SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN DIEGO

GUN VIOLENCE EMERGENCY PROTECTIVE ORDER RESPONDENT PACKET



FORMS INCLUDED IN THIS PACKET			
How Can I Respond to a Gun Violence Emergency Protective Order?	Judicial Council Form #GV-020-INFO		
Response to Gun Violence Emergency Protective Order	Judicial Council Form #GV-020		
Proof of Service by Mail	Judicial Council Form #GV-025		
Consent to Gun Violence Restraining Order and Surrender of Firearms	Judicial Council Form #GV-125		
How to Turn in Firearms, Firearms Parts, and Ammunition	SDSC Form #ADM-438		
How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, Ammunition, and Magazines?	Judicial Council Form #GV-800-INFO		
Receipt for Firearms, Firearm Parts, Ammunition, and Magazines	Judicial Council Form #GV-800		

What is a *Gun Violence Emergency Protective Order* (form EPO-002)?

It is a court order requested by law enforcement that prohibits someone from having any of the following prohibited items:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531) (these may also be called "ghost guns");
- o Ammunition; and

GV-020-INFO

• Magazines (any ammunition feeding device).

The person must turn in, sell, or store all prohibited items listed above that they currently own.

For more information about prohibited items, please see <u>https://selfhelp.courts.ca.gov/restraining-orders/</u> prohibited-items.

Who can ask for a gun violence emergency protective order?

The gun violence emergency protective order must have been requested by a law enforcement officer and was issued by a judicial officer based on the statements made under penalty of perjury in the protective order.

I've been served with a *Gun Violence Emergency Protective Order* (form EPO-002) and a *Notice of Court Hearing*. What do I do now?

Read the papers served on you very carefully. The *Notice* of *Court Hearing* or form EPO-002 tells you when to appear for court and where the court is located. If you want to attend the hearing remotely, such as by phone or videoconference, check your local court's website for instructions and availability. Follow the *Gun Violence Emergency Protective Order* (form EPO-002) prohibiting you from having any prohibited items listed above and requiring you to surrender, sell, or store any prohibited items that you currently own or possess. You must obey the order until the expiration date on the form.



What if I don't obey the emergency protective order?

The police can arrest you. You can go to jail and pay a fine. You may also be prohibited for a longer period of time from having access to firearms, firearm parts, ammunition, and magazines.

What if I don't want the order to be extended?

If you disagree with the order that has been issued and do not want the court to extend it for a longer time, fill out *Response to Gun Violence Emergency Protective Order* (form GV-020), before your hearing date. File the form with the court and serve it on the requesting law enforcement agency. You can get the form from legal publishers or from the California Courts website at <u>www.courts.ca.gov/forms</u>. You also may be able to find it at your local courthouse or county law library.

Will I have to pay a filing fee?

No.

Do I have to serve the other person with a copy of my response?

Yes. Have someone age 18 or older—**not you**—mail a copy of the completed *Response to Gun Violence Emergency Protective Order* (form GV-020) to the law enforcement agency that issued the *Gun Violence Emergency Protective Order* (form EPO-002). (This is called "service by mail.")

The person who serves the form by mail must fill out <u>*Proof of Service by Mail* (form GV-025)</u>. Have the person who did the mailing sign the original form GV-025. Take the completed form back to the court clerk or bring it with you to the hearing.

GV-020-INFO

Should I attend the court hearing?

Yes. You should attend the hearing listed on the *Notice of Court Hearing* or the *Gun Violence Emergency Protective Order* (form EPO-002). You can do so remotely, such as by telephone or videoconference, or go to court in person. If you do not attend the hearing, the judge can extend the order against you for a period of time between 1–5 years without hearing from you.

Can I attend the court hearing remotely, such as by telephone or videoconference?

Yes. Remote appearances are permitted for parties and witnesses. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find at <u>www.courts.ca.gov/find-my-court.htm</u>.

Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. (You can use <u>Declaration (form MC-030)</u> for this purpose.)

Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

How long does the order last?

The *Gun Violence Emergency Protective Order* (form EPO-002) will last until the expiration date listed on the front of the form in item 3. The court will decide at the hearing whether to issue a gun violence restraining order that can last for a period of time between 1–5 years.



