

AMENDED IN ASSEMBLY MARCH 28, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1363

Introduced by Assembly Member Stefani

February 21, 2025

An act to ~~amend Section 18170 of the Penal Code, relating to firearms:~~ *add Section 6380.5 to the Family Code, relating to protective orders.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1363, as amended, Stefani. ~~Firearms: gun violence restraining orders.~~ *Protective orders: Wyland's Law.*

Existing law requires each county to develop a procedure for electronically transmitting, upon the issuance of certain types of protective orders, the contents of the order and other specified information to the Department of Justice through the California Law Enforcement Telecommunications System. Existing law also requires the department to maintain a California Restraining and Protective Order System and to make specified information electronically available to court clerks and law enforcement personnel.

This bill, Wyland's Law, would require a superior court to maintain a record demonstrating that it has discharged its obligation to transmit a protective order to the Department of Justice and would require the Department of Justice to maintain a record demonstrating its receipt of the protective order, as specified. The bill would require those records to be made available to a petitioner, respondent, or protected person, or their representative, within one business day upon an oral or written request. This bill would require each superior court and the department to develop and implement an electronic form and manage an email address to facilitate the electronic submission of these requests. The bill would require a superior court and the Department of Justice to conspicuously post the form and the email address on their respective internet websites under the heading "Wyland's Law Record Request." The bill would make these records subject to disclosure under a request for a judicial administrative record or a public record request, as specified. For a case pending before January 1, 2026, the bill would make the information necessary to verify a superior court's transmission obligations under these provisions a judicial administrative record or a public record, as specified, that is not exempt from disclosure.

~~Existing law authorizes a court to issue a gun violence restraining order to prohibit a person from purchasing or possessing a firearm or ammunition for a period of one to 5 years, subject to renewal, if the subject of the petition poses a significant danger of self-harm or harm to another by having a firearm and the order is necessary to prevent personal injury to the subject of the petition or another.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Digest Key

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 6380.5 is added to the Family Code, to read:*

6380.5. (a) This section shall be known, and may be cited, as Wyland's Law.

(b) (1) A superior court shall maintain a record demonstrating it has discharged its obligation to transmit a protective order to the Department of Justice pursuant to subdivisions (a) and (b) of Section 6380, which shall include, but not be limited to, the name of the respondent, the date of issuance of the order, and the date it transmitted the order.

(2) If a superior court uses a designee to transmit a protective order to the Department of Justice pursuant to subdivisions (a) and (b) of Section 6380, the superior court shall maintain the record that the order was transmitted to Department of Justice as described in paragraph (1).

(c) The Department of Justice shall maintain a record demonstrating receipt of a protective order it received pursuant to subdivision (a) or (b) of Section 6380, which shall include, but not be limited to, the name of the respondent, the date of issuance of the order, and the date it received the order.

(d) The superior court that issued a protective order shall make a record it maintains pursuant to subdivision (b) available upon the oral or written request of a petitioner, respondent, or protected person, or their representative, within one business day or, if the request is made on the same day the order is issued, within two business days.

(e) The Department of Justice shall make a record it maintains pursuant to subdivision (c) available upon request of a petitioner, respondent, or protected person, or their representative, within one business day or, if the request is made on the same day the order is issued, within two business days.

(f) (1) Each superior court and the Department of Justice shall develop and implement an electronic form and manage an email address to facilitate the electronic submission of a request made pursuant to subdivision (d) or (e).

(2) A superior court and the Department of Justice shall post the form and email address described in this subdivision conspicuously on their respective internet websites under the heading "Wyland's Law Record Request."

(g) (1) Notwithstanding any other law, a record maintained pursuant to subdivision (b) is a judicial administrative record, as described in Rule 10.500 of the California Rules of Court, that is not exempt from disclosure.

(2) Notwithstanding any other law, a record maintained pursuant to subdivision (c) is a public record that is not exempt from disclosure in response to a public record request made pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(3) In a case pending before January 1, 2026, the information necessary to verify a superior court's transmission obligations under this section:

(A) If requested from the superior court, is a judicial administrative record, as described in Rule 10.500 of the California Rules of Court, that is not exempt from public disclosure.

(B) If requested from the Department of Justice, is a public record that is not exempt from public disclosure in response to a public record request made pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(4) This subdivision does not constitute a change in, but is declaratory of, existing law.

~~SECTION 1. Section 18170 of the Penal Code is amended to read:~~

~~18170.(a)(1) The following individuals may request that a court, after notice and a hearing, issue a gun violence restraining order enjoining the subject of the petition from having in their custody or control, owning, purchasing, possessing, or receiving a firearm or ammunition for a period of time between one to five years:~~

~~(A) An immediate family member of the subject of the petition.~~

~~(B) An employer of the subject of the petition.~~

~~(C) A coworker of the subject of the petition, if they have had substantial and regular interactions with the subject for at least one year and have obtained the approval of the employer.~~

~~(D) An employee or teacher of a secondary or postsecondary school that the subject has attended in the last six months, if the employee or teacher has obtained the approval of a school administrator or a school administration staff member with a supervisory role.~~

~~(E) A law enforcement officer.~~

~~(F) A roommate of the subject of the petition.~~

~~(G) An individual who has a dating relationship with the subject of the petition.~~

~~(H) An individual who has a child in common with the subject of the petition, if they have had substantial and regular interactions with the subject for at least one year.~~

~~(2) This chapter does not require a person described in paragraph (1) to seek a gun violence restraining order.~~

~~(b) For purposes of this subdivision, "dating relationship" has the same meaning as in paragraph (10) of subdivision (f) of Section 243.~~

~~(c) For purposes of this section, "immediate family member" means a spouse, whether by marriage or not, domestic partner, parent, child, a person related by consanguinity or affinity within the second degree, or a person related by consanguinity or affinity within the fourth degree who has had substantial and regular interactions with the subject for at least one year.~~

~~(d) For purposes of this subdivision, "roommate" means a person who regularly resides in the household, or who, within the prior six months, regularly resided in the household, and who has had substantial and regular interactions with the subject for at least one year.~~