



## CIRCUIT COURT OF OREGON

TWENTIETH JUDICIAL DISTRICT

Washington County Courthouse

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### **Testimony in Support of SB 525 Senate Judiciary Committee March 25, 2015**

Chair Prozanski, Co-Chair Kruse, and Members of the Committee,

My name is Donald Letourneau. I am a Washington County Circuit Court Judge and have been a trial judge in Washington County for 22 years. Prior to serving on the bench, I worked with the Metropolitan Public Defender's office and directed its Washington County office from 1984-1992. I have been in the unique position of serving in both the Family and Criminal Law Departments while on the bench. I additionally serve on Washington County's Domestic Violence Intervention Council and have historically been a member of its Executive Committee. I am currently assigned to handle the Washington County Domestic Violence Deferred Sentencing Program as well as most domestic violence probation revocation hearings. I am requesting your support on Senate Bill 525.

**Filling a necessary gap.** Senate Bill 525 will provide Oregon law enforcement and prosecutors with an additional tool to protect the safety of intimate partner victims by holding offenders accountable. While the Violence Against Women Act has addressed the well-documented connection between firearms and domestic violence-related homicides for two decades by criminalizing possession of firearms by certain domestic violence offenders, no analogous provisions exist under Oregon law. Consequently, state authorities lack the legal authority to act when offenders who are subject to protective orders or convicted of misdemeanor crimes of domestic violence possess firearms. Federal government's allocation of resources is inadequate to effectively investigate and to prosecute VAWA domestic violence firearms crimes. SB 525 would fill the gap and allow Oregon to protect victims of domestic violence from gun homicides.

**What SB 525 will do.** SB 525 will make it a crime for certain domestic violence offenders to possess firearms. Specifically, perpetrators convicted of a misdemeanor crime of domestic violence and offenders who are subject to a restraining order that has been upheld after a hearing will be prohibited from possession. The proposed law includes an official use exception allowing law enforcement or state or federal governmental personnel to possess firearms when subject to a restraining order while they are on duty.

**A step towards ending violence.** National statistics correlate success in disarming domestic violence offenders with a corresponding increase in safety for victims. SB 525 will assist in reducing the number of domestic violence incidents in Oregon. According to the Oregon Alliance to End Violence against women in 2014, Washington County alone saw three domestic violence incidents which resulted in fatalities. Two of these incidents involved guns and resulted in three fatalities and two serious injuries. In 2015 Washington County has already seen two domestic violence incidents resulting in three fatalities. Both 2015 incidents involved firearms.

**Dash One amendments to SB 525.** I strongly oppose the amendment that would restrict a circuit court judge's authority under the Family Abuse Prevention Act at ORS 107.718(1)(h) to craft, at the initial hearing, appropriate relief to protect the safety and welfare of victims and their children. Oregon judges currently have the legal authority and discretion to include provisions in restraining orders that allow for the non-possession of firearms by respondents and, in some instances, require their surrender. Washington County judges do not impose these restrictions in every case. We order surrender only when there is a direct nexus between the abuse and the weapon being dispossessed. Respondents in these cases are entitled by law to hearings to contest the restraining order, including firearms provisions. Restraining order papers served on respondents provide clear instructions about how to contest the initial order and the implications of any firearms prohibitions. I believe removing this authority from judges will adversely affect victim safety.

Supporting SB 525 would help in the continued fight against domestic violence in Oregon through offender accountability and additional protections for victims.

Thank you for allowing me to offer testimony.

Respectfully submitted,

  
Donald R. Letourneau  
Circuit Court Judge