

CONNECTICUT

RISK WARRANT

&

DOMESTIC  
VIOLENCE

RESTRAINING/  
PROTECTIVE

ORDER

HOW DO THEY DIFFER?



Bloomberg American  
Health Initiative

Information on this website does not constitute legal advice. Every factual situation is unique; if you want legal advice specific to your particular circumstances, please consult knowledgeable counsel.



## WHAT IS A RISK WARRANT?

In Connecticut, a risk warrant temporarily prohibits individuals who possess a firearm and pose a danger of injury to self (including suicide) or others from possessing firearms and ammunition. If at a hearing, of which the respondent has notice and an opportunity to be heard, the court determines that continuing to hold the firearms and ammunition is justified, the individual will also be temporarily prohibited from purchasing firearms and ammunition.

## HOW ARE RISK WARRANTS DIFFERENT?

### Petitioners

One state's attorney or two law enforcement officers may petition<sup>1</sup> for a **risk warrant**.

### Protections

**Risk warrants** offer one type of protection: They require persons at risk of injury to self or others who possess a firearm to temporarily surrender those firearms and any ammunition and, if the court orders the respondent's firearms and ammunition held for up to one year, the respondent must refrain from purchasing any new firearms or ammunition for the duration of the court's order. Risk warrants require respondents to turn over firearms or ammunition to law enforcement, transfer such to a federally licensed firearms dealer, or another lawfully eligible person.

## WHAT IS A DOMESTIC VIOLENCE RESTRAINING/PROTECTIVE ORDER?

In Connecticut, a Domestic Violence Restraining Order (DVRO) is a civil order issued by a judge that provides various forms of relief from abuse, including ordering the respondent<sup>2</sup> to refrain from abuse and threatening abuse, prohibiting contact with the applicant, awarding temporary child custody, and prohibiting the possession of firearms and ammunition for the duration of the DVRO. Connecticut also has a criminal DVRO available when criminal charges have been filed against the respondent. This document focuses on civil DVROs.

## HOW ARE DOMESTIC VIOLENCE RESTRAINING ORDERS DIFFERENT?

### Petitioners

Family or household members (including persons related by blood or marriage, current or former dating partners, and persons with a child in common)<sup>3</sup> may petition for a **DVRO**.

### Protections

A **DVRO** may order various forms of relief from abuse, including but not limited to ordering the respondent to stay away from any applicant, refrain from entering the home of an applicant, and refrain from purchasing or possessing firearms or ammunition.

## DIVE DEEPER

In Connecticut, risk warrants serve a different purpose than Domestic Violence Restraining Orders. For a more detailed description of the differences, see the comparison chart.

# EXPLORE THE DIFFERENCES

## RISK WARRANT & DVRO COMPARISON CHART

### PETITIONS AND ORDERS

### DOMESTIC VIOLENCE RESTRAINING/PROTECTIVE ORDER (DVRO)

#### What results from the issuance of a warrant/order?

#### RISK WARRANT

A risk warrant temporarily prohibits the respondent from possessing firearms and ammunition and requires the dispossession of firearms and ammunition<sup>4</sup>

A respondent may also be prohibited from purchasing firearms and must dispossess self of any gun purchase eligibility certificate and permit to carry if the court continues to hold the respondent's firearms for up to one year<sup>5</sup>

The court may in its discretion order relief it deems appropriate, including but not limited to:

- Prohibiting the respondent from imposing any restraint upon the petitioner
- Prohibiting the respondent from threatening, harassing, assaulting, molesting, sexually assaulting or attacking the petitioner
- Ordering the respondent to stay away from the family dwelling or the dwelling of the petitioner
- Awarding temporary child custody or visitation rights
- Prohibiting the respondent from injuring or threatening to injure any animal owned or kept by the petitioner
- Ordering the respondent to surrender firearms or ammunition and refrain from possessing firearms or ammunition for the duration of the order<sup>6</sup>

#### Is the warrant/order criminal or civil?

Civil

If respondent violates the court's order, they may be charged with a crime<sup>7</sup>

Civil

If the respondent violates the order, they may be charged with a crime<sup>8</sup>