Will I see the person who asked for the court order at the court hearing?

It's possible the law enforcement officer may appear at the court hearing.



What if I need help to understand English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form <u>INT-300</u>, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>selfhelp.courts.ca.gov/</u> <u>request-interpreter</u>.

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form <u>MC-410</u>, <u>Disability</u> <u>Accommodation Request</u>, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form <u>MC-410-INFO</u>, <u>How to</u> <u>Request a Disability Accommodation for Court</u>.

For help in your area, contact:

[Local information may be inserted.]

Response to Gun Violence Clerk stamps date here when form is filed. **GV-020 Emergency Protective Order** Use this form if you do not want the court to extend the Gun Violence Emergency Protective Order for a period of time between 1–5 years. 1. Read How Can I Respond to a Gun Violence Emergency Protective Order? (form GV-020-INFO) to protect your rights. 2. Fill out this form and take it to the filing window at the court. 3. Have someone age 18 or older-not you-mail a copy of this form Fill in court name and street address: and any attached pages to the law enforcement agency that applied for Superior Court of California, County of San Diego CENTRAL DIVISION, HALL OF JUSTICE the Gun Violence Emergency Protective Order (form EPO-002). (Use 330 W. BROADWAY, SAN DIEGO CA 92101 *Proof of Service by Mail* (form GV-025).) EAST COUNTY DIVISION 250 E. MAIN ST., EL CAJON, CA 92020 □ NORTH COUNTY DIVISION **Requesting Agency or Officer** 1) 325 S. MELROSE DR., VISTA, CA 92081 (A petition may be filed in the name of the law enforcement agency in SOUTH COUNTY DIVISION 500 3RD AVE., CHULA VISTA, CA 91910 which the officer is employed.) See Notice of Hearing for case number and fill in: Case Number: **Restrained Person** 2 a. Your Name: Your Lawyer *(if you have one for this case):* Name: _____ State Bar No.:___ Firm Name: Be prepared to tell the court at the hearing why you don't agree. Write your hearing date, time, and b. Your Address (If you have a lawyer, give your lawyer's place from the Notice of Hearing or *Gun Violence* information. You do not have to give telephone, fax, or Emergency Protective Order (form EPO-002) here: email address.) Hearing → Date: _____ Time: _____ Address: Date J Dept.: Room: City: _____ State: Zip: _____ You must obey the *Gun Violence Emergency* Telephone: _____ Fax: _____ **Protective Order until the expiration date.** At Email Address: the hearing, the court may make an order against you for a period of time between 1-5 years. Gun Violence Restraining Order 3 \Box I do not agree that a gun violence restraining order should be extended for 1–5 years *(explain)*:

Check here if there is not enough space above for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 3—Reasons I Disagree" as a title. You may use form MC-025, Attachment.

Judicial Council of California, <u>www.courts.ca.gov</u> Rev. January 1, 2024, Mandatory Form Penal Code, § 18170 et seq. Response to Gun Violence Emergency Protective Order (Gun Violence Prevention)

(4)		Denial, Justification, or Excuse
		I did not do anything described in item 7 of form EPO-002.
		If I did some of the things stated in the Gun Violence Emergency Protective Order, my actions were justified or excused for the following reasons <i>(explain):</i>
		Check here if there is not enough space above for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 4—Denial, Justification, or Excuse" as a title. Use form MC-025, Attachment.
5	Fi	rearms (Guns), Firearm Parts, Ammunition, and Magazines
	fra 16 so. an for a. b.	 ames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 5531). You must turn over any of these items in your possession to law enforcement when they ask you to do a. If not asked, you must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, by of the above listed items in your immediate possession or control within 24 hours of being served with rm EPO-002. You must file a receipt with the court and the law enforcement agency. You may use <i>Receipt r Firearms, Firearm Parts, Ammunition, and Magazines</i> (form GV-800) for the receipt. I do not own or control any firearms (guns), firearm parts, ammunition, or magazines to a law enforcement officer or agency, or sold them to or stored them with a licensed gun dealer. A copy of the receipt is attached has already been filed with the court and the law enforcement agency.
6		amber of pages attached to this form, if any:
		Lawyer's name (if any)
		leclare under penalty of perjury under the laws of the State of California that the information above and on attachments is true and correct.
	Da	ate:
		Type or print your name Sign your name
Rev. Jai	nuary	1, 2024 Response to Gun Violence GV-020, Page 2 of 2 Emergency Protective Order (Gun Violence Prevention)

