



General Assembly

**Amendment**

February Session, 2016

LCO No. 5223



Offered by:

REP. PAVALOCK, 77<sup>th</sup> Dist.

REP. DUBITSKY, 47<sup>th</sup> Dist.

REP. SAMPSON, 80<sup>th</sup> Dist.

To: Subst. House Bill No. 5054

File No. 602

Cal. No. 370

(As Amended by House Amendment Schedule "A")

**"AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE."**

1 Strike subsection (b) of section 3 in its entirety and insert the  
2 following in lieu thereof:

3 "(b) The application form shall allow the applicant, at the applicant's  
4 option, to indicate whether the respondent holds a permit to carry a  
5 pistol or revolver, an eligibility certificate for a pistol or revolver, a  
6 long gun eligibility certificate or an ammunition certificate or possesses  
7 one or more firearms or ammunition. The application shall be  
8 accompanied by an affidavit made under oath which includes a brief  
9 statement of the conditions from which relief is sought. Upon receipt  
10 of the application the court shall order that a hearing on the  
11 application be held not later than fourteen days from the date of the  
12 order except that, if the application indicates that the respondent holds  
13 a permit to carry a pistol or revolver, an eligibility certificate for a

14 pistol or revolver, a long gun eligibility certificate or an ammunition  
15 certificate or possesses one or more firearms or ammunition, and the  
16 court orders an ex parte order, the court shall order that a hearing be  
17 held on the application not later than seven days from the date on  
18 which the ex parte order is issued. The court, in its discretion, may  
19 make such orders as it deems appropriate for the protection of the  
20 applicant and such dependent children or other persons as the court  
21 sees fit. In making such orders, the court, in its discretion, may  
22 consider relevant court records if the records are available to the public  
23 from a clerk of the Superior Court or on the Judicial Branch's Internet  
24 web site. Such orders may include temporary child custody or  
25 visitation rights, and such relief may include, but is not limited to, an  
26 order enjoining the respondent from (1) imposing any restraint upon  
27 the person or liberty of the applicant; (2) threatening, harassing,  
28 assaulting, molesting, sexually assaulting or attacking the applicant; or  
29 (3) entering the family dwelling or the dwelling of the applicant. Such  
30 order may include provisions necessary to protect any animal owned  
31 or kept by the applicant including, but not limited to, an order  
32 enjoining the respondent from injuring or threatening to injure such  
33 animal. If an applicant alleges an immediate and present physical  
34 danger to the applicant, the court, upon a finding of probable cause of  
35 immediate and present physical danger to the applicant, may issue an  
36 ex parte order granting such relief as it deems appropriate. If a  
37 postponement of a hearing on the application is requested by either  
38 party and granted, the ex parte order shall not be continued except  
39 upon agreement of the parties or by order of the court for good cause  
40 shown. If a hearing on the application is scheduled or an ex parte order  
41 is granted and the court is closed on the scheduled hearing date, the  
42 hearing shall be held on the next day the court is open and any such ex  
43 parte order shall remain in effect until the date of such hearing."

44 Strike subsection (h) of section 3 in its entirety and insert the  
45 following in lieu thereof:

46 "[~~(g)~~] (h) (1) The applicant shall cause notice of the hearing pursuant  
47 to subsection (b) of this section and a copy of the application and the

48 applicant's affidavit and of any ex parte order issued pursuant to  
49 subsection (b) of this section to be served on the respondent in hand  
50 not less than [five] three days before the hearing. The cost of such  
51 service shall be paid for by the Judicial Branch.

52 (2) When (A) an application indicates that a respondent holds a  
53 permit to carry a pistol or revolver, an eligibility certificate for a pistol  
54 or revolver, a long gun eligibility certificate or an ammunition  
55 certificate or possesses one or more firearms or ammunition, and (B)  
56 the court has issued an ex parte order pursuant to this section, the  
57 proper officer responsible for executing service, prior to serving such  
58 order, shall (i) provide notice to the law enforcement agency for the  
59 town in which the respondent will be served concerning when and  
60 where the service will take place, and (ii) send, or cause to be sent by  
61 facsimile or other means, a copy of the application, the applicant's  
62 affidavit, the ex parte order and the notice of hearing to such law  
63 enforcement agency, and (iii) request that a police officer from the law  
64 enforcement agency for the town in which the respondent will be  
65 served be present when service is executed by the proper officer. Upon  
66 receiving a request from a proper officer under the provisions of this  
67 subdivision, the law enforcement agency for the town in which the  
68 respondent will be served may designate a police officer to be present  
69 when service is executed by the proper officer.

70 (3) Upon the granting of an ex parte order, the clerk of the court  
71 shall provide two copies of the order to the applicant. Upon the  
72 granting of an order after notice and hearing, the clerk of the court  
73 shall provide two copies of the order to the applicant and a copy to the  
74 respondent. Every order of the court made in accordance with this  
75 section after notice and hearing shall be accompanied by a notification  
76 that is consistent with the full faith and credit provisions set forth in 18  
77 USC 2265(a), as amended from time to time. Immediately after making  
78 service on the respondent, the proper officer shall (A) send or cause to  
79 be sent, by facsimile or other means, a copy of the application, or the  
80 information contained in such application, stating the date and time  
81 the respondent was served, to the law enforcement agency or agencies

82 for the town in which the applicant resides, the town in which the  
83 applicant is employed and the town in which the respondent resides,  
84 and (B) as soon as possible, but not later than two hours after the time  
85 that service is executed, input into the Judicial Branch's Internet-based  
86 service tracking system the date, time and method of service. If, prior  
87 to the date of the scheduled hearing, service has not been executed, the  
88 proper officer shall input into such service tracking system that service  
89 was unsuccessful. The clerk of the court shall send, by facsimile or  
90 other means, a copy of any ex parte order and of any order after notice  
91 and hearing, or the information contained in any such order, to the law  
92 enforcement agency or agencies for the town in which the applicant  
93 resides, the town in which the applicant is employed and the town in  
94 which the respondent resides, within forty-eight hours of the issuance  
95 of such order. If the [victim] applicant is enrolled in a public or private  
96 elementary or secondary school, including a technical high school, or  
97 an institution of higher education, as defined in section 10a-55, the  
98 clerk of the court shall, upon the request of the [victim] applicant,  
99 send, by facsimile or other means, a copy of such ex parte order or of  
100 any order after notice and hearing, or the information contained in any  
101 such order, to such school or institution of higher education, the  
102 president of any institution of higher education at which the victim is  
103 enrolled and the special police force established pursuant to section  
104 10a-156b, if any, at the institution of higher education at which the  
105 [victim] applicant is enrolled."