



General Assembly

January Session, 2019

**Committee Bill No. 689**

LCO No. 6175



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

**AN ACT CONCERNING THE ISSUANCE OF EX PARTE RESTRAINING ORDERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 46b-15 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2019*):

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

17 court orders an ex parte order, the court shall order that a hearing be  
18 held on the application not later than seven days from the date on  
19 which the ex parte order is issued. The court, in its discretion, may  
20 make such orders as it deems appropriate for the protection of the  
21 applicant and such dependent children or other persons as the court  
22 sees fit. In making such orders ex parte, the court, in its discretion, may  
23 consider relevant court records if the records are available to the public  
24 from a clerk of the Superior Court or on the Judicial Branch's Internet  
25 web site. In addition, at the time of the hearing, the court, in its  
26 discretion, may also consider a report prepared by the family services  
27 unit of the Judicial Branch that may include, as available: Any existing  
28 or prior orders of protection obtained from the protection order  
29 registry; information on any pending criminal case or past criminal  
30 case in which the respondent was convicted of a violent crime; any  
31 outstanding arrest warrant for the respondent; and the respondent's  
32 level of risk based on a risk assessment tool utilized by the Court  
33 Support Services Division. The report may also include information  
34 pertaining to any pending or disposed family matters case involving  
35 the applicant and respondent. Any report provided by the Court  
36 Support Services Division to the court shall also be provided to the  
37 applicant and respondent. Such orders may include temporary child  
38 custody or visitation rights, and such relief may include, but is not  
39 limited to, an order enjoining the respondent from (1) imposing any  
40 restraint upon the person or liberty of the applicant; (2) threatening,  
41 harassing, assaulting, molesting, sexually assaulting or attacking the  
42 applicant; or (3) entering the family dwelling or the dwelling of the  
43 applicant. Such order may include provisions necessary to protect any  
44 animal owned or kept by the applicant including, but not limited to, an  
45 order enjoining the respondent from injuring or threatening to injure  
46 such animal. If an applicant alleges an immediate and present physical  
47 danger to the applicant or that the respondent could pose a physical  
48 danger to the applicant prior to the opportunity for a hearing, the court  
49 may issue an ex parte order granting such relief as it deems  
50 appropriate. If a postponement of a hearing on the application is

51 requested by either party and granted, the ex parte order shall not be  
 52 continued except upon agreement of the parties or by order of the  
 53 court for good cause shown. If a hearing on the application is  
 54 scheduled or an ex parte order is granted and the court is closed on the  
 55 scheduled hearing date, the hearing shall be held on the next day the  
 56 court is open and any such ex parte order shall remain in effect until  
 57 the date of such hearing. If the applicant is under eighteen years of age,  
 58 a parent, guardian or responsible adult who brings the application as  
 59 next friend of the applicant may not speak on the applicant's behalf at  
 60 such hearing unless there is good cause shown as to why the applicant  
 61 is unable to speak on his or her own behalf, except that nothing in this  
 62 subsection shall preclude such parent, guardian or responsible adult  
 63 from testifying as a witness at such hearing. As used in this subsection,  
 64 "violent crime" includes: (A) An incident resulting in physical harm,  
 65 bodily injury or assault; (B) an act of threatened violence that  
 66 constitutes fear of imminent physical harm, bodily injury or assault,  
 67 including, but not limited to, stalking or a pattern of threatening; (C)  
 68 verbal abuse or argument if there is a present danger and likelihood  
 69 that physical violence will occur; and (D) cruelty to animals as set forth  
 70 in section 53-247.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	46b-15(b)

**Statement of Purpose:**

To permit the court to issue ex parte restraining orders when the respondent could pose a physical danger to the applicant prior to the opportunity for a hearing.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

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 SEN. CASSANO, 4th Dist.; SEN. LESSER, 9th Dist.  
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