	GV-025	Proof of Service	e by Mail	Clerk stamps date here when form is filed.
·	e this form for serv ergency Protective	<i>ing form GV-020</i> , Respon Order)	ase to Gun Violence	—
(1)	Requesting A	gency		
Ŭ	Full Name:			_
(2)	Restrained Pe	erson		
\bigcirc	Full Name:			_
3	 where the mail Not be a party Mail a copy of in (4) to the ag 	age or older. bloyed in the county ling took place. to the case. all documents checked gency in 1 . sign this form and give		Fill in court name and street address: Superior Court of California, County of San Diego CENTRAL DIVISION, HALL OF JUSTICE 330 W. BROADWAY, SAN DIEGO CA 92101 EAST COUNTY DIVISION 250 E. MAIN ST., EL CAJON, CA 92020 NORTH COUNTY DIVISION 325 S. MELROSE DR., VISTA, CA 92081 SOUTH COUNTY DIVISION 500 3RD AVE., CHULA VISTA, CA 91910 Fill in case number: Case Number:
(4)	PROOF OF SE	RVICE BY MAIL		
			y a copy of all documents of the Emergency Protective C	
5	I placed copies of	the documents above in a	•	ed them as described below:
5	I placed copies of a. Mailed to <i>(nan</i>	the documents above in a <i>ne</i>):		ed them as described below:
5	I placed copies of a. Mailed to <i>(nan</i> Law enforcem b. To this address	the documents above in a ne):	a sealed envelope and mail	ed them as described below:
5	I placed copies of a. Mailed to <i>(nan</i> Law enforcem b. To this address City:	the documents above in a ne):	a sealed envelope and mail	ed them as described below: Zip:
5	I placed copies of a. Mailed to <i>(nam Law</i> enforcem b. To this address City: c. On <i>(date)</i> :	the documents above in a ne):	a sealed envelope and mail	ed them as described below:
5	I placed copies of a. Mailed to <i>(nan</i> Law enforcem b. To this address City: c. On <i>(date)</i> : Server's Infor	the documents above in a <i>ne</i>):	a sealed envelope and mail	ed them as described below: State:
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\bigcirc	I placed copies of a. Mailed to (nam Law enforcem b. To this address City: c. On (date): Server's Infor Name: Address: City: (If you are a registra I declare under per correct.	the documents above in a ne):	A sealed envelope and mail Mailed from City: Regis laws of the State of Califo	ed them as described below: State:

Proof of Service by Mail (Gun Violence Prevention)

Consent to Gun Violence Restraining Clerk stamps date here when form is filed. GV-125 **Order and Surrender of Firearms** Use this form if you have been served with a Petition for Gun Violence Restraining Order (form GV-100) and you want to agree to voluntarily give up your firearm rights without a court hearing. Fill out this form and take it to the court clerk. Have someone age 18 or older—not you—mail a copy of this form and any attached pages to the Petitioner or to their lawyer. (Use Proof of Service by Mail (form GV-250).) Fill in court name and street address: If you do not agree to a gun violence restraining order, use Response Superior Court of California, County of San Diego to Petition for Gun Violence Restraining Order (form GV-120) to tell CENTRAL DIVISION, HALL OF JUSTICE the court you oppose a gun violence restraining order. 330 W. BROADWAY, SAN DIEGO CA 92101 EAST COUNTY DIVISION 250 E. MAIN ST., EL CAJON, CA 92020 □ NORTH COUNTY DIVISION Petitioner 1 325 S. MELROSE DR., VISTA, CA 92081 SOUTH COUNTY DIVISION Name of person or law enforcement agency seeking order (see form 500 3RD AVE., CHULA VISTA, CA 91910 *GV-100, item* (1)): See Petition for case number and fill in: Case Number: Respondent 2 a. Your Name: Your Lawyer *(if you have one for this case):*
 Name:

