

Fiscal Estimate Narratives

DA 10/22/2015

LRB Number	15-3215/1	Introduction Number	AB-0395	Estimate Type	Original
Description Lethal violence protective temporary restraining orders and injunctions and providing a criminal penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person may not possess a firearm and must surrender any firearm they possess if they are subject to a domestic abuse injunction, a child abuse injunction, or certain harassment injunctions. This bill creates a lethal violence protective temporary restraining order and a lethal violence protective injunction, which may be issued based on a petition filed by a law enforcement officer or a family or household member of the respondent. The court must find reasonable grounds to believe the respondent is substantially likely to injure himself or herself or another person if the respondent possesses a firearm.

Prosecutors provided differing points of view regarding this bill. Some indicated a desire to support the bill, and anticipated there would not be a significant effect on their office's workload. Others, however, stated that the court may issue an injunction if it finds "reasonable grounds" to believe the respondent may harm himself/herself or others. This very low burden of proof could affect many people, particularly in rural parts of the State where many citizens own guns, and impose a significant hardship on DA offices due to the number of cases that could occur.

Because prosecutors did not come to an agreement about this bill, and because the potential number of violations of the bill is unknown, a fiscal estimate is indeterminate.

Long-Range Fiscal Implications

As stated above, a long-term fiscal estimate is indeterminate.