



General Assembly

**Amendment**

February Session, 2016

LCO No. 5433



Offered by:  
SEN. MARKLEY, 16<sup>th</sup> 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. 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."