

**First Regular Session
Seventy-Seventh General Assembly
STATE OF SAN ANDREAS**

ENGROSSED

LLS NO. 26-0703.02 Elizabeth Rivas x1915

HOUSE BILL 26-003

SENATE SPONSORSHIP

Forbes

HOUSE SPONSORSHIP

Bowman, Mendoza

House Committees

Not assigned

Senate Committees

Not assigned

A BILL FOR AN ACT

**CONCERNING FIREARMS BY PROHIBITING PURCHASE OR POSSESSION BY PERSONS
WITH A HISTORY OF DOMESTIC VIOLENCE OR SUBJECT TO ACTIVE
PROTECTION ORDERS.**

Bill Summary

(Note: This summary applies to this bill as engrossed and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)

This bill establishes new statewide restrictions on firearm possession and purchase for individuals convicted of domestic violence offenses or subject to qualifying protection orders. The legislation is intended to reduce the risk of lethal violence in domestic abuse situations by limiting access to firearms among individuals who have demonstrated

Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

violent or threatening behavior toward intimate partners or family members. The General Assembly finds that the presence of firearms significantly increases the likelihood of serious injury or death in domestic violence incidents and that targeted firearm restrictions serve an essential public safety purpose.

The bill defines key terms including domestic violence, firearm, protection order, and individuals considered subject to an active protection order. Under the measure, a person may not knowingly purchase, attempt to purchase, possess, or control a firearm if they have been convicted of a misdemeanor or felony domestic violence offense or are currently subject to a protection order containing findings of credible threat or prohibitions against physical force. The prohibition remains in effect for the legally prescribed duration following conviction or for as long as the protection order remains active.

To ensure enforcement, the act creates mandatory firearm surrender requirements. Individuals who become prohibited from possessing firearms must, within forty-eight hours, either surrender all firearms to a local law enforcement agency or transfer them to a federally licensed firearms dealer or court-approved third party for secure storage during the period of prohibition. Proof of surrender or lawful transfer must be submitted to the issuing court, allowing judicial oversight and verification of compliance with protective orders.

Violations of the act constitute a Class B felony, with each unlawfully possessed firearm treated as a separate offense. The Department of Public Safety is authorized to adopt rules governing surrender procedures, storage standards, and compliance verification in coordination with courts and local law enforcement agencies. The legislation includes a safety clause declaring the measure necessary for the immediate preservation of public peace, health, and safety, and it takes effect immediately upon the Governor's signature.

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- 1 ***Be it enacted by the General Assembly of the State of San***
 - 2 ***Andreas:***
 - 3 **SECTION 1. SHORT TITLE.** This bill shall be known and cited
 - 4 as the “Domestic Violence Firearm Prevention Act”. **SECTION**
 - 5 **2. LEGISLATIVE DECLARATION.** The general assembly

1 hereby finds and declares that: (a) Domestic violence presents a
2 serious and ongoing threat to the safety, health, and lives of
3 residents of the state. (b) The presence of a firearm in situations
4 involving domestic violence significantly increases the risk of
5 serious bodily injury and death to victims, family members, and
6 responding law enforcement officers. (c) Individuals who have
7 demonstrated a pattern of violent or threatening behavior toward
8 intimate partners or family members pose a heightened risk when
9 permitted to access or possess firearms. (d) Courts issue civil and
10 criminal protection orders based on specific findings of danger,
11 credible threats, or acts of violence, and compliance with such
12 orders is essential to their protective purpose. (e) It is the intent of
13 the general assembly to prevent foreseeable harm by temporarily
14 or permanently restricting access to firearms for individuals with a
15 history of domestic violence or who are subject to active
16 protection orders, consistent with constitutional requirements and
17 public safety objectives. (f) The general assembly further finds
18 that targeted firearm restrictions in domestic violence situations
19 are intended to protect victims while respecting lawful firearm
20 ownership by individuals not subject to protection orders or
21 domestic violence convictions. **SECTION 3. DEFINITIONS.** As
22 used in this section, unless the context otherwise requires: (a)
23 “Domestic violence” means any act or threatened act of violence,
24 harassment, coercion, intimidation, or control against a person
25 with whom the actor has or has had an intimate relationship or
26 familial relationship, as defined by law. (b) “Firearm” means any
27 handgun, rifle, shotgun, or other weapon that will or is designed
28 to expel a projectile by the action of an explosive. (c) “Protection
29 order” means a temporary or permanent civil or criminal
30 restraining order, protection order, or similar court order issued by
31 a court of competent jurisdiction for the purpose of preventing
32 acts of domestic violence, harassment, stalking, or credible threats
33 of violence. (d) “Subject to an active protection order” means that

