

## Haggerty, Katie

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**From:** Leslie Bhutani <lesliebhu@gmail.com>  
**Sent:** Monday, March 09, 2015 4:56 PM  
**To:** JudTestimony  
**Subject:** Testimony to the Judiciary Committee in support of Proposed Senate Bill No. 650, House Bill No. 6848, and House Bill No. 6962

I am in favor of Proposed SB 650, HB 6848 and HB 6962 for the following reasons:

SB 650:

Recommendations are the result of the legislative Task Force to Study Service of Restraining Orders, which concluded its work in January of this year. The task force included a comprehensive set of stakeholders including domestic violence advocates, state marshals, law enforcement, attorneys (including a prosecutor, public defender and legal aid attorney), a family court judge and court operations personnel.

- This bill proposes that law enforcement be required to serve temporary, ex parte restraining orders when the applicant (victim) indicates on the restraining order application that the respondent (offender) has firearms or ammunition.
- Currently only state marshals are authorized to serve any type of restraining order. • In instances where an ex parte order has been issued, the judge believes that the victim faces "immediate and present physical danger" (CGS § 46b-15) and is therefore providing immediate protection preceding the restraining order hearing, also referred to as the "two week hearing", which is typically held 14 days later.
- This can be a particularly dangerous time and including law enforcement in the service of such orders will enhance the safety of all involved.
- 33 states authorize law enforcement or, where applicable, county sheriffs, to serve temporary restraining orders. This includes the surrounding states of Maine, Massachusetts, New Hampshire, New York, Rhode Island and Vermont.
- It is important to note that in Fiscal Year 13, there were only 628 ex parte orders issued **statewide** that included allegations of firearms. In Fiscal Year 14 there were only 568 such instances. Requiring law enforcement to serve ex parte orders with allegations of firearms will neither create a large burden on police departments nor significantly impact the livelihood of state marshals who would no longer serve such orders.
- This bill also proposes that the court be allowed to extend temporary, ex parte orders if the applicant is present at the two week hearing, but the order has not yet been served.
- State marshals face many challenges when serving restraining orders, including dealing with respondents who are aware that their victim has applied for an order so they, the respondent, actively avoids service of said order.
- Currently, if service cannot be successfully made 5 days prior to the hearing and the respondent does not show up to the hearing, the ex parte order is dropped and the victim must reapply for the restraining order, often leaving her or him with the feeling that the system simply cannot help.

- Allowing the court to extend the temporary protection so that service can be reattempted is a commonsense fix to assisting victims and ensuring that the system is responsive to them at a time when they are experiencing significant trauma.
- 22 states allow extensions of temporary restraining orders if service is not made prior to the hearing.
- This bill also calls for more family violence victim advocates to be placed in the state's family courts, which is where victims apply for restraining orders.
- Currently, Connecticut has 4 family violence victim advocates available to assist victims within their courts apply for restraining orders – Bridgeport, Hartford, Meriden and Waterbury. This means that there are 12 family courts without such advocates.
- While many courts do have court service centers that are intended to be a resource for any individual seeking assistance within the civil court, only a family violence victim advocate has the expertise to help keep victims of domestic violence safe when applying for a restraining order.
- All family violence victim advocates are certified domestic violence counselors who not only explain the court process to the victim, but they also help the victim establish a safety plan, a critical piece to making a restraining order effective.
- This bill also proposes broadening the methods by which respondents may be given legal notice of ex parte restraining orders.
- As we discussed previously, service can be a challenge when respondents do not want to be found. In these instances an authorized service agent may opt to leave the order abode (at the place of residence but not in the hand of the respondent). When such an order is then violated, the state's attorney may not be able to prosecute for the violation because notice of the order may not be able to be proven.
- In Massachusetts, law enforcement officers are permitted by statute to verbally inform/notify a respondent that they have an ex parte restraining order against them. The order then becomes enforceable.

