

Judiciary Committee Hearing
Public Hearing Testimony
Legislative Office Building
300 Capitol Avenue
Room 2E
Hartford, CT 06106

Scott W. Martin
121 Hickory Circle
Middletown, CT, 06457-2438
March 11, 2015

Dear Honorable Committee Members,

OPPOSE HB No. 6848- The governors bill an ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE.

I oppose bill 6848 on the basis of failure for due process. It confiscates property before the accused can be heard. It fails to provide a mechanism for transfer of “newly minted assault weapons” under PA13-3 whose transfer is now illegal. The bill fails to recognize the abuse potential for false accusation provides no penalty for false accusations and provides no statutory timeline for return of property and rights to exonerated individuals. The current caseload for a hearing at the Board of Firearm Permit Examiners exceeds 2 years for restoration of firearms rights.

Currently under an ex parte temporary restraining order (TRO) **the respondent is granted due process** with a hearing before confiscation of property and loss of rights. The respondent is not present when the court initially grants the ex parte restraining order and therefore has only the biased view of the applicant in making judgments, it’s only half the story, hence the hearing within 14 days for due process.

The following statistics are from the Connecticut Judicial website:

http://www.jud.ct.gov/statistics/prot_restrain/Prot_Restrain_Order.pdf

In 2014 there were 4409 ex parte temporary restraining orders and only 2445 issued after a hearing. That’s **45% of the TRO’s that were not considered valid.** This system is currently full of error and abuse and this legislation proposes to strip a fundamental civil right from an individual without an investigation or hearing. This is bad law. There is currently mechanism to confiscate firearms from people who are a danger to themselves or others under current Connecticut risk warrant law. (CGA-29-38c).

Respectfully,

Scott Martin