MATTHEW F. TYSZKA, JR.
189 OLD FORGE ROAD
WEST HARTLAND, CONNECTICUT 06091
TELEPHONE: (860) 379-1664
E-mail: mattcol@aol.com

March 14, 2016

WRITTEN TESTIMONY OPPOSING HB 5054

JOINT COMMITTEE ON JUDICIARY

Honorable Members of the Joint Committee on Judiciary:

I respectfully urge you to vote **NO** on H.B. 5054, An Act Protecting Victims of Domestic Violence.

This act does NOTHING to protect victims of domestic violence in Connecticut. Instead, it turns this important issue political and concentrates on firearms, to the exclusion of all other methods of violence. It is very telling that the stated purpose of this bill is "To implement the Governor's budget recommendations." According to the latest FBI Uniform Crime Statistics for Connecticut, violence with firearms, including domestic violence, is far outweighed by other instruments of murder and other violent crimes. As a general cause of death in the United States, firearms do not even rate in the top ten.

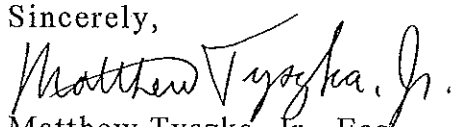
Enabling police to search a respondent's home, car and place of business and seize firearms and ammunition without a warrant, probable cause, or exigent circumstances, flies in the face of over two hundred years of search and seizure law based on the guarantees of privacy in the Fourth Amendment to the United States Constitution. The requirement that a person's property be seized and held by the government prior to any hearing makes that person guilty by speculation, guilty until proven innocent, and places the burden of proving his innocence and non-dangerous nature on him rather than the State. This violates all legal requirements of due process and equal protection under the law guaranteed by the Fifth and Fourteenth Amendments.

As a practical matter, allowing police departments to seize large numbers of firearms could incur hefty costs and increase administrative burdens when they have to seize, inventory, safeguard, and eventually return the firearms in the same condition as when they were taken.

Statistics in Connecticut from 2004 to 2008 show that only roughly 50% of ex parte restraining orders result in permanent orders, meaning that half of all applications contain no reasonable belief that the respondent would commit harm after review by a judge. To deprive a lawful citizen of his firearms based on spite, vengeance, or some imagined sense of danger by the applicant is anathema to our so-called justice system, and should be strongly rejected.

Thank you in advance for voting NO and killing this cumbersome, unreadable bill in its infancy.

Sincerely,



Matthew Tyszka, Jr., Esq.
Connecticut State Police (Retired)