



Written by [Raven Clabough](#) on October 2, 2014

California Governor Signs New Gun Restraining Order Law

California Governor Jerry Brown has signed legislation making California the first state to allow family members to ask a judge to remove firearms from a relative who appears to be a threat to themselves or to others. The bill was inspired by 22-year-old Elliot Rodger, who killed six people on May 23 in a rampage in Isla Vista, California, before taking his own life. Rodger's parents had stated that they had made multiple attempts to seek help for their troubled son with no success.



The measure, known as AB1014, is similar to those found in Connecticut, Indiana, and Texas that allow law enforcement to seek a judge's order allowing them to seize guns from people they deem to be dangerous. The California law does the same but extends that right to family members.

The California bill states that whoever seeks the restraining order will be required to sign an affidavit under oath, and would be charged with a misdemeanor if found to be lying. Within two weeks of the restraining order being granted, a court hearing is held that would allow the gun owner an opportunity to defend him- or herself. The restraining order is valid up for up to one year.

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Several Republican senators spoke against the bill, pointing to measures already in place to keep guns away from dangerous and unstable people. Critics added that the bill infringes on the Second Amendment rights of American citizens.

But supporters of the bill claim it could have prevented Rodger's killings. "In the case of the Isla Vista shooter, Elliot Rodger, his mother was noticing that he was becoming more agitated and making these threats of violence, but there was little she could do and little the police could do," said Democratic Assembly member Nancy Skinner of Berkeley, who introduced the bill with Santa Barbara Democrat Das Williams.

Weeks before Rodger's shooting, his parents had sought the help of Santa Barbara County mental health officials. Likewise, sheriff's deputies had made contact with Rodger, though they did not check that he owned guns, and ultimately determined that he was not a threat to himself or others.

Fox News added, "Elliot Rodger later wrote that had deputies searched his room, they might have found guns that police said he used to shoot three people after stabbing to death three others." It is for this reason that Senator Hannah-Beth Jackson (D-Santa Barbara) also introduced SB505, which would require law enforcement to develop policies that encourage officers to search state databases of gun purchases during routine welfare checks.

Elliot Rodger's parents welcome the new bills. "If both of these laws had been in place on May 23, things could have been very different," Rodger's father, Peter Rodger, said in a statement Tuesday night. "California, today, is a safer state because of this legislation. Let's hope other states follow."

Other advocates for the bill claim it could reduce the number of suicides. "There are many situations



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where family members or law enforcement feel that the person does have a degree of dangerousness or that they pose a risk to themselves or others by possessing a firearm,” said Amanda Wilcox, an advocate for the Brady Campaign to Prevent Gun Violence. “This is really a way to reduce the number of suicides when a family member can initiate this.”

But some have articulated concerns that such bills fail to do what they intend, and instead serve to impinge upon the rights of law-abiding gun owners. “Our concern is not so much what they intended to do; our concern is with the method they put in place to address people with mental or emotional issues,” said Sam Paredes, executive director of Gun Owners of California. “We think this just misses the mark and may create a situation where law-abiding gun owners are put in jeopardy.”

Gun rights advocates said that the firearm restraining orders would do little to prevent mass shootings such as the one that inspired the bill and would more likely deny some Californians of their right to defend themselves, even if they had not committed a crime.

“Every one of us wants to prevent a mass shooting,” said Tim Donnelly, a California assemblyman and gun rights proponent. “The question is: Would this bill stop that? I don’t believe you can ever stop that with laws. I don’t believe you can legislate evil out of the hearts of men.”

According to the NRA, family members and authorities would be better off seeking assistance under mental health and domestic violence laws that are already in existence and rarely used. NRA spokeswoman Catherine Mortensen remarked on the gun restraining order law, “It’s giving people a false sense of security. This new law will not ensure that they will get any kind of mental health treatment.” Her critique has merit: Rodger killed three people with a knife before using a gun, and there are lots of items that can be used to commit mass murder, such as motor vehicles. Too, a large preponderance of crimes are committed by people who obtain their guns illegally.

Meanwhile, other states have already begun to follow suit. Democratic Assemblyman Brian Kavanagh of New York said Tuesday that he will introduce legislation similar to that in California, while a similar effort is reportedly underway in Washington D.C. And Skinner states that Illinois and Oregon, among other states, have reached out to her with inquiries.

Critics contend that the restraining order bill will not withstand a legal challenge, though it is uncertain whether the law will be challenged in court or at the ballot box, reports the Associated Press.

In addition to SB505 and AB104, Brown also signed a bill on Tuesday that requires BB guns and pellet guns to be brightly colored or otherwise marked so that law-enforcement officers may distinguish them from deadly firearms. This bill follows the shooting of a 13-year-old Northern California boy by a sheriff’s deputy who mistook the boy’s pellet gun for an assault weapon.



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