

HB 5623 public hearing 3/14/2016

Regarding Proposed bill HB 5623 'AN ACT CONCERNING VIOLENCE AGAINST WOMEN AND VICTIMS OF HUMAN TRAFFICKING'

I am writing in opposition to HB5623. The proposed bill again subjects the targets of ex-parte temporary restraining orders to unconstitutional confiscation of firearms, and impedes there right to apply for firearms permits and certificates without the benefit of a hearing.

It serves to deny the accused 2nd amendment rights by adding an ex-parte TRO as a disqualifier for submitting an application for a carry permit of other firearms eligibility certificates.

As in all the other flawed bills since PA-3-13 was passed, 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 various permits or certificates if they were required to be surrendered. Return of the permit(s) are 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.

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.

Sincerely,
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