1 a protection order is currently in effect and has not expired, been
2 vacated, or otherwise terminated by the issuing court. (e)
3 “Firearm” shall not include an antique firearm as defined under
4 federal law or a firearm rendered permanently inoperable.
5 **SECTION 4. PROHIBITION ON PURCHASE AND**
6 **POSSESSION OF FIREARMS.** In the San Andreas Revised
7 Statutes, Title 18, Article 12, add Section 312, to read: (a) A
8 person shall not knowingly purchase, attempt to purchase,
9 possess, or control a firearm if the person: (I) Has been convicted
10 of a misdemeanor or felony offense involving domestic violence
11 under the laws of this state, another state, or the United States; or
12 (II) Is subject to an active protection order that includes a finding
13 of credible threat or prohibits the use, attempted use, or threatened
14 use of physical force against an intimate partner or family
15 member. (b) The prohibition set forth in subsection (I) of this
16 section applies for the duration required by law following a
17 qualifying conviction or for the duration of the active protection
18 order, whichever is applicable. (c) A person prohibited from
19 possessing firearms under this section shall be notified in writing
20 by the issuing court of the prohibition and the procedures for
21 surrendering firearms in compliance with Section 5 of this Act.
22 **SECTION 5. SURRENDER AND STORAGE OF FIREARMS.**
23 In the San Andreas Revised Statutes, Title 18, Article 12, add
24 Section 313, to read: (a) A person who becomes prohibited from
25 possessing a firearm pursuant to this section shall, within
26 forty-eight hours: (I) Surrender all firearms in the person’s
27 possession to a local law enforcement agency; or (II) Transfer all
28 firearms to a federally licensed firearms dealer or other lawful
29 third party approved by the court, for storage for the duration of
30 the prohibition. (b) Proof of surrender or transfer shall be
31 provided to the issuing court in a manner prescribed by rule or
32 court order. (c) A law enforcement agency receiving surrendered
33 firearms under this section shall provide a written receipt

1 identifying each firearm surrendered and shall store such firearms
2 in a secure manner. (d) A person subject to firearm surrender
3 under this Act may request that surrendered firearms be
4 transferred to a federally licensed firearms dealer for lawful sale
5 during the period of prohibition. (e) Upon expiration or
6 termination of the prohibition described in Section 4 of this Act, a
7 person may petition the court for the return of surrendered
8 firearms provided the person is otherwise legally eligible to
9 possess firearms. (f) The court may issue a search warrant upon
10 probable cause where there is reason to believe a prohibited
11 person has failed to surrender firearms as required under this
12 section. (g) At the time a protection order containing firearm
13 restrictions is issued, the court shall inform the respondent of the
14 firearm surrender requirements established under this Act and the
15 deadline for compliance. (h) Law enforcement agencies serving a
16 protection order that includes firearm restrictions shall request
17 that the respondent immediately surrender any firearms in the
18 respondent's possession at the time the order is served. (i) A
19 respondent subject to firearm surrender under this Act shall file
20 with the court a sworn statement confirming compliance with the
21 surrender or lawful transfer requirements. (j) A court may
22 schedule a compliance hearing to verify that a respondent has
23 surrendered or transferred firearms in accordance with the
24 requirements of this Act. (k) Firearms surrendered pursuant to this
25 Act shall not be destroyed unless otherwise authorized by court
26 order or unless the owner voluntarily relinquishes ownership. (l)
27 A court may authorize a respondent to transfer ownership of
28 surrendered firearms to a lawful third party provided the court
29 determines that the transfer will not allow the respondent
30 continued access to or control of the firearms. **SECTION 6.**
31 **PENALTIES.** (a) A person who knowingly violates this section
32 commits a Class B felony offense. (b) Each firearm unlawfully
33 possessed constitutes a separate offense. (c) In determining the

1 penalty under this section, courts may consider the number of
2 firearms involved, the duration of unlawful possession, and any
3 prior violations of protection orders. (d) A person convicted under
4 this section shall be prohibited from purchasing or possessing
5 firearms for a period of five years following completion of any
6 sentence imposed for the offense. **SECTION 7. RULEMAKING**
7 **AUTHORITY.** (a) The Department of Public Safety, in
8 consultation with the judicial branch and local law enforcement
9 agencies, may promulgate rules as necessary to implement this
10 section, including procedures for firearm surrender, storage, and
11 verification of compliance. (b) Rules adopted under this section
12 shall include procedures for verifying compliance with firearm
13 surrender requirements imposed by protection orders. (c) The
14 Department of Public Safety shall develop standardized forms for
15 documenting firearm surrender or transfer under this Act. (d) The
16 Department of Public Safety shall maintain aggregated data
17 regarding firearms surrendered pursuant to this Act, including the
18 number of protection orders requiring surrender and the number
19 of firearms transferred or seized. (e) The Department of Public
20 Safety shall submit an annual report to the General Assembly
21 summarizing compliance rates, enforcement actions, and
22 recommendations for improving the effectiveness of firearm
23 surrender procedures. (f) The Department of Public Safety shall
24 develop training materials for law enforcement officers regarding
25 enforcement of firearm prohibitions related to domestic violence
26 and protection orders. **SECTION 8. SAFETY CLAUSE.** The
27 general assembly hereby finds, determines, and declares that this
28 act is necessary for the immediate preservation of the public
29 peace, health, and safety. **SECTION 9. EFFECTIVE DATE.** This
30 act shall take effect at 12:01 a.m. on the day following the
31 signature from the governor.