

March 14, 2016

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

Testimony in OPPOSITION to H.B. No. 5054 (An Act Protecting Victims of Domestic Violence)

Dear Members of the Judiciary Committee,

I wish to express my OPPOSITION to Proposed Bill H.B. No. 5054 (An Act Protecting Victims of Domestic Violence).

This proposed legislation seeks to change current law by stripping a respondent of a temporary restraining order of their fundamental Constitutional right to due process, and require them 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 someone's fundamental Constitutional Rights by the accusation of one person, without a hearing, criminal charges, or a police report.

Approximately 37% of temporary restraining orders for 2015 were dismissed according to the Judicial Branch Statistics/Reports on Protective/Restraining Orders¹.

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

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, could 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 backlog in Board of Firearms Permit Examiners hearings!²

With the passage of PA-13-03, a situation would exist where someone who legally owns firearms and accessories restricted under this Act, and surrenders them, would not be able to ever get them transferred back.

Domestic violence is a serious issue and we all wish to see its prevention. 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. There is also a seizure of firearm provision for when a peace officer determines that a family violence crime has been committed under (CGS 46b-38b).

I urge you to vote NO on this proposed legislation.

Sincerely,

Roy Downey
P.O. Box 87
Higganum, CT. 06441

1. Judicial Branch Statistics/Reports on Protective/Restraining Orders
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=574164>