



General Assembly

February Session, 2016

Amendment

LCO No. 5436



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. 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."