



STATE OF CONNECTICUT  
DEPARTMENT OF EMERGENCY SERVICES & PUBLIC PROTECTION  
OFFICE OF THE COMMISSIONER

March 14, 2016

Sen. Eric Coleman, Co-Chairman  
Rep. William Tong, Co-Chairman  
Judiciary Committee  
Legislative Office Building  
Hartford, CT 06106

The Department of Emergency Services and Public Protection (DESPP) supports House Bill 5054, An Act Protecting Victims of Domestic Violence, and thanks the committee for the opportunity to provide testimony.

The Department strongly supports the Governor's proposal to close the loophole in current law allowing individuals subject to an ex parte restraining order to remain in possession of firearms and unnecessarily leaving victims of domestic violence at an increased risk.

Under current law, when an individual becomes the subject of a full restraining order, protective order or foreign order of protection, the subject has two business days to either 1) sell their firearms and/or ammunition to a federally licensed firearms dealer (FFL), or 2) surrender their firearms and/or ammunition to law enforcement. When the order is removed or expires and the subject regains eligibility to possess firearms and/or ammunition, such items that had been surrendered to law enforcement are returned.

Under the proposed legislation, the time period for compliance would be reduced from two business days to "immediately, but in no event more than twenty-four hours after notice has been provided" to the subject of the order. This reduction in the delay required for compliance is important because the "two business day" rule may last as long as five calendar days when an order is issued on the Friday of a three-day holiday weekend, for example.

This proposal would also prohibit possession of firearms and/or ammunition upon notice of becoming subject to an ex parte restraining order. The requirements for the subject of such an order would be the same as the current practice for full restraining orders, protective orders,

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and foreign orders of protection, requiring that all firearms and/or ammunition be sold to an FFL or surrendered to law enforcement. Should the order expire or otherwise be removed and if the subject were not otherwise prohibited from being in possession of firearms and/or ammunition, such items that had been surrendered to law enforcement would be returned upon request.

Additionally, if a permit to carry a pistol or revolver or an eligibility certificate for a pistol or revolver, long gun, or ammunition was revoked based exclusively on the issuance of the ex parte restraining order and there were no other applicable disqualifiers, said permit or eligibility certificate would be returned to the subject upon request. This is the current practice of DESPP, and it is codified by this proposal in Sections 11, 12, 13 and 14.

Although current law makes provision for risk warrant applications in situations where there is probable cause that a person poses a risk of imminent personal injury to him or herself or to other individuals and is in possession of firearms, there are several considerations that make the current legislative proposal more appropriate. First, risk warrants are applied for by law enforcement, and there are cases where a party protected by an ex parte restraining order may be hesitant to involve police or prosecutors, for any number of reasons. Second, the process of obtaining a risk warrant, including the reporting to, and investigation by, the police, as well as prosecutorial and judicial review, take additional time during which the victim may be at continued risk of harm. Finally, while risk warrants are a valuable tool in protecting individuals from gun violence, in practice they are often more invasive of a subject's rights than having the subject surrender their firearms and/or ammunition to law enforcement, as they allow for more extensive searching and may result in the firearms being held longer and requiring court intervention to have them returned.

We believe that this proposed legislation provides a balanced solution to the risks faced by victims of domestic violence, and the Department strongly supports its passage.

Thank you for the opportunity to provide testimony on this important legislative proposal.

Sincerely,

Dora Schriro  
Commissioner

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