



General Assembly

January Session, 2001

Amendment

LCO No. 7481

Offered by:

SEN. COLEMAN, 2nd Dist.

REP. LAWLOR, 99th Dist.

To: Subst. Senate Bill No. 1401

File No. 577

Cal. No. 388

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

1 After the enacting clause, insert the following and renumber the
2 remaining sections accordingly:

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4 repealed and the following is substituted in lieu thereof:

5 (b) The application form shall allow the applicant, at the applicant's
6 option, to indicate whether the respondent holds a permit to carry a
7 pistol or revolver or possesses one or more firearms. The application
8 shall be accompanied by an affidavit made under oath which includes
9 a brief statement of the conditions from which relief is sought. Upon
10 receipt of the application the court shall order that a hearing on the
11 application be held not later than fourteen days from the date of the
12 order. The court, in its discretion, may make such orders as it deems
13 appropriate for the protection of the applicant and such dependent
14 children or other persons as the court sees fit. Such order may include

15 temporary child custody or visitation rights and such relief may
16 include but is not limited to an order enjoining the respondent from (1)
17 imposing any restraint upon the person or liberty of the applicant; (2)
18 threatening, harassing, assaulting, molesting, sexually assaulting or
19 attacking the applicant; or (3) entering the family dwelling or the
20 dwelling of the applicant. If an applicant alleges an immediate and
21 present physical danger to the applicant, the court may issue an ex
22 parte order granting such relief as it deems appropriate. If a
23 postponement of a hearing on the application is requested by either
24 party and granted, the order shall not be continued except upon
25 agreement of the parties or by order of the court for good cause
26 shown."

27 In line 32, strike "Subsection (c)" and insert in lieu thereof
28 "Subsections (c) and (d)"

29 In line 32, strike "is" and insert "are" in lieu thereof

30 After line 49, add the following:

31 "(d) In all cases of family violence, a written or oral report and
32 recommendation of the local intervention unit shall be available to a
33 judge at the first court date appearance to be presented at any time
34 during the court session on that date. A judge of the Superior Court
35 may consider and impose the following conditions to protect the
36 parties, including but not limited to: (1) Issuance of a protective order
37 pursuant to subsection (e) of this section; [such order shall be an order
38 of the court, and the clerk of the court shall cause (A) a certified copy
39 of such order to be sent to the victim, and (B) a certified copy of such
40 order to be sent within forty-eight hours of its issuance to the
41 appropriate law enforcement agency;] (2) prohibition against
42 subjecting the victim to further violence; (3) referral to a family
43 violence education program for batterers; and (4) immediate referral
44 for more extensive case assessment. Such protective order shall be an
45 order of the court, and the clerk of the court shall cause (A) a certified
46 copy of such order to be sent to the victim, and (B) a certified copy of

47 such order to be sent within forty-eight hours of its issuance to the law
48 enforcement agency for the town in which the victim resides and, if the
49 defendant resides in a town different than the town in which the
50 victim resides, to the law enforcement agency for the town in which
51 the defendant resides. If the victim is employed in a town different
52 than the town in which the victim resides, the clerk of the court shall,
53 upon the request of the victim, send a certified copy of such order to
54 the law enforcement agency for the town in which the victim is
55 employed within forty-eight hours of the issuance of such order.

56 Sec. 3. Section 29-36n of the general statutes is repealed and the
57 following is substituted in lieu thereof:

58 (a) The Commissioner of Public Safety, in conjunction with the Chief
59 State's Attorney and the Connecticut Police Chiefs Association, shall
60 develop a protocol to ensure that persons who become ineligible to
61 possess a pistol or revolver have, in accordance with section 29-36k,
62 transferred such pistol or revolver to a person eligible to possess such
63 pistol or revolver or have delivered or surrendered such pistol or
64 revolver to said commissioner.

65 (b) The Commissioner of Public Safety, in conjunction with the
66 Chief State's Attorney and the Connecticut Police Chiefs Association,
67 shall update the protocol developed pursuant to subsection (a) of this
68 section to reflect the provisions of this act."