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Permanent Commission on the Status of Women

The State's leading force for women's equality

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**Testimony of
The Permanent Commission on the Status of Women
Submitted to the
Judiciary Committee
March 12, 2015**

**Re: S.B. 650, An Act Concerning Temporary Restraining Orders
H.B. 6848, An Act Protecting Victims of Domestic Violence**

Senators Coleman and Kissel, Representatives Tong and Rebimbas, and distinguished members of the Judiciary committee, thank you for this opportunity to provide testimony on behalf of the Permanent Commission on the Status of Women (PCSW) in support of S.B. 650, An Act Concerning Temporary Restraining Orders and H.B. 6848, An Act Protecting Victims of Domestic Violence.

The most dangerous time for a victim of domestic violence is when she takes steps to end the relationship.¹ One step that a victim of domestic violence may take during this time is to apply for a civil restraining order. Currently, when a victim of domestic violence applies for a civil restraining order, a temporary restraining order or ex parte restraining order can be issued if the victim alleges an "immediate and present physical danger." If an ex parte order is issued, the court also orders a hearing to be held within 14 days at which time the respondent (offender) has an opportunity to be heard. The ex parte order is enforceable only after the respondent is served the order by a state marshal.

S.B. 650 would require that if an "immediate and present physical danger" is determined by the court and an applicant indicates that a respondent has a firearm or ammunition, that law enforcement be responsible for serving the ex parte order. In at least 33 other states, law enforcement is authorized to serve temporary restraining orders.² And, according to testimony of some state marshals before Connecticut's Task Force to Study Service of Restraining Orders, at times the marshals felt unsafe serving orders when they knew firearms were involved and would often request police assistance.

¹ Risk Factors for Femicide in Abusive Relationships: Results from a Multistate Case Control Study. American Journal of Public Health, 2003.

² Alabama, Alaska, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Rhode Island, South Dakota, Utah, Vermont, Virginia, West Virginia, Wyoming.

If a state marshal cannot serve an order to a respondent within nine days, which happens quite often, the court cannot hold a hearing. Not only does this leave a victim of domestic violence unsafe and with no form of protection, but she is also required to begin the entire application process over again. S.B. 650 would address this flaw in the current system and allow the court to extend a temporary restraining order so that service can be reattempted; bringing Connecticut up to par with 20 states who allow for extensions of temporary restraining orders if service is not made prior to a hearing.³

Finally, both S.B. 650 and H.B. 6848 would allow the court to remove firearms, ammunition, and gun permits/eligibility certificates during an ex parte restraining order. State laws that prohibit firearm possession by persons subject to restraining orders reduced rates of intimate partner homicide of women by 12-13%, decreasing overall intimate partner homicides by 10%.⁴ The PCSW supports the recommendations of the Connecticut Coalition Against Domestic Violence that individual's firearm permits and eligibility certificates not be removed as part of these proposals, because any individual who becomes ineligible to possess firearms or ammunition during the ex parte order would be flagged in the state's protective order registry which is checked as part of the background check in Connecticut when someone attempts to purchase a weapon.

We urge the committee's support of the provisions in each of these bills, which would better protect victims of domestic violence at the time they are most vulnerable to violence. Thank you for your thoughtful consideration of this important issue.

³ Alabama, Arkansas, Colorado, Delaware, Florida, Hawaii, Kentucky, Maryland, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin.

⁴ Do Laws Restricting Access to Firearms by Domestic Violence Offenders Prevent Intimate Partner Homicide? Evaluation Review, 2006.