

08-Mar-2015

RE: Objection to SB-00650, HB-06848

To: Judiciary Committee

As a resident of Connecticut I want to express my strong opposition to HB0848 and SB00650 as written, and hope you will oppose them as well.

While the intent is noble; we all agree that society must help victims of domestic violence, the reality is these bills go about it all wrong with negative unintended consequences. The approach of stripping away rights based solely on ex parte application without a police investigation, without a judge hearing evidence flies in the face of American system of justice. To treat a subject as guilty solely on the accusation of a third party alone is an inconceivable denial of constitutionally protected rights. Is there any other instance where defined rights are ignored based on nothing more than uninvestigated accusations? If we want to go down that path, then what is the argument against suspending 4th amendment rights in the interest of public safety? That is an equivalent and clearly unacceptable disregard for rights.

The reality is that fully 48% of these ex parte TROs are not upheld. In the meantime, a gun owner has had his legally acquired and owned property seized and his constitutionally guaranteed right stripped with no timely recourse. To have a permit to carry revolvers and pistols reinstated requires action by the Board of Firearms Permit Examiners, and the current backlog is approaching two years. Further, nowhere in these proposals is there any "checks and balances" intended to discourage malicious use of ex parte TROs.

Connecticut already has protections in place for the seizure of firearms in the event a person is determined to pose a threat to themselves or others through Sec 29-38c. The reality is that domestic violence does not require firearms. DPS data shows that firearms were used in 1% of domestic violence cases in CT. If the objective is truly protection, the Legislature should look at ways to give TRO applicants more actual protection, rather than simply punitive action against the subject of an ex parte TRO.

I strongly encourage you to oppose these proposals and look to address domestic violence in ways that actually protect those who truly need protection while protecting the right to due process for of all citizens.

Thomas Maloney

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