

ASSEMBLY BILL

No. 3053

**Introduced by Committee on Judiciary (Jones (Chair), Evans,
Feuer, Krekorian, Laird, Levine, and Lieber)**

February 28, 2008

An act to amend Section 2013 of, and to add Section 6390 to, the Family Code, relating to domestic relations.

LEGISLATIVE COUNSEL'S DIGEST

AB 3053, as introduced, Committee on Judiciary. Domestic relations.

Existing law establishes procedures related to proceedings for dissolution of marriage, nullity of marriage, and legal separation, as specified. Existing law, the Collaborative Family Law Act, allows the parties to those proceedings, by written agreement, to use a collaborative law process, as defined, rather than an adversarial judicial proceeding to resolve those disputes.

This bill would direct the court to refrain from requiring court appearances inconsistent with the parties' agreement absent good cause.

Existing law makes it either a misdemeanor or a felony for a person with a misdemeanor conviction for domestic violence to own or possess a firearm within 10 years of the domestic violence conviction, as specified. Under existing law, if a person employed as a peace officer is prohibited from possessing a firearm as a result of a domestic violence conviction and his or her livelihood depends on his or her ability to legally possess a firearm, then the person may petition the court for relief from the firearm prohibition, as specified.

Existing law also provides that any person who willfully inflicts corporal injury resulting in a traumatic condition upon a person with whom he or she has a specified familiar relationship shall be punished

by imprisonment in the state prison for 2, 3, or 4 years, or in a county jail for not more than one year, or by a fine of up to \$6,000, or by both that fine and imprisonment.

This bill would provide that a person who has been convicted of a misdemeanor violation of the latter provision shall not own, possess, purchase, or receive a firearm, notwithstanding the exception otherwise applicable to a peace officer.

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

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

1 SECTION 1. Section 2013 of the Family Code is amended to
2 read:

3 2013. (a) If a written agreement is entered into by the parties,
4 the parties may utilize a collaborative law process to resolve any
5 matter governed by this code over which the court is granted
6 jurisdiction pursuant to Section 2000.

7 (b) “Collaborative law process” means the process in which the
8 parties and any professionals engaged by the parties to assist them
9 agree in writing to use their best efforts and to make a good faith
10 attempt to resolve disputes related to the family law matters as
11 referenced in subdivision (a) on an agreed basis without resorting
12 to adversary judicial intervention.

13 (c) *The court shall refrain from requiring court appearances*
14 *inconsistent with the parties’ agreement pursuant to subdivision*
15 *(a) unless it finds good cause for doing so.*

16 SEC. 2. Section 6390 is added to the Family Code, to read:

17 6390. Notwithstanding Section 12021 of the Penal Code, a
18 person who has been convicted of a misdemeanor violation of
19 Section 273.5 of the Penal Code shall not own, possess, purchase,
20 or receive a firearm.