



General Assembly

Substitute Bill No. 1401

January Session, 2001

**AN ACT CONCERNING RESTRAINING AND PROTECTIVE ORDERS
IN FIREARMS CASES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (e) of section 46b-15 of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (e) The applicant shall cause notice of the hearing pursuant to
4 subsection (b) of this section and a copy of the application and of any
5 ex parte order issued pursuant to subsection (b) of this section to be
6 served on the respondent not less than five days before the hearing.
7 Upon the granting of an ex parte order, the clerk of the court shall
8 provide two certified copies of the order to the applicant and a copy to
9 the Family Division. Upon the granting of an order after notice and
10 hearing, the clerk of the court shall provide two certified copies of the
11 order to the applicant and a copy to the Family Division and a copy to
12 the respondent. Every order of the court made in accordance with this
13 section after notice and hearing shall contain the following language:
14 "This court had jurisdiction over the parties and the subject matter
15 when it issued this protection order. Respondent was afforded both
16 notice and opportunity to be heard in the hearing that gave rise to this
17 order. Pursuant to the Violence Against Women Act of 1994, 18 USC
18 2265, this order is valid and enforceable in all fifty states, any territory
19 or possession of the United States, the District of Columbia, the
20 Commonwealth of Puerto Rico and tribal lands." The clerk of the court

21 shall send a certified copy of any ex parte order and of any order after
22 notice and hearing to the [appropriate] law enforcement agency for the
23 town in which the applicant resides and, if the respondent resides in a
24 town different than the town in which the applicant resides, to the law
25 enforcement agency for the town in which the respondent resides,
26 within forty-eight hours of [its] the issuance of such order. If the
27 applicant is employed in a town different than the town in which the
28 applicant resides, the clerk of the court shall, upon the request of the
29 applicant, send a certified copy of any such order, to the law
30 enforcement agency for the town in which the applicant is employed
31 within forty-eight hours of the issuance of such order.

32 Sec. 2. Subsection (c) of section 46b-38c of the general statutes is
33 repealed and the following is substituted in lieu thereof:

34 (c) Each such local family violence intervention unit shall: (1) Accept
35 referrals of family violence cases from a judge or prosecutor, (2)
36 prepare written or oral reports on each case for the court by the next
37 court date to be presented at any time during the court session on that
38 date, (3) provide or arrange for services to victims and offenders, (4)
39 administer contracts to carry out said services, and (5) establish
40 centralized reporting procedures. All information provided to a family
41 relations officer in a local family violence intervention unit shall be for
42 the sole purpose of preparation of the report for each case and
43 recommendation of services and shall otherwise be confidential and
44 retained in the files of such unit, and not be subject to subpoena or
45 other court process for use in any other proceeding or for any other
46 purpose, except that if the victim has indicated that the defendant
47 holds a permit to carry a pistol or revolver or possesses one or more
48 firearms, the family relations officer shall disclose such information to
49 the court and the prosecuting authority.

50 Sec. 3. Section 53a-217 of the general statutes is repealed and the
51 following is substituted in lieu thereof:

52 (a) A person is guilty of criminal possession of a firearm or

53 electronic defense weapon when such person possesses a firearm or
54 electronic defense weapon and (1) has been convicted of a felony, [or]
55 (2) has been convicted as delinquent for the commission of a serious
56 juvenile offense, as defined in section 46b-120, (3) knows that such
57 person is subject to a restraining or protective order issued by a court,
58 after notice and an opportunity to be heard has been provided to such
59 person, in a case involving the use, attempted use or threatened use of
60 physical force against another person, or (4) knows that such person is
61 subject to a firearms seizure order issued pursuant to subsection (d) of
62 section 29-38c after notice and an opportunity to be heard has been
63 provided to such person. For the purposes of this section, "convicted"
64 means having a judgment of conviction entered by a court of
65 competent jurisdiction.

66 (b) Criminal possession of a firearm or electronic defense weapon is
67 a class D felony, for which two years of the sentence imposed may not
68 be suspended or reduced by the court.

Statement of Legislative Commissioners:

In the new language in section 1, a reference to "the affidavit of the applicant" was deleted for consistency since the other new provisions concerning affidavits had been deleted.

JUD *Joint Favorable Subst.*