

**ASSEMBLY BILL**

**No. 225**

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**Introduced by Assembly Member Melendez**

February 3, 2015

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An act to amend Section 18200 of the Penal Code, relating to gun violence restraining orders.

LEGISLATIVE COUNSEL'S DIGEST

AB 225, as introduced, Melendez. Gun violence restraining orders: offenses.

Existing law makes it a misdemeanor to file a petition for an ex parte gun violence restraining order or a gun violence restraining order issued after notice and a hearing knowing the information in the petition to be false or with the intent to harass.

This bill would instead provide that it is perjury, a felony punishable by imprisonment in the county jail for 2, 3, or 4 years, to file a petition for one of those gun violence restraining orders knowing the information in the petition to be false. By increasing the penalty for existing crimes, this 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 no reimbursement is required by this act for a specified reason.

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 18200 of the Penal Code is amended to  
2 read:

3 18200. (a) Every person who files a petition for an ex parte  
4 gun violence restraining order pursuant to Chapter 3 (commencing  
5 with Section 18150) or a gun violence restraining order issued  
6 after notice and a hearing pursuant to Chapter 4 (commencing with  
7 Section 18170), ~~knowing the information in the petition to be false~~  
8 ~~or~~ with the intent to harass, is guilty of a misdemeanor.

9 (b) *Every person who files a petition for an ex parte gun violence*  
10 *restraining order pursuant to Chapter 3 (commencing with Section*  
11 *18150) or a gun violence restraining order issued after notice and*  
12 *a hearing pursuant to Chapter 4 (commencing with Section 18170),*  
13 *knowing the information in the petition to be false, is guilty of*  
14 *perjury and punishable pursuant to Section 126.*

15 SEC. 2. No reimbursement is required by this act pursuant to  
16 Section 6 of Article XIII B of the California Constitution because  
17 the only costs that may be incurred by a local agency or school  
18 district will be incurred because this act creates a new crime or  
19 infraction, eliminates a crime or infraction, or changes the penalty  
20 for a crime or infraction, within the meaning of Section 17556 of  
21 the Government Code, or changes the definition of a crime within  
22 the meaning of Section 6 of Article XIII B of the California  
23 Constitution.