

The Use of Gun Violence Restraining Orders (GVRs) in Domestic Violence Situations

THE RISKS OF FIREARMS IN THE HOME

Guns increase lethality in domestic violence situations. Women are five times more likely to be murdered by an abusive partner when the abuser has access to a gun.¹ In California, over 3,000 people die by gun violence each year,² and 113 people die as a result of a domestic violence homicide.³ Children exposed to violence in the home are also at an increased risk of injury, death, or emotional / psychological harm.

Additionally, access to a gun in the home increases the odds of suicide more than three-fold.⁴ Suicides comprise 54% of firearm deaths in California each year, and more than 1/3 of suicide deaths in California are by firearm.⁵ Ninety percent of individuals who attempt suicide and survive do not go on to die by suicide; however, the use of a firearm in a suicide attempt often means there is no second chance.⁶

Gun Violence Restraining Orders

WHAT IS A GUN VIOLENCE RESTRAINING ORDER?⁷

A Gun Violence Restraining Order, or a GVR, is a civil order that prohibits an individual found to be at risk of harm to self or others from purchasing, possessing, or transporting a firearm, ammunition, or magazine.

¹ Campbell JC, Webster D, Koziol-McLain J, Block C, Campbell D, Curry MA ... & Laughon K. (2003). [Risk factors for femicide in abusive relationships: results from a multisite case control study](#). *American Journal of Public Health*.

² <https://efsgv.org/state/california/> (5 year average, 2014-2019).

³ <https://www.disarmdv.org/state/california/?sec=numbers> (10 year average, 2010-2019).

⁴ Anglemeyer A, Horvath T, & Rutherford G. (2014). [The accessibility of firearms and risk for suicide and homicide victimization among household members: A systematic review and meta-analysis](#). *Annals of Internal Medicine*.

⁵ <https://preventfirearmsuicide.efsgv.org/states/california/>

⁶ <https://preventfirearmsuicide.efsgv.org/about-firearm-suicide/overview/>

⁷ Cal. Penal Code § 18100.

WHAT TYPES OF GVROs ARE THERE AND HOW LONG DO THEY LAST?

There are three types of GVROs:

- (1) temporary emergency GVROs,
- (2) ex parte GVROs, and
- (3) GVROs After Notice and Hearing.

Emergency and ex parte GVROs last no longer than 21 days. A GVRO After Notice and Hearing lasts 1 to 5 years.

WHAT PROTECTIONS CAN A GVRO PROVIDE?

A GVRO is focused solely on access to firearms – it prohibits the individual from purchasing, possessing, or transporting a firearm, ammunition, or magazine. When a GVRO is served, all firearms, ammunition, and magazines must be surrendered to law enforcement immediately. If no request is made by the law enforcement officer, the respondent shall surrender all firearms and ammunition within 24 hours to the control of the local law enforcement agency, to a licensed firearms dealer, or by selling such firearms and ammunition to a licensed firearms dealer. Law enforcement may also seek a warrant to search for and seize firearms and ammunition unlawfully possessed by the subject of a GVRO.

A GVRO will not, among other things, order the individual to:

- stop abusing you;
- stop contacting you or your family;
- leave your house;
- participate in treatment, counseling, or other programs;
- pay child support.

WHO CAN GET A GVRO?

Only law enforcement may petition for an emergency GVRO.

The following individuals may petition for an ex parte GVRO or a GVRO After Hearing:

- Law enforcement;
- Family or household members;
- Employers;
- A coworker who has substantial and regular interactions with the person and approval of their employer; and
- An employee or teacher of a secondary or postsecondary school with the approval of a school administrator or a school administration staff member with a supervisory role that the person has attended in the last six months.