

HB 5054 public hearing 3/14/2016

Regarding Proposed bill HB 5054:

I am writing in opposition to HB5054. The proposed bill, seeking to protect assumed or presumptive victims of domestic violence fails to adequately safeguard the rights of the accused and equally fails to provide full and complete return of valuable personal property to the exonerated!

No provision is made for the return of "black rifles" or extended capacity magazines, those subject to the ban imposed by Public Act 3-13 and prior statute. No timeframe is mandated for the return of property, nor is there a timeframe for return of the Carry permit if it was required to be surrendered. Return of the permit is subject to the whim of the police, and a review hearing in front of the Firearms Permit Board of Examiners is now running close to 29 months backlogged. This effectively deprives the owner of a permit from the right to exercise it for over 2 years!

This is in blatant violation of the accused rights.

No one wants truly ineligible persons to possess weapons, but the public's right to due process and to not be deprived of property MUST remain in place.

The right to retain property except on judicial review, and later to have property, ALL property returned in an expeditious manner should charges and accusations be found to be unwarranted MUST be protected.

There is clear and obvious potential for false accusations, especially where one party in a domestic dispute simply wants to harass the other. False accusations, mixed with real accusations can only be separated by due process. Many cases are documented where false accusations are levied, and the accuser faces no penalty. Over 45% of all TRO are DISMISSED during the hearings. In HB 5054, the damage to the falsely accused is increased exponentially, given the high value of the personal properties seized.

In the case where an accusation is justified, the focus must be on accelerated due process where a proper judicial order is issued prior to seizing personal property.

Finally, the statements of others with examples of 26 people would have been 'protected' under any of these bills is a total fabrication. Out of the 26 named in the 2014 and the 2013 Domestic Violence Fatality Review Reports, NONE of the deaths with firearms happened while under a 14 day temporary order. See references:

<http://www.ctcadv.org/files/2913/8145/2606/2013DVFRcreport.pdf>

[http://www.ctcadv.org/files/9614/0656/3514/2014\\_Fatality\\_Review\\_Report.pdf](http://www.ctcadv.org/files/9614/0656/3514/2014_Fatality_Review_Report.pdf)

To repeat, a little under half of the TRO's signed by judges are subsequently DISMISSED at the hearing. This means collecting the legally owned firearms and valid carry permits individuals for NO REASON in almost half the cases. These are people who have committed NO CRIME.

Consider this; a truly violent person needs no firearm to act on their violent intent. This bill will not help those truly in danger. A violent person will act, regardless of choice of weapon. Case law proves that. For those denied due process and falsely accused, there must be severe penalties for the individual making such false accusations, and specific timeframes ordered for authorities to return all property and rights without delay. Municipalities must face fines for failure to return property and permits when a temporary order is made null.

For orders that are found to be proper, current statute is adequate.

Sincerely,  
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