State Bar No.: Firm Name: b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.) Address: City:_____ State:___ Zip:_____ Telephone: _____ Fax: _____ Email Address:



Gun Violence Restraining Order

- By checking this box and signing this form, I agree to give up my right to own, possess, or purchase firearms (guns), firearm parts, magazines, and ammunition for the time requested in the petition (between one to five years) or, if no time is specified, then for one year. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).
- I am not contesting the petition.
- I understand that the petitioner can request to renew this order for one to five years.
- I understand that I can only request to terminate this order once per year while it is in effect.

4) Firearms (Guns), Firearm Parts, Ammunition, and Magazines

- After you file this form, the court will issue a *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order* (form GV-130) and send it to you and the petitioner in the mail.
- This form will be listed in the statewide California Restraining and Protective Order System, where it will be accessible to all law enforcement.
- You cannot own or possess any guns, other firearms (guns), firearm parts, ammunition, or magazines. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, those items in your immediate possession or control within 48 hours of filing this form. You must file a receipt with the court. You may use *Receipt for Firearms, Firearm Parts, Ammunition, and Magazines* (form GV-800) for the receipt.
- a. 🗌 I do not own or control any firearms (guns), firearm parts, ammunition, or magazines.
- b. I have turned in my firearms (guns), firearm parts, ammunition, and magazines to a law enforcement officer or agency, or sold them to or stored them with a licensed gun dealer. A copy of the receipt is attached. I has already been filed with the court.

Instructions to Clerk

- On the filing of *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125), submit the proposed order, *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order* (form GV-130) to the judicial officer, because the court must issue the order at least five court days before the scheduled hearing, or if this form is filed within five court days before the scheduled hearing, the gun violence restraining order, as soon as possible.
- Within one business day of issuance of the order, submit this form directly into the California Restraining and Protective Order System (CARPOS) or to law enforcement to enter into CARPOS within one business day of receipt from the court.

Date:			
	awyer's name (if any)		
	uwyer's name (ij uny)	Lawyer's sign	ature
	benalty of perjury under the laws of the Sta s true and correct.	te of California that the information	above and on
Date:		•	
Ty	vpe or print your name	Sign your no	ame
January 1, 2024	Consent to Gun Violence Surrender o (Gun Violence	f Firearms	GV-125, Page 2 of 2

Rev.





HOW TO TURN IN FIREARMS, FIREARM PARTS, AND AMMUNITION

If the court issues a restraining or protective order against you, you are prohibited from owning, possessing, or buying firearms, firearm parts, and ammunition ("Prohibited Items"). <u>You must act quickly</u>. Upon request from law enforcement, you must immediately surrender your Prohibited Items. Otherwise, you have **24 hours** from the time you received the court's order to turn in ("relinquish") your Prohibited Items and **48 hours** from the time you received the court's order to file proof with the court. Do not bring your Prohibited Items to the courthouse.

Options for Relinquishing Prohibited Items

Option 1: Sell them to, or store them with, a federally licensed gun dealer

You can find a gun dealer in your area by searching online. Make sure the dealer you choose is federally licensed.

Option 2: Turn them in to a local law enforcement agency

Call the San Diego County Sheriff's Office or the police department where you live. Tell them a restraining or protective order was issued against you and you need to turn in your Prohibited Items. Listen to and follow carefully the instructions given to you by law enforcement. They may ask you for: (1) a description of you and your car, (2) your ID, and (3) a copy of the court order requiring relinquishment. They may share with you the following general safety instructions:

- Your firearm(s) must be unloaded.
- Place the Prohibited Items in the trunk of your car and lock your trunk. If you do not have a trunk, lock your firearm in a container and put it in the back of your vehicle out of arm's reach. Do not put it in your glove compartment. (Pen. Code, § 16850)
- Drive straight to the law enforcement agency. Do not stop anywhere else.
- Call the agency when you get there. They will tell you what to do. If you do not have a cell phone, leave the firearm inside of your car and go inside of the agency office and ask for instructions.

