

COALITION OF CONNECTICUT SPORTSMEN

P.O. Box 2506, Hartford, CT 06146, (203) 245-8076

www.ctsportsmen.com ccsct@comcast.net

Testimony presented to the Judiciary Committee

In **OPPOSITION** to Raised Bill No. **SB 429 AN ACT CONCERNING SERVICE OF RESTRAINING ORDERS** -- Offering Substitute Language.

Our objective (in red) is to balance the sections below between applicant and respondent, insure knowledge of false statements, and issue contempt citations if applicable. These changes are also applicable to *Raised Bill No. 5597 AN ACT PROTECTING DOMESTIC VIOLENCE VICTIMS SEEKING RESTRAINING ORDERS*; *HB 5054 AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE*; H.B. No. *5597 AN ACT PROTECTING DOMESTIC VIOLENCE VICTIMS SEEKING RESTRAINING ORDERS*

1(b) The application form shall allow the applicant, at the applicant's option, to indicate whether, to the best of the applicant's knowledge, the respondent holds a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one or more firearms [or ammunition.] The application shall be accompanied by an affidavit made under oath which includes a statement warning that false statements are punishable by law, and a brief statement of the conditions from which relief is sought and how respondent's firearms are a specific threat to the applicant. Upon receipt of the application the court may **[shall order]** enter a finding that probable cause exists to believe that respondent's firearms are an imminent threat to the applicant's safety, and that a hearing on the application be held not later than [fourteen] five days from the date of the order. Notwithstanding any other provisions of the general statutes, no respondent shall be compelled to surrender a valid firearms permit or any firearms until after a hearing before a judge and upon issuance of an order commanding such firearms or firearms permit surrender.

The court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the court sees fit. In making such orders, the court, in its discretion, may consider relevant court records if the records are available to the public from a clerk of the Superior Court or on the Judicial Branch's Internet web site. Such orders may include temporary child custody or visitation rights, and such relief may include, but is not limited to, an order

enjoining the respondent from (1) imposing any restraint upon the person or liberty of the applicant; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant; or (3) entering the family dwelling or the dwelling of the applicant. Such order may include provisions necessary to protect any animal owned or kept by the applicant including, but not limited to, an order enjoining the respondent from injuring or threatening to injure such animal. If an applicant alleges an immediate and present physical danger to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate. If a postponement of a hearing on the application is requested by either party and granted, the ex parte order shall not be continued except upon agreement of the parties or by order of the court for good cause shown. If a hearing on the application is scheduled or an ex parte order is granted and the court is closed on the scheduled hearing date, the hearing shall be held on the next day the court is open and any such ex parte order shall remain in effect until the date of such hearing

(i) *(NEW)* Any applicant who fails to appear at a hearing provided under subsections (b) and (g) shall be held in contempt, and the restraining order against the respondent vacated. Any other provisions of the general statutes notwithstanding, upon the vacating of any restraining order, the judge shall order any local police department or the state police to immediately return any surrendered firearms and order the commissioner of the Department of Emergency Services and Public Protection to reinstate any firearms permits held by the respondent.

Thank you.