



HOUSE BILL 26-003

BY SENATOR(S) Sarah Forbes

also REPRESENTATIVE(S) Colleen Bowman, Chelsea Mendoza

AMENDING THE STATUTES CONCERNING FIREARMS BY PROHIBITING PURCHASE OR POSSESSION BY PERSONS WITH A HISTORY OF DOMESTIC VIOLENCE OR SUBJECT TO ACTIVE PROTECTION ORDERS

Be it Enacted by the General Assembly in the State of San Andreas,

TITLE	18	Of the San Andreas Revised Statutes “S.A.R.S”
ARTICLE	12	Of the San Andreas Revised Statutes “S.A.R.S”
SECTIONS	312	Of the San Andreas Revised Statutes “S.A.R.S”
	313	

BILL DESCRIPTION:

SECTION 1. SHORT TITLE

This bill shall be known and cited as the “Domestic Violence Firearm Prevention Act”

SECTION 2. LEGISLATIVE DECLARATION

The general assembly hereby finds and declares that:

(a) Domestic violence presents a serious and ongoing threat to the safety, health, and lives of residents of the state.

(b) The presence of a firearm in situations involving domestic violence significantly increases the risk of serious bodily injury and death to victims, family members, and responding law enforcement officers.

(c) Individuals who have demonstrated a pattern of violent or threatening behavior toward intimate partners or family members pose a heightened risk when permitted to access or possess firearms.

(d) Courts issue civil and criminal protection orders based on specific findings of danger, credible threats, or acts of violence, and compliance with such orders is essential to their protective purpose.

(e) It is the intent of the general assembly to prevent foreseeable harm by temporarily or permanently restricting access to firearms for individuals with a history of domestic violence or who are subject to active protection orders, consistent with constitutional requirements and public safety objectives.

SECTION 3. DEFINITIONS

As used in this section, unless the context otherwise requires:

(a) “Domestic violence” means any act or threatened act of violence, harassment, coercion, intimidation, or control against a person with whom the actor has or has had an intimate relationship or familial relationship, as defined by law.

(b) “Firearm” means any handgun, rifle, shotgun, or other weapon that will or is designed to expel a projectile by the action of an explosive.

(c) “Protection order” means a temporary or permanent civil or criminal restraining order, protection order, or similar court order issued by a court of competent jurisdiction for the purpose of preventing acts of domestic violence, harassment, stalking, or credible threats of violence.

(d) “Subject to an active protection order” means that a protection order is currently in effect and has not expired, been vacated, or otherwise terminated by the issuing court.

SECTION 4. PROHIBITION ON PURCHASE AND POSSESSION OF FIREARMS

In the San Andreas Revised Statutes, Title 18, Article 12, add Section 312, to read:

(a) A person shall not knowingly purchase, attempt to purchase, possess, or control a firearm if the person:

(I) Has been convicted of a misdemeanor or felony offense involving domestic violence under the laws of this state, another state, or the United States; or

(II) Is subject to an active protection order that includes a finding of credible threat or prohibits the use, attempted use, or threatened use of physical force against an intimate partner or family member.

(b) The prohibition set forth in subsection (I) of this section applies for the duration required by law following a qualifying conviction or for the duration of the active protection order, whichever is applicable.

SECTION 5. SURRENDER AND STORAGE OF FIREARMS

In the San Andreas Revised Statutes, Title 18, Article 12, add Section 313, to read:

(a) A person who becomes prohibited from possessing a firearm pursuant to this section shall, within forty-eight hours:

(I) Surrender all firearms in the person's possession to a local law enforcement agency; or

(II) Transfer all firearms to a federally licensed firearms dealer or other lawful third party approved by the court, for storage for the duration of the prohibition.

(b) Proof of surrender or transfer shall be provided to the issuing court in a manner prescribed by rule or court order.

SECTION 6. PENALTIES

(a) A person who knowingly violates this section commits a Class B felony offense.

(b) Each firearm unlawfully possessed constitutes a separate offense.

SECTION 7. RULEMAKING AUTHORITY

The Department of Public Safety, in consultation with the judicial branch and local law enforcement agencies, may promulgate rules as necessary to implement this section, including procedures for firearm surrender, storage, and verification of compliance.

SECTION 8. SAFETY CLAUSE

The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

SECTION 9. EFFECTIVE DATE

This act shall take effect at 12:01 a.m. on the day following the signature from the governor.

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Benjamin Harrison
PRESIDENT OF THE SENATE

Brooklynn Suarez
SPEAKER OF THE HOUSE OF
REPRESENTATIVES

Estella A. Newman
SECRETARY OF THE SENATE

Gabriella L. Spears
CLERK OF THE HOUSE OF
REPRESENTATIVES

Isabel R. Payne
GOVERNOR OF THE STATE OF SAN ANDREAS

APPROVED

(Date and Time)

