

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

REVISED

LLS NO. 26-0703.03 Elizabeth Rivas x1915

HOUSE BILL 26-003

SENATE SPONSORSHIP

Forbes

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Bowman, Mendoza

House Committees

Public Safety & Homeland Security

Senate Committees

Justice, Public Safety & Constitutional Affairs

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 comprehensive statewide restrictions on firearm ownership and possession for individuals convicted of domestic violence or those currently under specific protection orders. Recognizing that the presence of firearms significantly elevates the risk of lethality in domestic disputes, the General Assembly has mandated

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.

that prohibited individuals may not purchase, possess, or control any firearm. These restrictions apply to both misdemeanor and felony domestic violence convictions, as well as protection orders involving credible threats of physical force, lasting for the duration of the conviction's legal term or the order's activity.

To ensure strict compliance, the legislation mandates a 24-hour window for prohibited individuals to surrender their firearms to law enforcement, a licensed dealer, or a court-approved third party. Proof of this transfer must be submitted to the court to allow for judicial oversight. Failure to comply is classified as a Class B felony, with each illegal firearm treated as an independent offense. The act takes effect immediately upon the Governor's signature, under a safety clause designated to protect public peace and safety.

1 *Be it enacted by the General Assembly of the State of San*
2 *Andreas:*
3 **SECTION 1. SHORT TITLE.** This bill shall be referred to as the
4 “Domestic Violence Firearm Prevention Act”. **SECTION 2.**
5 **LEGISLATIVE DECLARATION.** The general assembly hereby
6 finds and declares that: (a) Domestic violence presents a serious
7 and ongoing threat to the safety, health, and lives of residents of
8 the state. (b) The presence of a firearm in situations involving
9 domestic violence significantly increases the risk of serious bodily
10 injury and death to victims, family members, and responding law
11 enforcement officers. (c) Individuals who have demonstrated a
12 pattern of violent or threatening behavior toward intimate partners
13 or family members pose a heightened risk when permitted to
14 access or possess firearms. (d) Courts issue civil and criminal
15 protection orders based on specific findings of danger, credible
16 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

1 public safety objectives. (f) The general assembly further finds
2 that targeted firearm restrictions in domestic violence situations
3 are intended to protect victims while respecting lawful firearm
4 ownership by individuals not subject to protection orders or
5 domestic violence convictions. **SECTION 3. DEFINITIONS.** As
6 used in this section, unless the context otherwise requires: ~~(a)~~
7 “Domestic violence” means any act or threatened act of violence,
8 harassment, coercion, intimidation, or control against a person
9 with whom the actor has or has had an intimate relationship or
10 familial relationship, as defined by law. (a) “INTERPERSONAL
11 VIOLENCE” MEANS ANY ACT OF PHYSICAL FORCE OR
12 HARASSMENT AGAINST A PERSON WITH WHOM THE
13 ACTOR HAS A CURRENT OR FORMER ROMANTIC OR
14 HOUSEHOLD RELATIONSHIP. (b) “Firearm” means any
15 handgun, rifle, shotgun, or other weapon that will or is designed
16 to expel a projectile by the action of an explosive. (c) “Protection
17 order” means a temporary or permanent civil or criminal
18 restraining order, protection order, or similar court order issued by
19 a court of competent jurisdiction for the purpose of preventing
20 acts of domestic violence, harassment, stalking, or credible threats
21 of violence. (d) “Subject to an active protection order” means that
22 a protection order is currently in effect and has not expired, been
23 vacated, or otherwise terminated by the court of record. (e)
24 “Firearm” shall not include an antique firearm as defined under
25 federal law or a firearm rendered permanently inoperable.
26 “Firearm” shall also not include any relic, curio, or collector’s
27 item as defined by the bureau of alcohol, tobacco, firearms and
28 explosives, provided such item is kept in a secure, display-only
29 condition. **SECTION 4. PROHIBITION ON PURCHASE AND**
30 **POSSESSION OF FIREARMS.** In the San Andreas Revised
31 Statutes, Title 18, Article 12, add Section 312, to read: (a) A
32 person shall not knowingly purchase, attempt to purchase,
33 possess, or control a firearm if the person: (I) Has been convicted

