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Testimony to the Joint Committee on Judiciary March 13, 2023

HB6877: AN ACT CONCERNING RISK PROTECTION ORDERS OR WARRANTS AND DISQUALIFIERS FOR FIREARM PERMITS AND ELIGIBILITY CERTIFICATES BASED ON TEMPORARY COMMITMENT UNDER A PHYSICIAN'S EMERGENCY CERTIFICATION.

Good morning, Chair Winfield, Chair Stafstrom, Senator Kissel, Representative Fishbein and distinguished members of the Judiciary Committee:

I am Loretta Jay, a resident of Fairfield. As a consultant, I provide program development and evaluation to public agencies and non-profits that serve children and families. I am also a special education planner and advocate. In this capacity, in December, one of my clients was served an emergency risk protection order. Her experience was traumatic. Therefore, I ask you to hear her story and make necessary modifications to the bill HB6877 and the law.

It was already a sad and difficult time at the therapeutic boarding school. A much beloved teacher was killed in a car accident a few days earlier. As a result, the entire school community was grieving and my 15-year-old client self-harmed. An ambulance was called, and when she arrived at Yale's ED, the doctors determined that she was not suicidal. She was released home to her parents. Despite this, and even though she is a minor and not legally able to purchase firearms, and her family had none in their home, an RPO was issued.

This 15-year-old's RPO hearing was heard in adult court, an intimidating and child-unfriendly environment. To help illustrate that point, when waiting to go through security, I was stalled while the person in front of me had their drug-injecting needles confiscated and they awaited counsel; no one progressed into the building for almost ten minutes while court officers mobilized.

Eventually, once inside the courtroom, when my client's attorney asked the judge to seal the court and the record, the judge refused, saying, "The legislature did not say to seal the court." Because the proceedings were not private, my client's attorney did not submit evidence from the hospital to show that she was not a risk to herself or others. In other words, her parents had to choose between entering HIPPA protected medical records into the public record to directly counter the police officer's affidavit and testimony – or remaining silent and not providing the full story. The child listened, crying and distraught, as the police officer described her most intimate mental health challenges. Only after her attorney advocated did the judge reluctantly allow her to leave the court room – but not the building. She remained in the courthouse's hallway with her mother, further subjected to the scary setting.

Throughout the proceedings, it appeared that both the State's Attorney and the Judge feared the what-if. What if they got it wrong? What if something terrible happens? The apprehension about possible

repercussions led to an overcompensation, and the rights of this child were lost in the process. She was further traumatized by the system and the law that was supposed to protect her.

The judge approved the RPO. Her name on the national database (NICS) will have no meaningful effect until she turns 18. Likewise, her information is sent to DMHAS. This, even though the agency doesn't serve anyone under the age of 18. DMHAS tells me that minor children's identifying information is "being held."

Another problem that my research uncovered includes the lack of standardized implementation. There are 23 geographical area (GA) courts in the state, and each court's State's Attorney gives their respective police departments different direction on RPO criteria. Consequently, what may qualify for an RPO in Hartford (GA14) may not in Vernon (GA19).

After consulting with many state leaders in the mental health, child protection and law enforcement fields, I respectfully ask that you make the following changes to the law:

- **Limit RPOs to 18+ years or have a different process for minors.**
 - RPO hearings for minors to be held in Juvenile Court where the environment is more appropriate, and matters are protected.
 - No referral to DMHAS.
 - Verify no household firearms.
- **Seal the court and the records for all (child and adult) RPO respondents.** Our goal is to keep people safe, not shame them.
- **Require standardized criteria to inform all GA implementation.**
- **Define police "investigation."** Provide training for law enforcement.
- **Establish protocols for out-of-state respondents** so RPOs are enforceable.
- **Change the affiants so only one is needed if no weapons;** two to seize weapons. Thank you for including this in the current language of HB6877.

This experience resulted in unnecessary distress for the child and her family. Because so many aspects of the law are vague, not well-defined, or inappropriate for a minor, the family had undue legal expenses to protect their child (from the system) - even though there was never any access to weapons. The child, feeling further deflated by the experience, expressed defeat at the significance of a lifelong NICS listing. She said, "If this is how people will always see me, what is the point of trying to get better?"

In conclusion, I urge you to modify the language of HB6877 to include the changes that I've identified here. I thank you for your consideration and welcome your questions and the opportunity for further discussion.

Respectfully,



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