

Testimony regarding
HB 5054, *AA Protecting Victims of Domestic Violence*
HB 5597, *AA Protecting Victims of Domestic Violence Seeking Restraining Orders*
HB 5623, *AAC Violence Against Women and Victims of Human Trafficking*

Judiciary Committee
March 14, 2016

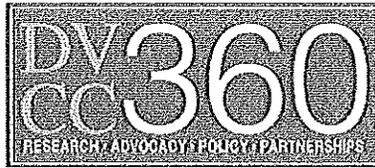
Good morning Senator Coleman, Representative Tong, Representative Fox, Representative Morris, Representative O'Dea, Representative Shaban, Representative Simmons, and members of the Committee. The Domestic Violence Crisis Center (DVCC), a member program of the Connecticut Coalition Against Domestic Violence (CCADV), serves victims of domestic violence in the communities of Stamford, Norwalk, Westport, New Canaan, Darien, Wilton, and Weston. The DVCC is the only domestic violence victim service provider in Connecticut with attorneys on staff charged with providing representation to victims seeking civil restraining orders.

HB 5054, An Act Protecting Victims of Domestic Violence; and HB 5623, An Act Concerning Violence Against Women and Victims of Human Trafficking

We urge your support of HB 5054 and HB 5623, which will protect victims of domestic violence at the most dangerous time, and strengthen processes within the system designed to help them.

HB 5054 and sections 1-17 of HB 5623 afford a critical protection to victims of domestic violence who have sought help by obtaining a temporary restraining order. By providing for the temporary removal of firearms and ammunition once an individual has received notice that he/she is subject to a temporary, ex parte restraining order, this bill may be, quite literally, a lifesaver. The bill also addresses several recommendations of the Task Force to Study Service of Restraining Orders established pursuant to Public Act 14-217.

The temporary removal of firearms provision is a common-sense measure that would provide protection during an emotionally volatile time when lethality indicators for victims are very high. Domestic violence is about power and control; if the abusive partner feels as though they are losing control over their partner, they may make desperate and deadly decisions to regain that control. In fact, women in relationships involving domestic violence are 70 times more likely to be killed in the two weeks after leaving an abuser.ⁱ Add to this that victims of domestic violence are 5 times more likely to be killed by their abuser if the abuser has access to a gun,ⁱⁱ and it isn't hard to see why the proposed measure is so important to victim safety. While current law allows for firearms to be removed after a full restraining order is granted, the lack of a similar protection during the two weeks a temporary restraining order is in place



paradoxically leaves victims vulnerable during the very period when they are most likely to be harmed.

These risks to victims are unnecessary and preventable. At least 20 states, including New York and Massachusetts, have already passed laws allowing for the removal of firearms from individuals subject to temporary restraining orders.ⁱⁱⁱ State laws prohibiting firearm possession by persons subject to restraining orders reduced rates of intimate partner homicide of women by 12-13%, decreasing overall intimate partner homicides by 10%.^{iv} Connecticut has seen an average of 14 intimate partner homicides annually since 2000 and firearms are the single most commonly used weapon in those homicides (39%).^v It is time for Connecticut to close the gap in protection for victims of domestic violence by allowing for the removal of firearms while a temporary restraining order is in place. Let us enable ex parte orders to serve the purpose for which they were intended – to provide immediate protection to victims of domestic violence.

HB 5597, Protecting Victims of Domestic Violence Seeking Restraining Orders

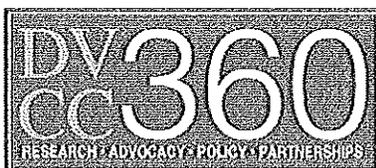
We urge you to oppose HB 5597 which poses an unnecessary risk to victims of domestic violence.

Rather than prohibiting offenders from purchasing and/or possessing firearms automatically as a result of being the subject of a temporary restraining order, HB 5597 would require the criminal court to initiate the risk warrant process in order to accomplish this goal. We believe this proposal to protect victims by use of the risk warrant statute, while well-intentioned, is misguided and extremely dangerous for victims of domestic violence.

The Connecticut Coalition Against Domestic Violence, of which we are a member, has outlined numerous concerns regarding use of the risk warrant. We would like to align ourselves with those concerns and reasons why our coalition believes that the risk warrant should not be the exclusive means to remove firearms from subjects of temporary restraining orders.

Many victims, while anxious to seek the protection of a civil restraining order, are justifiably wary of contacting or otherwise involving the police and/or the criminal justice system, for fear of retaliation by their abuser. Requiring a risk warrant in order to remove guns from the subject of a temporary restraining order unnecessarily inserts law enforcement into a civil process that already recognizes the need for victims to seek protection from abuse independent of the police.

Further, while HB 5054 would require the removal of firearms within 24 hours, this bill contains no time frame whatsoever for removal via the risk warrant process. Obtaining a risk warrant relies on a State's Attorney's decision to move forward with the process; the victim has no



choice but to wait for, and rely upon that decision. Even if a State's Attorney did apply for the warrant, realistically, the wait for the warrant to be processed, filed and served could itself take up to two weeks. At this point, not only would the issue of victim safety during the temporary restraining order period be moot, but the entire exercise would be rendered futile, given that current law requires firearms to be surrendered anyway once a judge orders the temporary restraining order be extended into a permanent order. This is has the potential to leave victims in the very same predicament the bill purports to address.

Once again, we urge that you **support** HB 5054 and HB 5623, and **oppose** HB 5597. Thank you for your time and consideration in these matters.

Please do not hesitate to contact me with any questions or concerns.

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¹ "Myths and Facts About Domestic Violence," <http://www.dvpiowa.org/myths-facts-about-domestic-violence/> (visited March 09, 2016).

ⁱⁱ Campbell, JC, et al. 2003. "Risk Factors for Femicide in Abusive Relationships: Results from a Multistate Case Control Study." *American Journal of Public Health*. 93(7): 1092.

ⁱⁱⁱ Arizona, California, Hawaii, Illinois, Maine, Massachusetts, Michigan, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Texas, Utah, Virginia, Washington, West Virginia.

^{iv} Vigdor ER, Mercy JA. 2006. "Do Laws Restricting Access to Firearms by Domestic Violence Offenders Prevent Intimate Partner Homicide?" *Evaluation Review*. 30:313-46.

^v Connecticut State Police Crimes Analysis Unit; <http://www.dps-data.ct.gov/dps/ucr/ucr.aspx>.