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Testimony in Support of SB 525-B
House Judiciary Committee
Submitted By: Sybil Hebb
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Chair Barker, Vice-Chairs Olson and Williamson, and Members of the Committee,

On behalf of the Oregon Law Center (OLC), thank you for the opportunity to testify this afternoon in support of SB 525B.

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 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 12 times 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:

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

Federal law is almost impossible to implement in Oregon.

- Federal resources are limited, and prosecution is uncommon. There are a limited number of federal law enforcement officers in the state, and unless they are cross-deputized, local law enforcement officers are not authorized to enforce federal law.
- Oregon district attorneys and Oregon courts only have jurisdiction to enforce state laws. These entities also oversee domestic violence cases on a regular basis, but without state law on the topic, are unable to hold batterers accountable for violations of the federal prohibitions.

It is time that Oregon acts to provide local law enforcement with the tools they need to protect victims and hold batterers accountable. It is local law enforcement on the streets and in our communities, to whom victims turn. It is local law enforcement officers who encounter domestic violence day in and day out in any number of scenarios. SB 525B will close the gap in protection, so that those who have been determined judicially to be perpetrators of domestic violence cannot possess firearms as a matter of state law. By modeling the federal law in Oregon's statute, these provisions will be enforceable at the state level. This bill allow the Oregon criminal justice system to respond effectively.

Specifically, the bill will mirror the provisions found in 18 U.S.C. Section 922(g)(8) and (g)(9), and codify them in Oregon statute. The bill amends ORS Chapter 166 (which lists Oregon's current firearm possession prohibitions) to prohibit firearm possession by:

- **A person subject to a domestic violence restraining order** issued after a hearing of which the person had actual notice and during the course of which the person had an opportunity to be heard;
 - Applies to "intimate partners" as defined by federal law (*spouse/former spouse, people who have had a child together, people who have lived together or who are living together in a relationship akin to a spouse*)
 - Prohibition lasts only while the order is in effect. Federal "official use" exemptions are incorporated.
- **A person convicted of a qualifying misdemeanor crime involving domestic violence** (must have as an element the use of physical force or a deadly weapon).
 - Applies to cases in which the perpetrator is a "family member" of the victim, as defined by federal law (*spouse/former spouse, person with whom the victim shares a child in common, parent or guardian of the victim, person who has cohabited with or is cohabiting with the victim as a person similarly situated to spouse/parent/guardian of the victim*)
 - Similar to federal law, the prohibition lasts until the conviction is set aside or expunged or the person is pardoned.
- **Violation is a Class A Misdemeanor**, just as under current law for other prohibited possessors identified in Chapter 166.

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.

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 2010 study conducted in 46 cities found a 19% reduction in risk. A similar 2006 study conducted at the state level found a 12-13% risk reduction. While this bill is not a complete solution, it will take a significant step forward to help save lives.

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 525B 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.