Do not call 911. Use the local law enforcement nonemergency numbers below:

Carlsbad Police Dept.	(442) 339-2197
Chula Vista Police Dept.	(619) 691-5151
Coronado Police Dept.	(619) 522-7350
El Cajon Police Dept.	(619) 579-3311
Escondido Police Dept.	(760) 839-4722, or
	(760) 839-4740, #2
La Mesa Police Dept.	(619) 667-1400
National City Police Dept.	(619) 336-4411
Oceanside Police Dept.	(760) 435-4900
San Diego Police Dept.	(619) 531-2000, or
	(858) 484-3154
San Diego Sheriff's Office	(858) 868-3200

How to File Proof with the Court

You have 48 hours from the time you received the restraining order to file proof of relinquishment with the court. You can use JC Form

#CH/DV/EA/GV/SV/WV-800 for this purpose. Bring it with you to the gun dealer or law enforcement agency and ask them to complete the relevant portions. Or obtain a receipt from the agency or dealer.

Bring the original and one copy of JC Form #CH/DV/EA/GV/SV/WV-800 or your receipt to the courthouse where the order was issued. The clerk will file the original, stamp your copy, and return the stamped copy to you for your records.

Questions?

JC Form #CH/DV/EA/GV/SV/WV-800-INFO provides answers to frequently asked questions about firearm relinquishment.

What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531) (these may also be called "ghost guns");
- Ammunition, also called ammo, including bullets, shells, cartridges, and clips; and
- Magazines (any ammunition feeding device, whether fixed or removable).

How do I properly turn in, sell, or store the prohibited items?

You must take them to:

• Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

A licensed gun dealer, who can buy or store firearms. If you have firearms parts, ammunition, or magazines, call ahead for more information.

When do I have to turn in, sell, or store the prohibited items?

Immediately if law enforcement asks you for the items. Otherwise, within 24 hours.

Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for "Gun Dealers" or "Firearms Dealers" to find one. Make sure the dealer is licensed.

Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

Do not bring firearms to court.

If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms, ammunition, and magazines to a licensed gun dealer. To do this, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the items that you are selling.

Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court and the law enforcement agency showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use <u>Receipt for Firearms, Firearm Parts,</u> <u>Ammunition, and Magazines (form GV-800)</u> for this purpose.

Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

Information about prohibited items and how to obey these orders is also available online. https://selfhelp.courts.ca.gov/respond-to-GV-restrainingorder/obev-firearms-orders.

For help in your area, contact:

[Local information may be inserted.]

Judicial Council of California, www.courts.ca.gov Rev. January 1, 2024, Optional Form Penal Code, § 18120

court name and street address: rior Court of California, County of Sa CENTRAL DIVISION, HALL OF JUSTICE 330 W. BROADWAY, SAN DIEGO CA 92 EAST COUNTY DIVISION 250 E. MAIN ST., EL CAJON, CA 92020 NORTH COUNTY DIVISION 325 S. MELROSE DR., VISTA, CA 92081
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SOUTH COUNTY DIVISION 500 3RD AVE., CHULA VISTA, CA 91910
fills in case number when form is file
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properly turn in your items, rearts, Ammunition, and Magazi
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Case Number:

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License nui	mber:					
Address:						
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☐ Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write "GV-800, item 6" at the top, and attach it to this form.

7) To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns), firearm parts, ammunition, or magazines?

🗌 No

- ☐ Yes (If yes, check one of the boxes below:)
 - a. I filed a *Receipt of Firearms, Firearm Parts, Ammunition, and Magazines* (form GV-800) or other proof for those items with the court on *(date)*:
 - b. 🗌 I am filing the proof for those firearms (guns), firearm parts, ammunition, or magazines along with this proof.
 - c. I have not yet filed the proof for the other firearms (guns), firearm parts, ammunition, or magazines. *(Explain why not):*

Your signature

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

Type or print your name

Sign your name

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- If law enforcement served you with the restraining order, give a copy to the law enforcement agency that served you with the restraining order.
- Keep a copy for yourself.

Note that failure to file a receipt with the court and with the law enforcement agency is a violation of the court's order.