

Testimony for Public Hearing
Judiciary Committee
March 11, 2015

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

Honorable Members of the Judiciary Committee,

I would like to express my sincere **opposition** to SB650. Without question, reducing instances of domestic violence is certainly a laudable goal. However, under existing law (CGS 29-38c), law enforcement already has the ability to petition the court for seizure of firearms if they feel a threat is truly present.

Additionally, please consider the following:

- This bill would violate the “Due Process” clauses of the Fifth and Fourteenth Amendments of the Constitution for the United States as well as Article First, Sec. 8 of the Connecticut Constitution. The right to present oral arguments, heard by a court of law, is a critical tenet of our judicial system.
- This bill actually impacts public safety negatively. If an intended victim were armed and willing to defend themselves against a potential abuser, the abuser themselves could file a Temporary Restraining Order (TRO) and the government would conveniently disarm the victim for them. Currently, that victim would have had the opportunity to correct the record on who is the actual threat during the 14 day hearing.
- Without severe criminal and civil penalties for filing a false or malicious TRO, the potential for abuse is very high.
- Nearly half (~45%) of all TRO's do not result in permanent orders which would warrant seizures.
- Under existing law, firearms and ammunition seized without merit are often not returned or are only able to be reacquired after substantial time, effort, and money has been expended.
- The current onerous system of requiring a permit or certificate before receiving a firearm precludes the potential victim from obtaining effective means of self defense. It could take weeks or more likely, months to obtain such permits. An expedited, emergency permitting process for victims of domestic violence would be far more effective than any provision of this bill.

In summary, Connecticut Citizens should be afforded a proper hearing in front of a judge before any property can be seized. The Connecticut Constitution clearly states, “No person shall be...deprived of life, liberty or property without due process of law.” Without due process, a person is guilty until proven innocent.

I urge members to vote AGAINST this bill.

Thank you for your time and consideration.

Respectfully,

Kurt Weisheit