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Testimony in Support of SB 525-2
Senate Judiciary Committee
Submitted By: Sybil Hebb
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Chair Prozanski, Vice-Chair Kruse, and Members of the Committee,

On behalf of the Oregon Law Center (OLC), thank you for the opportunity to testify this morning in support of SB 525 with the Dash 2 amendments.

OLC's mission is to achieve justice for low-income vulnerable populations. A significant number of our clients come to us for help as they are struggling to escape or recover from domestic violence. Domestic and sexual violence are serious public health and safety issues in our state. Victims and their children suffer great psychological, emotional, and physical trauma, which have long term impact on their lives. These issues greatly contribute to the vulnerability of our clients, and further trap them in poverty and crisis. All too often, domestic violence can be lethal. OLC is committed to supporting the coordinated community response necessary to help prevent this violence, and to help victims in crisis move towards the safety and stability they need for recovery.

Domestic violence and firearms are a lethal combination. Domestic violence accounts for one in four of all Oregon violent deaths. Every year, *on average*, twenty-nine Oregonians are killed in domestic violence incidents. From 2003-2014, a total of **321** lives were lost. These deaths include women, men, and children, and occurred in 31 of 36 counties. Deaths include primary victims, children and family members of the victim, responding officers, colleagues, and bystanders. Perpetrators also die, most commonly of self-inflicted gunshot wounds. The majority (at least 60%) of domestic violence deaths are by firearm. Many studies show that when firearms are in the hands of domestic violence abusers, there is a significantly greater danger of serious injury or death. Domestic violence assaults with firearms are 12x more likely to end in a fatality. The impact of these fatalities reverberates through our communities.

In recognition of this lethal connection, it has long been illegal as a matter of federal law for certain adjudicated domestic violence offenders to use or possess firearms. Since the mid-90's, the federal Violence Against Women Act (VAWA) has prohibited the possession of firearms or ammunition by domestic violence offenders if they are:

- Convicted of a qualifying misdemeanor crime of domestic violence; or
- Subject to qualifying restraining orders that have been upheld after a hearing.
(18 U.S.C 922 (g)(8) and (g)(9))

The federal law has significant gaps in coverage. The federal definition of "intimate partner" relationship excludes certain family members from protection, such as parents and siblings, and also excludes dating relationships. A significant percentage of domestic violence cases are between current or former dating partners - one study has found that this is the most common relationship between parties to domestic violence cases.

Federal law is almost impossible to implement in Oregon. The barriers to enforcement of the federal law in Oregon are two-fold:

- 1) "Family or household member" as defined by ORS 107.705 sets out the relationships considered domestic violence under state law. These relationships do not exactly match the "intimate partner" relationships covered by federal law. This means that federal law enforcement officers cannot easily identify which Oregon cases implicate the federal requirements. Making this determination requires reviewing files and other investigation, which is not compatible with quick and safe enforcement action.
- 2) There are a limited number of federal law enforcement officers in the state, and local law enforcement officers are not authorized to enforce federal law. It is local law enforcement on the streets and in our communities, interacting with domestic abusers and victims, who need the tools to protect victims.

It is time for Oregon to act to provide local law enforcement with the tools they need to protect victims and hold batterers accountable. SB 525 will create state firearm prohibitions applicable to adjudicated domestic violence offenders. These proposed prohibitions are similar to the current federal prohibitions found in the Violence Against Women Act. By incorporating these crimes into Oregon's statutes, they will be practically enforceable at the state level.

Specifically, the proposed law will prohibit firearm possession by two categories of domestic violence offenders. The prohibition will apply to:

- A **person subject to a restraining order** that was continued after a hearing and where the person had actual notice and an opportunity to be heard; and
- A **person convicted of a misdemeanor crime of domestic violence:**
 - who was represented by counsel or waived the right to counsel;
 - where the case was tried to a jury, if the crime was one where the person was entitled to a jury trial, or who waived the right to a jury trial; and
 - when the conviction has not been set aside or expunged or the person has not been pardoned.
- Violation of the prohibition would be a class A misdemeanor. The "official use" exemption, recognized by federal law, will apply to persons subject to a restraining order under state law.
 - The Dash 2 amendment corrects a technical cross-reference in the "official use" exemption language.

Many other states have acted at the local level to prohibit firearm possession by domestic violence offenders. Most recently, legislation on this topic passed in Louisiana, Wisconsin, Washington, and Minnesota with broad bi-partisan support. Currently, 19 states + DC prohibit possession by offenders convicted of domestic violence misdemeanors, and 23 states + DC prohibit possession by offenders subject to restraining orders.

It is time that Oregon acts to provide local law enforcement with the tools they need to protect victims and hold batterers accountable. We know that federal resources are limited, and prosecution is uncommon. We also know that it is local law enforcement to which victims turn. It is local law enforcement that encounters domestic violence day in and day out in any number of scenarios. SB 525 will address this disparity and enhance the ability of the Oregon criminal justice system to respond effectively. This proposed law will mean that those who have been determined judicially to be perpetrators of domestic violence cannot possess firearms as a matter of state law.

There is evidence that state laws restricting access to guns by domestic violence offenders are associated with a significant reduction in the number of intimate partner homicides. One study found a 19% reduction in risk. Domestic violence continues to plague our state, and domestic violence fatalities perpetrated by offenders using firearms occur with alarming regularity. I urge you to pass SB 525 with the Dash 2 amendments in order to prioritize the response to domestic violence and provide the criminal justice system with the tools it needs to limit perpetrator access to firearms and reduce tragic deaths.

Thank you again for the opportunity to testify.