



General Assembly

Amendment

February Session, 2016

LCO No. 5802



Offered by:
SEN. MARKLEY, 16th Dist.

To: Subst. House Bill No. 5054

File No. 750

Cal. No. 531

"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."