1 of a misdemeanor or felony offense involving domestic violence
2 under the laws of this state, any other state, or the United States;
3 or (II) Is subject to an active protection order that includes a
4 finding of credible threat or prohibits the use, attempted use, or
5 threatened use of physical force against an intimate partner or
6 family member. ~~(b) The prohibition set forth in subsection (I) of~~
7 ~~this section applies for the duration required by law following a~~
8 ~~qualifying conviction or for the duration of the active protection~~
9 ~~order, whichever is applicable.~~ (b) Duration of Prohibition. THE
10 PROHIBITION SET FORTH IN SUBSECTION (a)(I) OF THIS
11 SECTION SHALL TERMINATE AUTOMATICALLY FIVE
12 YEARS AFTER THE DATE OF CONVICTION IF THE
13 PERSON HAS NOT COMMITTED ANY SUBSEQUENT
14 ACTS OF DOMESTIC VIOLENCE DURING THAT PERIOD.
15 (c) A person prohibited from possessing firearms under this
16 section shall be notified in writing by the issuing court of the
17 prohibition and the procedures for surrendering firearms in
18 compliance with section 18-12-313. **SECTION 5. SURRENDER**
19 **AND STORAGE OF FIREARMS.** In the San Andreas Revised
20 Statutes, Title 18, Article 12, add Section 313, to read: (a) A
21 person who becomes prohibited from possessing a firearm
22 pursuant to this section shall, within twenty-four hours: (I)
23 Surrender all firearms in the person's possession or control to a
24 local law enforcement agency; or (II) Transfer all firearms to a
25 federally licensed firearms dealer or other lawful third party who
26 does not reside with the prohibited person and who is approved by
27 the court, for storage for the duration of the prohibition. (b) Proof
28 of surrender or transfer shall be provided to the issuing court in a
29 manner prescribed by rule or court order. ~~(c) A law enforcement~~
30 ~~agency receiving surrendered firearms under this section shall~~
31 ~~provide a written receipt identifying each firearm surrendered and~~
32 ~~shall store such firearms in a secure manner.~~ (c) Storage Fees. A
33 LAW ENFORCEMENT AGENCY MAY CHARGE THE

1 PROHIBITED PERSON A REASONABLE DAILY STORAGE
2 FEE FOR ANY SURRENDERED FIREARMS. IF FEES
3 REMAIN UNPAID FOR MORE THAN ONE YEAR
4 FOLLOWING THE TERMINATION OF THE PROHIBITION,
5 THE FIREARMS SHALL BE DEEMED ABANDONED AND
6 MAY BE DISPOSED OF ACCORDING TO LOCAL POLICY.

7 (d) A person subject to firearm surrender under this Act may
8 request that surrendered firearms be transferred to a federally
9 licensed firearms dealer for lawful sale during the period of
10 prohibition. (e) Upon expiration or termination of the prohibition
11 described in Section 4 of this Act, a person may apply to the law
12 enforcement agency or third party for the return of surrendered
13 firearms provided the person is otherwise legally eligible to
14 possess firearms. (f) The court may issue a search warrant upon
15 probable cause where there is reason to believe a prohibited
16 person is in possession of firearms as required under this section.

17 (g) At the time a protection order containing firearm restrictions is
18 issued, the court shall inform the respondent of the firearm
19 surrender requirements established under this Act and the
20 deadline for compliance. (h) Law enforcement agencies serving a
21 protection order that includes firearm restrictions shall request
22 that the respondent immediately surrender any firearms in the
23 respondent's immediate possession or control at the time the order

24 is served. (h.5) UPON THE SERVICE OF A PROTECTION
25 ORDER, LAW ENFORCEMENT OFFICERS SHALL
26 PROVIDE THE RESPONDENT WITH A WRITTEN NOTICE
27 EXPLAINING THE VOLUNTARY SURRENDER PROCESS
28 AS DETERMINED BY THE DEPARTMENT OF PUBLIC
29 SAFETY. (i) A respondent subject to firearm surrender under this
30 Act shall file with the court a signed affidavit under penalty of
31 perjury confirming compliance with the surrender or lawful
32 transfer requirements. The statement must include the make,
33 model, and serial number of each surrendered firearm. The court

