

March 11, 2015

Joint Committee on Judiciary  
Legislative Office Building, Room 2500  
Hartford, CT 06106

Testimony in OPPOSITION to S.B. No. 650 (AN ACT CONCERNING TEMPORARY RESTRAINING ORDERS)

Dear Members of the Judiciary Committee,

I wish to express my OPPOSITION to Proposed Bill S.B. No. 650 (AN ACT CONCERNING TEMPORARY RESTRAINING ORDERS)

This proposed legislation seeks to change current law by requiring the respondent of a temporary restraining order to immediately surrender firearms, ammunition, and permits prior to a hearing.

This proposed legislation violates the "Due Process Clause" stated in the 5th and 14th Amendments of the Bill of Rights and would take away one of someone's fundamental constitutional Rights by the accusation of one person, without a hearing, criminal charges, or a police report.

This proposed legislation offers no advisement to the applicant of the statutory penalty for making a false statement meant to mislead public officials in their duty either. Nor does this bill provide for the immediate return of the respondent's personal property if the temporary restraining order is dismissed.

Approximately 45% of temporary restraining orders for 2014 were dismissed according to the Judicial Branch Statistics/Reports on Protective/Restraining Orders<sup>1</sup>.

This creates a situation where the respondent of a temporary restraining order, who has surrendered their personal property to the State, and the temporary restraining order has been dismissed, would then have to wait for a hearing in front of the Board of Firearms Permit Examiners before getting their permits and personal property back. At this time there is a 2+ year wait backlog in Board of Firearms Permit Examiners hearings!<sup>2</sup>

There are existing ways to protect victims of Domestic Violence in Connecticut. If someone is a victim of Domestic Violence, or has been threatened, the use of 'Risk Warrants' under (CGS 29-38c) is a tool already available to law enforcement.

I urge you to vote NO on this proposed legislation.

Sincerely,

Roy Downey  
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1. Judicial Branch Statistics/Reports on Protective/Restraining Orders  
[http://www.jud.ct.gov/statistics/prot\\_restrain/Prot\\_Restrain\\_Order.pdf](http://www.jud.ct.gov/statistics/prot_restrain/Prot_Restrain_Order.pdf)

2. Board of Firearms Permit Examiners <http://www.ct.gov/bfpe/cwp/view.asp?a=3598&Q=557000>