

## Carroll, Rhonda

---

**From:** Brent Wiltshire <brent@ruddick.com>  
**Sent:** Friday, March 11, 2016 3:18 PM  
**To:** JudTestimony  
**Subject:** Public Testimony, HB 5054

March 14, 2016

Testimony Regarding HB 5054, An Act Protecting Victims of Domestic Violence

I urge you to oppose HB 5054 as it can be used to force the surrender of personal property without due process and is in violation on the 2<sup>nd</sup>, 5<sup>th</sup> and 14<sup>th</sup> Amendments of the United States Constitution.

HB 5054 would require the recipient of an ex parte temporary restraining order to surrender their firearms to the police or a licensed dealer within 24 hours of being served with an order. This ex parte order, which strips the accused of their Second Amendment rights, would be issued by a judge based solely on a brief statement of an accuser and before the accused can appear in court to defend themselves against the allegations. Often these orders come with no allegations of criminal behavior. HB 5054 clearly goes against an individual's right to due process.

In addition, HB 5054 makes possession of a firearm 24 hours after the issue of an ex-parte restraining order a class C felony with a minimum sentence of 2 years. The language to require that the accused be heard in court is specifically removed from existing law, thus intentionally circumventing any due process.

The Second Amendment of the United States Constitution guarantees our right to keep and bear arms. Article 1, Section 15 of the Connecticut Constitution ensures that every citizen has the right to bear arms in defense of himself and the State. The issuance of a temporary restraining order is not sufficient to take these rights away.

Amendment 5 of the United States Constitution:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty, or property, without due process of law**; nor shall private property be taken for public use, without just compensation.

Section 1 of Amendment 14 of the United States Constitution:

*All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; **nor shall any State deprive any person of life, liberty, or property, without due process of law**; nor deny to any person within its jurisdiction the equal protection of the laws.*

Thank you,

Brent Wiltshire

Stonington, CT