



Temporary Restraining Orders and Gun Violence in Connecticut

March 2016

Connecticut has strong gun laws, but one significant loophole leaves victims of intimate partner violence vulnerable to gun violence: The state does not prohibit abusers subject to temporary restraining orders, or TROs, from possessing or purchasing guns. The state legislature is currently considering a bill—H.B. 5054—that would extend protections to victims of domestic violence during the critical period after they have first filed for protection.

What is a Temporary Restraining Order?

An individual in Connecticut who “has been subjected to a continuous threat of present physical pain or physical injury, stalking or a pattern of threatening” by a family or household member may seek a restraining order from the Connecticut Superior Court. Upon demonstrating that the individual faces “an immediate and present physical danger,” the Court may issue a TRO that remains in effect for up to 14 days pending a full hearing on the restraining order application. The TRO provides court-ordered protection in the period between when she or he initially files for an order of protection and the hearing at which a judge considers the application and hears from the respondent.¹

The period immediately following the issuance of a TRO is one of the most dangerous for victims in abusive relationships.

Abusers often become angry when they learn that the victim has filed a restraining order against them and feel that they are losing control. This frequently leads them to retaliate in extreme ways, including with lethal violence.²

Why should gun possession be prohibited for individuals subject to a TRO?

Connecticut already has strong laws in place to keep guns out of the hands of domestic abusers who have been convicted of a misdemeanor domestic violence crime or are subject to a permanent domestic violence restraining order.³ But there is a significant gap in the law that allows abusers subject to a TRO to continue to possess guns.

Fatal domestic violence is frequently caused by guns.

Women are

500%

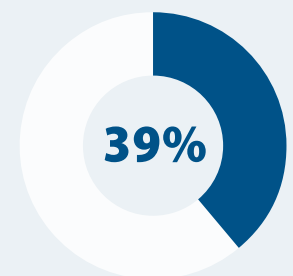
more likely to be murdered by an intimate partner when a gun is present and there is a history of domestic violence.⁶

Connecticut is home to high levels of gun violence that particularly affect victims of domestic violence:

Between 2000 and 2012,
188 people

in Connecticut were killed by an intimate partner.⁷

Of those murdered by an intimate partner, **39 percent** were killed with a gun.⁸



Lori Jackson Gellatly, May 7, 2014, Oxford, Connecticut

Lori Jackson Gellatly was shot and killed by her estranged husband, Scott Gellatly, on May 7, 2014, in Oxford. During the attack, Scott also shot and injured Lori's mother, Merry Jackson, and their family dog. Lori had left Scott months earlier, taking their 18-month-old twins and moving in with her parents. Lori had been granted a TRO weeks before the shooting and was waiting for the court hearing on her application for a permanent restraining order when she was killed. Scott Gellatly has pleaded not guilty to charges of murder, attempted murder, and aggravated assault and is currently awaiting trial.⁴

How can Connecticut close the gaps in its laws?

A bill currently before the state legislature would help protect victims of domestic violence during this most dangerous period:

- **H.B. 5054:** This bill would extend the prohibition on possessing a gun to individuals subject to TROs for the duration of the order. It would also require the surrender of all firearms and ammunition when an individual becomes subject to a TRO.⁵

The Connecticut legislature should act quickly to enact this crucial legislation, which will help keep guns out of the hands of domestic abusers and protect victims of domestic violence during a period of heightened vulnerability.

Endnotes

1 Conn. Gen. Stat. § 46b-15, available at http://www.cga.ct.gov/current/pub/chap_815a.htm (last accessed May 2015).

2 J.C. Campbell and others, "Risk Factors for Femicide in Abusive Relationships: Results from a Multistate Case Control Study," *American Journal of Public Health* 93 (7) (2003): 1089–1097.

3 Conn. Gen. Stat. §§ 53a-61, 53a-61a, 53a-96; Conn. Gen. Stat. § 53a-217(a)(4); see Conn. Gen. Stat. § 53a-217c(a)(5) for similar prohibitions of "criminal possession of a pistol or revolver."

4 Amanda Cuda, "Gellatly death highlights gaps in system," *ctpost.com*, May 11, 2014, available at <http://www.ctpost.com/local/article/Gellatly-death-highlights-gaps-in-system-5469075.php>; Michael P. Mayko, "Two families divided as Scott Gellatly appears in court," *ctpost.com*, May 13, 2014, available at <http://www.ctpost.com/local/article/Two-families-divided-as-Scott-Gellatly-appears-in-5475554.php>; Ken Dixon, "Hundreds speak on new gun rules," *The Chronicle*, March 12, 2015, p. 7.

5 *An Act Protecting Victims of Domestic Violence*, Governor's Bill No. 5054, February sess. (2016), available at <https://www.cga.ct.gov/2016/TOB/h/2016HB-05054-R00-HB.htm>.

6 Campbell and others, "Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study."

7 Connecticut Coalition Against Domestic Violence, "Upon Further Examination: 2014 Findings and Recommendations of the Connecticut Domestic Violence Fatality Review Committee" (2014), available at http://www.ctcadv.org/files/9614/0656/3514/2014_Fatality_Review_Report.pdf.

8 *Ibid.*

9 Connecticut Coalition Against Domestic Violence, "Firearms and Domestic Violence."

States that already have laws in place to prevent individuals subject to TROs from accessing firearms by court order include:

- Arizona
- California
- Hawaii
- Illinois
- Massachusetts
- Michigan
- Montana
- Nebraska
- New Hampshire
- New Jersey
- New York
- North Carolina
- North Dakota
- Pennsylvania
- Texas
- Utah
- Virginia
- Washington
- West Virginia⁹

#PROTECT ALL WOMEN

For more information about how gun violence affects women in Connecticut, visit www.protectallwomen.org.