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TESTIMONY OF
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BEFORE THE JUDICIARY COMMITTEE
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Good morning Senator Coleman, Representative Tong, and distinguished members of the Judiciary Committee. I appreciate the opportunity to support Senate Bill 650, *An Act Concerning Temporary Restraining Orders*, and House Bill 6848, *An Act Protecting Victims of Domestic Violence*. These bills would require persons against whom *ex parte* temporary restraining orders have been issued, in cases involving the use, attempted use or threatened use of physical force against another person, to temporarily surrender or transfer any firearms or ammunition in their possession not less than 24 hours after receiving notice that such an order has been issued. At the present time, persons are not required to relinquish firearms or ammunition in such cases *earlier than two business days* following the issuance of a restraining or protective order of a court of this state that has been issued *after notice and an opportunity to be heard has been provided to such person.*

Temporary *ex parte* restraining orders only may be issued by a court when a judge believes that the victim faces "immediate and present physical danger." *Ex parte* orders are intended to provide immediate protection during the critical period preceding a restraining order hearing. Such hearings, commonly referred to as "two week hearings," typically are held within fourteen days following the issuance of an *ex parte* order. These bills, therefore, would require those found to have placed a family member in immediate and present physical danger to temporarily transfer or surrender firearms and ammunition during the two week period covered by the *ex parte* order.

Victims of domestic violence are most at risk when they first take steps to seek protection from their abusers. Because perpetrators of domestic violence commit acts of violence to gain control and power over their victims, the issuance of an *ex parte* restraining order can be an extremely volatile and emotional time for abusers, who for the first time begin to experience a lack of control over their victims. Because such offenders may take extreme measures to regain control over their victims, this is a crucial time to ensure they do not have access to firearms and ammunition. According to the Connecticut Coalition Against Domestic Violence ("CCADV"), Connecticut averaged 14 intimate partner homicides annually between 2000 and 2012. Guns were the most commonly used weapon. CCADV reports that state laws prohibiting firearm possession by persons subject to restraining orders reduced rates of intimate partner homicide of women by 12-13% and overall by 10%. I believe this bill will prevent far more homicides while posing a relatively minimal burden on the accused. Those found, after a hearing, not to pose an immediate and present physical danger would be entitled to regain possession of their firearms and ammunition.

I also would like to take the opportunity to support other aspects of Senate Bill 650. That bill, which includes recommendations from the legislative Task Force to Study Service of Restraining Orders, seeks to address problems often encountered during attempted service of temporary restraining orders. As presently drafted, the bill would: (1) require a sworn police officer to serve ex parte restraining orders in certain circumstances, including whenever the applicant indicates that a respondent has access to a firearm or ammunition or is in possession of a state-issued firearm or ammunition permit or eligibility certificate; (2) allow a court to extend ex parte orders if an applicant is present for a subsequent hearing, but the order has not yet been served; (3) increase access to domestic violence advocates who can assist applicants with applications; and (4) broaden the methods by which respondents may be given legal notice of restraining orders by sworn peace officers.

Under current law, state marshals have little incentive to effect in-hand service when serving restraining orders in domestic violence cases because state law only permits the Judicial Branch to pay state marshals a prescribed fee upon successful service, regardless of how the orders get served or how many times service is attempted. Marshals, therefore, oftentimes do not attempt in-hand service and, instead, only effect abode service at the last known address of one who is accused of domestic violence. While abode service is legally sufficient, there is no guarantee that the accused is put on actual notice that a restraining order has issued against him or her. In addition, some courts are unwilling to go forward with applications for restraining orders when in-hand service has not been made and the accused has not appeared in court pursuant to the terms of a show cause order.

This is not just inefficient and costly for the courts. It also jeopardizes the health and safety of domestic violence victims. In some instances, abusers are not put on notice that an *ex parte* restraining order has issued against him or her. In other instances, restraining orders may not be effectively enforced due to a court's reluctance to go forward with an application as a result of concerns about whether the accused is aware that a hearing has been scheduled. Meanwhile, violent offenders remain free to terrorize and abuse innocent victims even though there is ample evidence that a restraining order is justified due to the imminent threat such offenders pose. It is my hope that the proposals set forth in Senate Bill 650 will go a long way toward preventing such tragedies.

Thank you once again for the opportunity to testify about these important measures. Please feel free to contact me if you have any questions or concerns.