

SENATOR MARTIN M. LOONEY  
PRESIDENT PRO TEMPORE



Eleventh District  
New Haven, Hamden & North Haven

State of Connecticut

SENATE

TESTIMONY BEFORE THE JUDICIARY COMMITTEE

Senator Martin M. Looney

March 11, 2015

In support of:

**S.B. 650 An Act Concerning Temporary Restraining Orders**

**H.B. 6848 An Act Protecting Victims of Domestic Violence**

Good Morning Senator Coleman, Representative Tong, members of the Judiciary Committee, thank you for the opportunity to testify on S.B. 650, An Act Concerning Temporary Restraining Orders, and H.B. 6848, An Act Protecting Victims of Domestic Violence.

SB 650 contains a number of proposals intended to better protect victims of domestic violence and improve the service of temporary restraining orders throughout our state. One of its central proposals, requiring the surrender of all firearms and ammunition by an individual who has received notice that he or she is a respondent to a temporary restraining order ("TRO") issued by a court, is shared by H.B. 6848, which was submitted to the legislature by the Governor. I endorse the approach recommended by the Governor to this critically important public safety issue. H.B. 6848 requires respondents to surrender their firearms and ammunition within 24 hours of receiving notice that they are the subject of a restraining or protective order issued by a court of this state, whether that is a temporary *ex parte* order or a permanent order, or a foreign order of protection issued by a court in another jurisdiction.

It is beyond dispute that one of the most dangerous times in an abusive domestic relationship is the period immediately following the service of a TRO. It is in this initial, likely highly volatile stage that the victim of abuse may be most in need of protection – and there is the most urgent need to prohibit the respondent's access to firearms. It is due to this inherent danger that the laws of several states, including our neighbor Massachusetts, already require respondents to TROs to surrender any weapons or ammunition in their possession. With SB 650 and HB 6848, victims of domestic violence in Connecticut will now receive the same, critically needed level of protection.

This is a critical reform that we must undertake for the safety of successful TRO applicants and their families. TROs in Connecticut are granted when the court finds that an applicant has demonstrated his or her allegation that there is an *immediate and present physical danger* to the applicant, and that therefore emergency relief must be granted. Given the emergency nature of

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such relief, in Connecticut and elsewhere, respondents to *ex parte* TROs already can be subject to numerous legal restrictions on their activities. They often cannot return home, or make contact with the successful applicant. They also can be prohibited from discontinuing financial support for the applicant. Because of the need to immediately implement such necessary legal protections before a full hearing takes place, Connecticut law requires that a hearing before the court on the temporary order must be held extremely quickly – within 14 days from the issuance of the temporary order. The respondent quickly has his or her day in court, at which time the TRO is either dismissed or the order is converted into a permanent, year-long restraining order.

Thus, the reform demanded by SB 650 and HB 6848 is by its nature temporary and of extremely short duration – at most 14 days if the TRO is served immediately, likely less if the TRO is served sometime after that but before the permanent hearing. *And yet, the benefit to the safety of applicants and their families could be without measure – literally, the difference between life and death.* We must require the temporary surrender of firearms and ammunition by individuals who are the subjects of TROs in the State of Connecticut. If the TRO is not converted into a permanent order by the court, the respondent can thereafter immediately retake possession of anything that has been surrendered.

SB 650 further proposes several of the excellent, common sense recommendations promulgated by the Task Force to Study Service of Restraining Orders, which was created by Public Act 14-217, and completed its work in early January of this year. The Task Force met regularly from September 2014 through January 2015. It was comprised of representatives from the Police Chiefs Association, the Judicial Branch, state marshals, prosecutors, public defenders, the Department of Emergency Services and Public Protection, domestic violence advocacy organizations, the Office of the Victim Advocate, the General Assembly and others. It studied in depth the current process of serving restraining orders in Connecticut, as well as best practices from other states throughout both our region and the nation. The recommendations of the Task Force were all issued unanimously by its members. Among the Task Force recommendations, SB 650 proposes the following, all of which are already the law in several states in our region:

- That current law be amended to require, as do many states throughout our region, that police officers, as opposed to state marshals, serve TROs in cases where the applicant has indicated as part of the application that the respondent is in possession of a firearm, ammunition or a firearm or ammunition permit or eligibility certificate;
- That current law be amended to allow the court to continue a TRO and leave it in effect if it has not been served by the date of the hearing, as opposed to current law which requires applicants to start the entire process anew;
- That current law be amended to allow alternate forms of service other than in person or abode, such as the current Massachusetts practice whereby police officers can notify respondents verbally that they are subject to a TRO – here in Connecticut, either a state marshal or police officer could effectuate such verbal notification and then affirm it by oath;
- That current law be amended to require TROs to be served at least 3 days prior to the hearing, as opposed to the current 5 day requirement; and that

- More access to domestic violence advocates be given to applicants throughout all the judicial districts, both for assistance in filling out restraining order applications as well as critical safety planning.

I urge you to support these essential reforms contained in SB 650 and HB 6848, which I believe will greatly enhance the safety of TRO applicants in Connecticut as well as greatly improve the process of serving TROs. Thank you for your consideration.