



**PETER COURTNEY**  
**President of the Senate**

**Senate Judiciary Committee**

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Senator Jeff Kruse, Vice Chair

Senator Ginny Burdick

Senator Sara Gelsler

Senator Kim Thatcher

*TESTIMONY BY SENATOR PETER COURTNEY*

*SUPPORTING SB 3*

*MARCH 4, 2015*

Chair Floyd Prozanski, Vice Chair Jeff Kruse, members of the Senate Committee on Judiciary, thank you for hearing my testimony today.

My name is Peter Courtney. I am a State Senator. I live in NE Salem. Testifying in support of Senate Bill 3.

This measure increases the punishment for breaking a Family Abuse Prevention restraining order, if there is clear risk of physical injury, to a Class C felony, punishable by up to 5 years imprisonment, a \$125,000 fine, or both.

On July 21, 2014 Cassandra Wagner filed a restraining order against her ex-boyfriend Jason Down. Forty days later she was dead. On August 4<sup>th</sup> Down violated that restraining order, and was given a 90 day probation. He was then released on work release on August 17<sup>th</sup>. On August 30<sup>th</sup>, 2014, he shot and killed Cassandra Wagner.

In August, Jessie Cavett of Portland filed a restraining order against her husband, Joshua Cavett, after severe beatings and threats of torture. In October Jessie was dead, shot by Joshua in front of her daughters, ages 2 and 5.

In November a custody battle ended in the murder of Nicolette Elias, the kidnapping of 2 children, ages 8 and 9, and the suicide of Ian Elias. This came less than a year after Nicolette obtained a restraining order against her ex-husband. In

July, Ian had been charged with contempt of court for continued harassment on social media sites, but before he could be charged, it was already too late.

We are facing a domestic violence death nearly **once a month** here in Oregon. Many of these cases involve active restraining orders. Last year 557 people applied for restraining orders in Marion County alone. There were 361 violations. Every single one of those violations was at most a misdemeanor, and at least a contempt of court charge. We need to change this. Judges hands are tied. The law lets dangerous violators walk away with nothing more than a contempt of court charge. We must give judges the discretion to treat restraining order violations as the serious crime they are.

Cassandra Wagner's murderer had 2 other restraining orders against him, both for threats of serious violence, from his sister and his ex-wife. He had been convicted of assault twice and armed burglary once. When he violated that restraining order on August 4<sup>th</sup>, he should have gotten more than a 90 day contempt charge. He should have been given more than 6 months in jail. The judge should have had the option of recognizing his danger to society, to his victim, and been able to sentence him to up to 5 years, and a felony conviction.

This bill is about changing domestic violence victims into domestic violence survivors. I hope you'll join me in supporting this bill. This is a first step in changing the outcome for women like Jessie Cavett, Nicolette Elias, and Cassandra Wagner.

Thank you, Chair Prozanski, Vice-Chair Kruse, and members of the Judiciary Committee for hearing my testimony today.