1 shall seal said statement, and it shall not be subject to public
2 inspection except by law enforcement or upon a showing of good
3 cause. (j) A court may schedule a compliance hearing to verify
4 that a respondent has surrendered or transferred firearms in
5 accordance with the requirements of this Act. (k) Firearms
6 surrendered pursuant to this Act shall not be destroyed unless
7 otherwise authorized by court order or unless the owner fails to
8 petition for the return of the firearms within two years after the
9 termination of the prohibition. (l) A court may authorize a
10 respondent to transfer ownership of surrendered firearms to a
11 lawful third party provided the court determines that the transfer
12 will not allow the respondent continued access to or control of the
13 firearms. **SECTION 6. PENALTIES.** (a) A person who
14 knowingly violates this section commits a Class B felony offense.
15 (b) Each firearm unlawfully possessed constitutes a separate
16 offense. (c) In determining the penalty under this section, courts
17 may consider the number of firearms involved, the duration of
18 unlawful possession, and any prior violations of protection orders.
19 (d) A person convicted under this section shall be prohibited from
20 purchasing or possessing firearms for a period of five years
21 following completion of any sentence imposed for the offense.
22 **SECTION 7. RULEMAKING AUTHORITY.** (a) The
23 Department of Public Safety, in consultation with the judicial
24 branch and local law enforcement agencies, may promulgate rules
25 as necessary to implement this section, including procedures for
26 firearm surrender, storage, and verification of compliance. (b)
27 Rules adopted under this section shall include procedures for
28 verifying compliance with firearm surrender requirements
29 imposed by protection orders. (c) The Department of Public
30 Safety shall develop standardized accessible forms for
31 documenting firearm surrender or transfer under this Act. (d) The
32 Department of Public Safety shall maintain anonymized
33 aggregated data regarding firearms surrendered pursuant to this

1 Act, including the number of protection orders requiring surrender
2 and the number of firearms transferred or seized. ~~(e) The~~
3 ~~Department of Public Safety shall submit an annual report to the~~
4 ~~General Assembly summarizing compliance rates, enforcement~~
5 ~~actions, and recommendations for improving the effectiveness of~~
6 ~~firearm surrender procedures.~~ (e) Annual Report. THE
7 DEPARTMENT OF PUBLIC SAFETY SHALL SUBMIT AN
8 ANONYMIZED SUMMARY REPORT TO THE GENERAL
9 ASSEMBLY ANNUALLY. THE REPORT SHALL BE LIMITED
10 TO THE TOTAL NUMBER OF SURRENDERED FIREARMS
11 STATEWIDE AND SHALL NOT DISCLOSE DATA BY
12 JURISDICTION OR SPECIFIC CASE TYPE. ~~(f) The~~
13 ~~Department of Public Safety shall develop training materials and~~
14 ~~protocols for law enforcement officers regarding enforcement of~~
15 ~~firearm prohibitions related to domestic violence and protection~~
16 ~~orders.~~ (f) Training Materials. THE DEPARTMENT OF PUBLIC
17 SAFETY SHALL DEVELOP TRAINING MATERIALS THAT
18 EMPHASIZE THE PROTECTION OF SECOND
19 AMENDMENT RIGHTS DURING THE SURRENDER
20 PROCESS AND THE PREVENTION OF LAW
21 ENFORCEMENT OVERREACH IN THE EXECUTION OF
22 PROTECTION ORDERS. SECTION 8. SAFETY CLAUSE.
23 The general assembly hereby finds, determines, and declares that
24 this act is necessary for the immediate preservation of the public
25 peace, health, and safety. **SECTION 9. EFFECTIVE DATE.** This
26 act shall take effect at 12:01 a.m. on the day following the
27 signature from the governor.