



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN SUPPORT OF:

Proposed S.B. No. 650 AN ACT CONCERNING TEMPORARY RESTRAINING ORDERS

H.B. No. 6848 AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE.

H.B. No. 6962 (RAISED) AN ACT CONCERNING FIREARM SAFETY

JOINT COMMITTEE ON JUDICIARY

March 11, 2015

The Division of Criminal Justice supports the concept of Proposed S.B. No. 650, An Act Concerning Temporary Restraining Orders, supports H.B. No. 6848, An Act Protecting Victims of Domestic Violence, and respectfully recommends and requests the Committee's JOINT FAVORABLE SUBSTITUTE REPORT for H.B. No. 6962, An Act Concerning Firearm Safety. These bills take important steps forward to protecting public safety and preventing a tragedy by getting firearms out of the hands of people who are subject to restraining orders and assuring that those firearms are only returned under appropriate circumstances.

Proposed S.B. No. 650 addresses topics that were studied by the task force established by the General Assembly pursuant to Section 121 of Public Act 14-217 (An Act Implementing Provisions of the State Budget for the Fiscal year Ending June 30, 2015) to study service of restraining orders pertaining to family and household members. The task force recommendations would benefit victims and ensure that more restraining orders are served. By permitting police to serve the orders, a greater number will be successfully served, and, in cases where guns are in the home or registered to the respondent, such service should be accomplished in a safer manner as state marshals currently do not have access to the data bases that show firearms registered to the respondent. The proposed bill also gives petitioners an opportunity to seek a continuance in situations where the respondent is avoiding service of process.

The Division of Criminal Justice participated in this task force and supports the concepts outlined in S.B. No. 650 and respectfully offers to assist the Committee in drafting detailed language for this legislation.

The Division respectfully requests and recommends the Committee's JOINT FAVORABLE SUBSTITUTE REPORT for H.B. No. 6962, An Act Concerning Firearm Safety. Section 4 of this bill clarifies the process for determining whether it is appropriate to return seized firearms (and ammunition, where applicable) to the owner.

As it is currently written, the statute allows firearms to be seized from an individual when, because of recent threats, acts of violence or cruelty to animals by the individual, there is probable cause to believe the individual poses a risk of imminent personal injury to him or herself or to others. Once seized, the firearms may be held for up to one year if the state is able to show by clear and convincing evidence that the individual does, indeed, pose a risk of serious personal injury to him or herself or others.

The problem with the statute is that it provides no defined procedure to ensure that the individual is not still a risk before the guns are returned. Section 4 of the bill would remedy this problem by requiring the court to hold a hearing prior to the conclusion of the holding period where the individual would have the burden of showing by a preponderance of the evidence that he or she no longer poses a risk of imminent personal injury to himself or herself or others. Simply put, the intent is to make sure that guns are only returned to those who should get them back.

The Division respectfully requests one change to make the bill stronger. We would ask that the bill be amended to provide that if the individual is unable to show that he or she is not a risk to himself or others after two years, the firearm(s) should be turned over to the Connecticut State Police to be destroyed. This would bring finality to the issue after a reasonable period of time and prevent what could be an endless series of annual hearings.

The Division would also suggest that the Committee consider an alternative approach where the responsibility for making the determination of suitability to possess firearms would be transferred from the Superior Court to the Board of Firearms Permit Examiners. Since the issue at hand is the suitability to possess firearms it would seem appropriate that question be placed with the board already has statutorily responsibilities for assessing and determining such suitability.

In conclusion, the Division of Criminal Justice wishes to thank the Committee for affording this opportunity to provide input on these matters. We would be happy to provide any additional information the Committee might require or to answer any questions.