

To the members of the Judiciary Committee:

RE: Governor's Bill No. 6848 and Proposed Bill No. 650 public hearing 3/11/2015

The proposed bills, each seeking to protect assumed or presumptive victims of domestic violence fail to adequately safeguard the rights of the accused and equally fail to provide full and complete return of valuable personal property to the exonerated!

In the case of the Governor's bill, no provision is made for the return of "black rifles", those subject to the ban imposed by Public Act 3-13 and prior statute. No timeframe is mandated for the return of property, nor is there penalty imposed on any authority receiving such personal property during that period between accusal and exoneration.

This is blatantly in violation of the accused rights.

No one wants ineligible persons to possess weapons, but due process **MUST** remain in place.

First, the right to retain property except on judicial review, and later to have property, **ALL** property returned in an expeditious manner should charges and accusations be found to be unwarranted.

In the case of "650", there is clear and obvious potential for false accusations, especially where one party in a domestic dispute simply wants to harass the other. False accusations, mixed with real accusations can only be separated by due process. Many cases are documented where false accusations are levied, and the accuser faces no penalty. In "650", the damage to the falsely accused is increased exponentially, given the high value of the personal properties seized.

In the case where an accusation is justified, the focus must be on accelerated due process where a proper judicial order is issued prior to seizing personal property.

Consider this; a truly violent person needs no firearm to act on their violent intent. This bill will not help those truly in danger. A violent person will act, regardless of choice of weapon. Case law proves that.

For those denied due process, falsely accused, there must be severe penalties for the individual making such false accusations, and specific timeframes ordered for authorities to return all property and rights without delay. Municipalities must face fines for failure to return property and permits when a temporary order is made null.

For orders that are found to be proper, current statute is adequate.

Sincerely,

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