



Oregon

Kate Brown, Governor

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March 16, 2015

TO: Rep. Jeff Barker, Chair
House Judiciary Committee
State of Oregon

FR: Juliet Britton, J.D.
Executive Director
Psychiatric Security Review Board (PSRB)

RE: Testimony for March 19, 2015 Hearing on HB 2429 (Gun Relief Sunset)

Chair Barker, Vice-Chairs Olson and Williamson. I am Juliet Britton, Executive Director of the PSRB. HB 2429 is a housekeeping bill that would remove the sunset clause for the PSRB's relief program and permanently assign firearm restoration authority to our Board.

Firearm relief responsibilities for those who have an adjudicated mental health determination were transferred from the courts to the PSRB in 2009 based on the Board's expertise in mental health and risk assessment, our already existing hearings' process, and the statutory mandate that the Board's primary concern is the protection of society (2009, HB 2853 and later extended in 2011, HB 2662). The PSRB's relief program is ATF-certified which means that individuals who are granted relief simultaneously receive state and federal firearm privilege restoration. There is no fiscal associated with this bill as our current service level can accommodate these relief hearings.

It is important to note that since 2009, Oregon State Police has been receiving federal grant money to improve the State's process for submission of names to the National Instant Criminal Background Check System (NICS) database. These funds are dependent on having an ATF-certified relief program in Oregon. Oregon also receives federal monies through the Byrne Justice Assistance Grant (JAG) program which provides for imposition of penalties for states that fail to comply with the NICS Improvement Amendment Act's goals. To date, Oregon State Police has uploaded more than 30,580 names of Oregonians who have been determined to be barred under state law from possessing a firearm due to a psychiatric finding by a judge. Additionally, having this relief program complies with federal funding which, in order to be eligible, mandates states to submit the names of all those citizens barred under federal or state law to the national database.

Finally, this committee has previously voted to move forward, out of committee, a Guilty Except for Insanity (GEI) Expungement bill that would for the first time, allow those adjudicated GEI to have the ability to request expungement after their jurisdiction ends. It should be noted that under federal law, expungement does not automatically restore

federal gun privileges – only relief from an ATF-certified Gun Relief Authority. Therefore, this bill would give those who may be awarded expungement the ability to also request their firearms be restored by the PSRB.