



General Assembly

February Session, 2016

Amendment

LCO No. 5431



Offered by:
SEN. MARKLEY, 16th Dist.

To: Subst. House Bill No. 5054 File No. 750 Cal. No. 531

(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. When
10 completing an application, the applicant shall complete a form that
11 includes a telephone number for the applicant so that the court may
12 provide the applicant with updated information concerning the time,
13 date and place of the hearing on the application. Such form shall not be
14 part of the application nor available for public inspection, but instead

15 shall be kept confidential by the court. The application shall provide
16 notice to the applicant, that if the court orders ex parte relief, the
17 respondent may request an expedited hearing and that the applicant
18 shall be notified of the expedited hearing by means of the telephone
19 number provided by the applicant pursuant to this subsection and by
20 access to a secure section of the Internet web site of the Judicial Branch.
21 Upon receipt of the application the court [shall] may order that a
22 hearing on the application be held not later than fourteen days from
23 the date of the order except that, (1) if the application indicates that the
24 respondent holds a permit to carry a pistol or revolver, an eligibility
25 certificate for a pistol or revolver, a long gun eligibility certificate or an
26 ammunition certificate or possesses one or more firearms or
27 ammunition, and the court orders an ex parte order, the court shall
28 order that a hearing be held on the application not later than seven
29 days from the date on which the ex parte order is issued, and (2) the
30 respondent may request that such hearing be held, on an expedited
31 basis, but not later than two business days after service has been made
32 on the respondent in conformance with subsection (h) of this section.
33 Upon receiving a request from the respondent for an expedited
34 hearing, the court shall reschedule such hearing and provide
35 telephonic and electronic notification to the applicant of the
36 rescheduled time, date and place of the hearing. The court, in its
37 discretion, may make such orders as it deems appropriate for the
38 protection of the applicant and such dependent children or other
39 persons as the court sees fit. In making such orders, the court, in its
40 discretion, may consider relevant court records if the records are
41 available to the public from a clerk of the Superior Court or on the
42 Judicial Branch's Internet web site. Such orders may include temporary
43 child custody or visitation rights, and such relief may include, but is
44 not limited to, an order enjoining the respondent from [(1)] (A)
45 imposing any restraint upon the person or liberty of the applicant; [(2)]
46 (B) threatening, harassing, assaulting, molesting, sexually assaulting or
47 attacking the applicant; or [(3)] (C) entering the family dwelling or the
48 dwelling of the applicant. Such order may include provisions
49 necessary to protect any animal owned or kept by the applicant

50 including, but not limited to, an order enjoining the respondent from
51 injuring or threatening to injure such animal. If an applicant alleges an
52 immediate and present physical danger to the applicant, the court may
53 issue an ex parte order granting such relief as it deems appropriate. If a
54 postponement of a hearing on the application is requested by either
55 party and granted, the ex parte order shall not be continued except
56 upon agreement of the parties or by order of the court for good cause
57 shown. If a hearing on the application is scheduled or an ex parte order
58 is granted and the court is closed on the scheduled hearing date, the
59 hearing shall be held on the next day the court is open and any such ex
60 parte order shall remain in effect until the date of such hearing."