### **Removal of Firearms:**

- Finally, this bill proposes that the court be allowed to remove firearms, ammunition, and gun permits/eligibility certificates during ex parte restraining orders.
- Currently, CT courts do not have explicit authority to order respondents to surrender firearms for the duration of an ex parte restraining order.
- As previously mentioned, if a judge grants a temporary, ex parte restraining order, then the judge believes that the victim faces "immediate and present physical danger." So this proposal results in someone who has placed a family member in immediate and present physical danger losing their firearm for two weeks.
- The most dangerous time for a victim of domestic violence is when she or he takes steps to end the relationship. Because domestic violence is all about power and control of one partner over the other, this can be a particularly difficult time for the abuser, who will begin to realize that he or she is losing control over their victim. This may result in the offender taking more extreme actions to regain control.
- This is exactly the time that firearms should be removed from the equation.
- Again, this would be a temporary, two week removal of firearms and ammunition. If at the two week hearing a judge does not grant a full, one year restraining order, the respondent would have their firearms and ammunition

returned. (CT state law already prohibits anyone who is the subject of a one year restraining order or a criminal protective order from possessing firearms or ammunition.)

- CT averaged 14 intimate partner homicides annually between 2000 and 2012. Guns were the most commonly used weapon (used in 39% of the homicides). State laws prohibiting firearm possession by persons subject restraining orders reduced rates of intimate partner homicide of women by 12-13% and overall by 10%. As many of the proponents of this bill have stated – it is relatively easy to return a gun after two weeks, but a bullet cannot be unfired.

#### HB 6848:

- Currently, CT state law prohibits anyone who is the subject of a one year restraining order from possessing firearms or ammunition following notice of said order and a chance to be heard (CGS § 53a-217).
- This bill proposes amending that statute to remove the requirement of a hearing, effectively meaning that individuals who are the subject of temporary, ex parte restraining orders would also be ineligible to possess firearms and ammunition.
- If a judge grants a temporary, ex parte restraining order, then the judge believes that the victim faces “immediate and present physical danger.” Ex parte orders are intended to provide immediate protection preceding the restraining order hearing, also referred to as the “two week hearing”, which is typically held 14 days later.
- So this proposal results in someone who has placed a family member in immediate and present physical danger losing their firearm for the two week period covered by the ex parte order.
- The most dangerous time for a victim of domestic violence is when she or he takes steps to end the relationship. Because domestic violence is all about power and control of one partner over the other, this can be a particularly difficult time for the abuser, who will begin to realize that he or she is losing control over their victim. This may result in the offender taking more extreme actions to regain control.
- This is exactly the time that firearms should be removed from the equation.
- Again, this would be a temporary, two week removal of firearms and ammunition. If at the two week hearing a judge does not grant a full, one year restraining order, the respondent would have their firearms and ammunition returned.
- This bill also proposes reducing the amount of time to surrender or transfer firearms and ammunition for someone who has become ineligible them because they are the subject of a civil restraining order or criminal protective order. The proposal reduces that time from 2 business days to 24 hours, again increasing protections for victims of domestic violence at the most dangerous time
- CT averaged 14 intimate partner homicides annually between 2000 and 2012. Guns were the most commonly used weapon (used in 39% of the homicides). State laws prohibiting firearm possession by persons subject restraining orders reduced rates of intimate partner homicide of women by 12-13% and overall by 10%. As many of the proponents of this bill have stated – it is relatively easy to return a gun after two weeks, but a bullet cannot be unfired.

#### HB 6962:

PLEASE, let's require safe storage! It's only common sense. Restricting the unauthorized obtaining and harmful use to only “loaded” firearms does not suffice as an adequate limitation. Nor does limiting persons who obtain firearms in an unauthorized way to only those whom certain characteristics adequately protect the public and encourage safe storage. How they use that negligently stored firearm is the danger to the public safety, not the characteristics of the person gaining possession as perceived by the firearm owner who has not properly stored the firearm.

Thank you for your consideration,

Leslie Bhutani  
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