restraining order is necessary to prevent personal injury to the Restrained Person or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.			
	(	<ol> <li>The court has received credible information that the Restrained more firearms, firearm parts, ammunition, or one or more maga</li> </ol>	-		
	(	4) The facts as stated in the <i>Gun Violence Emergency Protective</i> of supporting documents submitted at the time of the hearing, who reference, and for the reasons set forth below, establish sufficient Order.	ich are incorporated here by		
		☐ See the attached <i>Attachment</i> (form MC-025)			
	b. [	A gun violence restraining order is not being issued for the reasons	below:		

This is a Court Order.

be personally served with a court file-stamped copy of this order and a blank copy of <i>Request to Termin Gun Violence Restraining Order</i> (form GV-600), if a restraining order was granted.		
receive, any prohibited items listed below in b.  b. Prohibited items are:  (1) Firearms (guns);  (2) Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a rece or frame (see Penal Code section 16531);  (3) Ammunition; and  (4) Magazines (ammunition feeding devices).  c. You must surrender (turn in, sell, or store) all prohibited items in your custody or control or that you posse own. If a law enforcement officer asks you to turn over prohibited items, you must do so immediately. If n request is made by a law enforcement officer, you must surrender all prohibited items within 24 hours of b served with this Order. You may surrender these items by turning them in to law enforcement, selling then licensed gun dealer, or storing them with a licensed gun dealer for as long as this Order or any more perma order granted at the hearing in item (4) is in effect.  d. Within 48 hours of receiving this Order, you must file a receipt with the court that proves that all your prol items have been turned in, sold, or stored. (You may use Receipt for Firearms, Firearm Parts, Ammunition Magazines (form GV-800) for the receipt.) You must also file a copy of the receipt with the law enforceme agency that served you with this order. FAILURE TO FILE THIS RECEIPT IS A VIOLATION OF TORDER.  e. □ Order dissolving (terminating) Gun Violence Emergency Protective Order.  The court dissolves (terminates) the Gun Violence Emergency Protective Order (form EPO-002) originally issued on (date):  as of (date of hearing):  Service of Order on the Restrained Person  a. □ The Restrained Person was present in court at the time the order was issued. No other proof of service in needed. The clerk has provided the Restrained Person with a blank copy of Request to Terminate Gun Violence Restraining Order (form GV-600), if a restraining order was granted.  b. □ The Restrained Person was not present in court at the time the order was issued. The Restrained Person be personally served with a court file-stamped	No Firea	arms (Guns), Firearm Parts, Ammunition, and Magazines
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Date:	Number o	f pages attached to this Order, if any:
Judicial Officer	Date:	
•		Judicial Officer
		a. You careceive b. Prohil  (1) Fi  (2) Fi  on  (3) A  (4) M c. You mown. I request served license order get agency  ORDH e. Or  Service a. The new Vice b. The be Guene order of the context of the cont

Case Number:

To the restrained person: This order will last until the expiration date and time noted on page 1. If you have not done so already, you must surrender all firearms, ammunition, and magazines that you own or possess in accordance with section 18120 of the Penal Code. You may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive a firearm, ammunition, or magazine, while this Order is in effect. Pursuant to section 18185, you have the right to request a hearing on an annual basis to terminate this Order during its effective period. You may seek the advice of an attorney as to any matter connected with the order.

This is a Court Order.

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Case Number:	

Violation of this Order is a misdemeanor punishable by a \$1,000 fine or imprisonment for six months or both. (Pen. Code, §§ 19, 18205.) If you violate this Order, you will be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, any prohibited items listed in item 6b, above, for a period of up to five years. This Order must be enforced by any law enforcement officer in the state of California who is aware of or shown a copy of this Order. The Order remains enforceable regardless of the acts of the parties; it may be terminated only by an order of the court.

## Instructions for Law Enforcement

#### **Duties of Officer Serving This Order**

The officer who serves this order on the Restrained Person must do the following:

- Ask if the Restrained Person is in possession of any of the prohibited items listed in item 6b, above, or has custody or control of any of those items that they have not already turned in.
- Order the Restrained Person to immediately surrender to you all prohibited items.
- Issue a receipt to the Restrained Person for all prohibited items that have been surrendered.
- Complete a proof of personal service and file it with the court. You may use form GV-200 for this purpose.
- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer's name and law enforcement agency.

### Duties of Agency on Surrender of Firearms, Firearm Parts, Ammunition, and Magazines

The law enforcement agency that has received the surrendered prohibited items listed in item 6b, above, must do the following:

- Retain the prohibited items until the expiration of this Order or of any other gun violence restraining order issued by the court.
- On the expiration of this order or of any later gun violence restraining order issued by the court, return the prohibited items to the Restrained Person as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850). Section 34000 provides for the sale or destruction of any unclaimed items.
- If someone other than the Restrained Person claims title to any of the prohibited items surrendered, determine whether that person is the lawful owner. If so, return the prohibited items to that person as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850).

#### **Enforcing This Order**

The law enforcement officer should determine if the Restrained Person had notice of the order. Consider the Restrained Person "served" (given notice) if:

- The officer sees a copy of the proof of service or confirms that the proof of service is on file;
- The Restrained Person was informed of the order by an officer; or
- Item 7a is checked, indicating the Restrained Person was present in court at the time the order was issued.

This is a Court Order.



Case Number:		

# Instructions for Law Enforcement

(continued)

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the respondent cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it (see above: Duties of Officer Serving This Order).

The provisions in this *Gun Violence Restraining Order After Hearing on EPO-002* 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.

(Clerk will fill out this part.)

#### -Clerk's Certificate-

Clerk's Certificate [seal]

I certify that this *Gun Violence Restraining Order After Hearing on EPO-002* (*CLETS-HGV*) (form GV-030) is a true and correct copy of the original on file in the court.

Date:	Clerk, by	, Deputy
Date.	Cicik, by	, Deputy

This is a Court Order.