#### What types of warrants/orders are available?

Risk warrant

Order issued after notice and hearing

*Ex parte* DVRO

Final DVRO

#### Who may petition for a warrant/order?

One state's attorney or any two police officers<sup>9</sup>

Family or household members (including current or former

spouses, parents or their children, persons related by blood or marriage, persons currently or formerly residing together person with a child in common, current or former dating partners)<sup>10</sup>

<b>May a minor be the respondent to a warrant/order?</b>	No	Yes
<b>Can the warrant/order be issued 24/7?</b>	No	No
<b>Which court hears the petition?</b>	Superior Court <sup>11</sup>	Superior Court <sup>12</sup>
<b>What is the burden of proof?</b>	Risk warrant: probable cause <sup>13</sup>  Order issued after notice and hearing; clear and convincing evidence <sup>14</sup>	Discretion of the Court <sup>15</sup>
<b>What must be proven?</b>	Risk warrant: respondent poses a risk of imminent personal injury to self or others and respondent possesses one or more firearms <sup>16</sup>  Order issued after notice and hearing; respondent poses a risk of imminent personal injury to self or to others <sup>17</sup>	<i>Ex parte</i> DVRO: petitioner has been subjected to a continuous threat of physical pain or physical injury, stalking or a pattern of threatening and there is an immediate and present physical danger to the petitioner <sup>18</sup>  Final DVRO: petitioner has been subjected to a continuous threat of physical pain or physical injury, stalking or a pattern of threatening
<b>What factors may the court consider?</b>	The judge shall consider:  - Recent threats or acts of violence by the respondent toward self, or others  - Recent acts of cruelty to animals  The judge may consider other factors including, but not limited to:  - The reckless use, display or brandishing of a firearm  - A history of the use, attempted use or threatened use of physical force against other persons  - Prior involuntary confinement in a hospital for persons with psychiatric disabilities  - The illegal use of controlled substances or abuse of alcohol <sup>19</sup>	The court may consider:  - Relevant court records if the records are available to the public from a clerk of the Superior Court or on the Judicial Branch's Internet web site  -The court may also consider a report prepared by the family services unit of the Judicial Branch that may include:  - Any existing or prior orders of protection  - Information on any pending criminal case or past criminal case in which the respondent was convicted of a violent crime  - Any outstanding arrest warrant for the respondent;  - The respondent's level of risk based on a risk assessment tool used by the Court Support Services Division

- Any pending or disposed family matters case involving the petitioner and respondent<sup>20</sup>

**How long is the warrant/order in effect?**

Risk warrant: up to 14 days<sup>21</sup>  
 Order issued after notice and hearing: up to 1 year<sup>22</sup>

*Ex parte* DVRO: until the final DVRO hearing which will be held within 14 days, or within 7 days if the respondent possesses a firearm or ammunition or holds a permit to carry or gun purchase eligibility certificate<sup>23</sup>  
 Final DVRO: up to 1 year<sup>24</sup>

**May the warrant/order be modified, terminated, or renewed?**

No

Yes, the order may be extended<sup>25</sup>

**Are court records confidential?**

Yes, until the execution of the risk warrant<sup>26</sup>

No

**FIREARM DISPOSSESSION**

**RISK WARRANT**

**DOMESTIC VIOLENCE RESTRAINING/PROTECTIVE ORDER (DVRO)**

**What firearms must be surrendered?**

All firearms and ammunition in the respondent's possession<sup>27</sup>  
 If after notice and a hearing the court determines that continuing to hold the firearms and ammunition is justified, the CT Commissioner of Emergency Services and Public Protection shall revoke respondent's gun purchase eligibility certificate, and any permit to carry<sup>28</sup>

All firearms and ammunition in the respondent's possession for a final DVRO<sup>29</sup>  
 All firearms and ammunition included in the court's order, if any, for an *ex parte* DVRO<sup>30</sup>  
 The CT Commissioner of Emergency Services and Public Protection shall revoke respondent's gun purchase eligibility certificate, and any permit to carry<sup>31</sup>

