

ASSEMBLY BILL

No. 238

**Introduced by Assembly Member Gomez
(Coauthors: Assembly Members Bonilla, Brown, Fox, Maienschein,
and Quirk-Silva)**

February 5, 2013

An act to amend Section 6271 of, and to repeal Section 6273 of, the Family Code, relating to protective orders.

LEGISLATIVE COUNSEL'S DIGEST

AB 238, as introduced, Gomez. Protective orders: California Restraining and Protective Order System.

Existing law requires that the Department of Justice maintain a computer database system, known as the California Restraining and Protective Order System, for protective and restraining orders and injunctions and make that information available to court clerks and law enforcement personnel. Existing law requires that a law enforcement officer who requests an emergency protective order carry copies of the order while on duty.

This bill would delete the requirement that a law enforcement officer who requests an emergency protective order carry copies of the order while on duty. The bill would instead require that a law enforcement officer who requests an emergency protective order enter that order into the California Restraining and Protective Order System within 2 hours of the issuance of the order. By imposing additional duties on law enforcement officers, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6271 of the Family Code is amended to
2 read:

3 6271. A law enforcement officer who requests an emergency
4 protective order shall do all of the following:

5 (a) Serve the order on the restrained person, if the restrained
6 person can reasonably be located.

7 (b) Give a copy of the order to the protected person or, if the
8 protected person is a minor child, to a parent or guardian of the
9 endangered child who is not a restrained person, if the parent or
10 guardian can reasonably be located, or to a person having
11 temporary custody of the endangered child.

12 (c) File a copy of the order with the court as soon as practicable
13 after issuance.

14 (d) *Enter the order into the California Restraining and*
15 *Protective Order System within two hours of the issuance of the*
16 *order.*

17 SEC. 2. Section 6273 of the Family Code is repealed.

18 ~~6273. A law enforcement officer who requests an emergency~~
19 ~~protective order shall carry copies of the order while on duty.~~

20 SEC. 3. If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.

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