

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

INTRODUCED

LLS NO. 26-0703.01 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. **SECTION 3. DEFINITIONS.** As used in
18 this section, unless the context otherwise requires: (a) “Domestic
19 violence” means any act or threatened act of violence, harassment,
20 coercion, intimidation, or control against a person with whom the
21 actor has or has had an intimate relationship or familial
22 relationship, as defined by law. (b) “Firearm” means any handgun,
23 rifle, shotgun, or other weapon that will or is designed to expel a
24 projectile by the action of an explosive. (c) “Protection order”
25 means a temporary or permanent civil or criminal restraining
26 order, protection order, or similar court order issued by a court of
27 competent jurisdiction for the purpose of preventing acts of
28 domestic violence, harassment, stalking, or credible threats of
29 violence. (d) “Subject to an active protection order” means that a
30 protection order is currently in effect and has not expired, been
31 vacated, or otherwise terminated by the issuing court. **SECTION**
32 **4. PROHIBITION ON PURCHASE AND POSSESSION OF**
33 **FIREARMS.** In the San Andreas Revised Statutes, Title 18,

1 Article 12, add Section 312, to read: (a) A person shall not
2 knowingly purchase, attempt to purchase, possess, or control a
3 firearm if the person: (I) Has been convicted of a misdemeanor or
4 felony offense involving domestic violence under the laws of this
5 state, another state, or the United States; or (II) Is subject to an
6 active protection order that includes a finding of credible threat or
7 prohibits the use, attempted use, or threatened use of physical
8 force against an intimate partner or family member. (b) The
9 prohibition set forth in subsection (I) of this section applies for the
10 duration required by law following a qualifying conviction or for
11 the duration of the active protection order, whichever is
12 applicable. **SECTION 5. SURRENDER AND STORAGE OF**
13 **FIREARMS.** In the San Andreas Revised Statutes, Title 18,
14 Article 12, add Section 313, to read: (a) A person who becomes
15 prohibited from possessing a firearm pursuant to this section shall,
16 within forty-eight hours: (I) Surrender all firearms in the person's
17 possession to a local law enforcement agency; or (II) Transfer all
18 firearms to a federally licensed firearms dealer or other lawful
19 third party approved by the court, for storage for the duration of
20 the prohibition. (b) Proof of surrender or transfer shall be
21 provided to the issuing court in a manner prescribed by rule or
22 court order. **SECTION 6. PENALTIES.** (a) A person who
23 knowingly violates this section commits a Class B felony offense.
24 (b) Each firearm unlawfully possessed constitutes a separate
25 offense. **SECTION 7. RULEMAKING AUTHORITY.** The
26 Department of Public Safety, in consultation with the judicial
27 branch and local law enforcement agencies, may promulgate rules
28 as necessary to implement this section, including procedures for
29 firearm surrender, storage, and verification of compliance.
30 **SECTION 8. SAFETY CLAUSE.** The general assembly hereby
31 finds, determines, and declares that this act is necessary for the
32 immediate preservation of the public peace, health, and safety.
33 **SECTION 9. EFFECTIVE DATE.** This act shall take effect at

1 12:01 a.m. on the day following the signature from the governor.