**What is the process for firearm dispossession?**

Risk warrants authorize law enforcement to search for and seize firearms and ammunition  
 Respondent must dispossess self of all firearms and ammunition within 2 business days of risk warrant service<sup>32</sup>  
 The respondent, following a hearing at which the court decides to retain the respondent's firearms for up to one year, may transfer any firearm or ammunition in their possession to a person who may legally possess them<sup>33</sup>

Respondent must dispossess of all firearms or ammunition within 24 hours of DVRO service<sup>34</sup>  
 The respondent must sell their firearms or ammunition to a federally licensed firearms dealer or surrender them to the CT Commissioner of Emergency Services and Public Protection or a local police department<sup>35</sup>

**Is an order to search for and seize firearms issued in conjunction with a risk warrant or DVRO?**

All risk warrants require law enforcement to search for and seize any and all firearms and ammunition in the respondent's possession<sup>36</sup>

No

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## ENDNOTES

1 In Connecticut, a state's attorney or any two law enforcement officers may file a complaint for the seizure of firearms and ammunition. For the purposes of this page, "petition/petitioner" will be used instead of "complaint/complainant."

2 A "respondent" is a person subject to an order.

3 See the chart for a complete list of "family or household members."

4 Conn. Gen. Stat. §§ 29-38c; 29-36k.

5 Conn. Gen. Stat. §§ 29-36f; 29-37p.

6 Conn. Gen. Stat. § 46b-15(b).

7 Conn. Gen. Stat. § 29-36k(e).

8 Conn. Gen. Stat. § 46b-15(f).

9 Conn. Gen. Stat. § 29-38c(a).

10 Conn. Gen. Stat. § 46b-15(a).

11 Conn. Gen. Stat. § 29-38c(a).

12 Conn. Gen. Stat. § 46b-15(b).

13 Conn. Gen. Stat. § 29-38c(b).

14 Conn. Gen. Stat. § 29-38c(d).

15 Conn. Gen. Stat. § 46b-15(b).

16 Conn. Gen. Stat. § 29-38c(a).

17 Conn. Gen. Stat. § 29-38c(d). The purpose of the final hearing is to determine if currently seized firearms should be retained or returned.

18 Conn. Gen. Stat. § 46b-15(a).

19 Conn. Gen. Stat. § 29-38c(b).

20 Conn. Gen. Stat. § 46b-15(b).

21 Conn. Gen. Stat. § 29-38c(d).

22 Conn. Gen. Stat. § 29-38c(d).

23 Conn. Gen. Stat. § 46b-15(b).

24 Conn. Gen. Stat. § 46b-15(g).

25 Conn. Gen. Stat. § 46b-15(g).

26 Conn. Gen. Stat. § 29-38c(c).

27 Conn. Gen. Stat. § 29-38c.

28 Conn. Gen. Stat. §§ 29-36(a); 29-37s(a); 29-38p(a).

29 Conn. Gen. Stat. § 29-36k(b).

30 Conn. Gen. Stat. § 46b-15(b).

31 Conn. Gen. Stat. § 29-36(a); § 29-37s(a); § 29-38p(a).

32 Conn. Gen. Stat. § 29-36k(a).

33 Conn. Gen. Stat. § 29-38c.

34 Conn. Gen. Stat. § 29-36k(b).

35 Conn. Gen. Stat. § 29-36k(b).

36 Conn. Gen. Stat. § 29-38c.

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## ABOUT THIS PROJECT

In 2013, following the Sandy Hook massacre, the Consortium for Risk-Based Firearm Policy published evidence-based recommendations to address all forms of gun violence. Among the recommendations was a call for states to pass a new policy called Extreme Risk Protection Orders. As of April 16, 2020, seven years since the Consortium released its report, 19 states and the District of Columbia have passed new ERPO laws. Dozens more states have introduced ERPO bills.

With many laws in place, and several additional states poised to enact ERPO laws, there is a need for information, technical assistance, and support for implementing ERPO laws. This project was created to address that need. Please visit the central resource for ERPO implementers at [americanhealth.jhu.edu/implementERPO](http://americanhealth.jhu.edu/implementERPO).