



Friday, September 7, 2018

The Honorable Governor Edmund G. Brown
State Capitol, Suite 1173
Sacramento, CA 95814

Assembly Bill 2888 – Request for VETO

Dear Governor Brown,

I write you today on behalf of Firearms Policy Coalition, a fiercely non-partisan nonprofit organization that promotes individual liberty and sound public policy through litigation, research, education, grassroots outreach, and direct advocacy.

Here we go again. For the second time in two sessions, Assemblymember Phil Ting has brought you a bill that would radically and dangerously expand California's Gun Violence Restraining Order ("GVRO") statutes by allowing a broad array of individuals to seek a GVRO on an *ex parte* basis. By expanding the process by which a person may be deprived of both liberty and property without notice and an opportunity to be heard, the bill threatens rights secured by the Due Process Clause of the Fifth Amendment. Because "[t]he right to prior notice and a hearing is central to the Constitution's command of due process," *United States v. James Daniel Good Real Property*, 510 U.S. 43, 53 (1993), the "general rule" is "that individuals must receive notice and an opportunity to be heard before the Government deprives them of property." *Id.* at 48.

And yet AB 2888 would authorize a vague and amorphous group of people ("employer," "coworker," or "employee" of a school that the subject has attended) to seek a GVRO without warning, and without a professional opinion or evaluation. Citizens cannot be denied their constitutional rights based on secret proceedings.

Two years ago, you vetoed Assemblymember Ting's last attempt to expand the GVRO regime, noting that "it would be premature to enact a further expansion." That remains the case today.

We respectfully ask for your veto of Assembly Bill 2888.

Sincerely,

Brandon Combs
President