



From the desk of
Jeff Barker
Rep. Jeff Barker

POLICE DEPARTMENT
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Representatives:

I wanted to take the opportunity to provide you some factual information regarding SB 525B. This bill would align Oregon law with federal law, prohibiting adjudicated domestic violence offenders from possessing firearms. An area under debate is if local law enforcement can currently enforce federal law. This issue is a bit more complicated than it looks. Local law enforcement has limited authority to arrest for federal law violations. While an argument exists that as a local law enforcement officer I could make an arrest for a federal law violation if it occurs in my presence, it is clear that I cannot make a probable cause arrest for a federal law violation. Also, unless a narrow exception applies; local law enforcement does not have seizure authority for violations of federal law like I would under state law. In the very limited circumstance in which a crime occurs in my presence and I could arrest and seize evidence; my case would have to be turned over to the federal authorities for investigation and prosecution. State courts and local prosecutors cannot prosecute except for violations of state law.

Adopting federal law as Oregon State law allows law enforcement officers to make probable cause arrests and provides prosecutors, and courts with explicit, state-wide authority to hold adjudicated batterers accountable without having to go to federal court.

When guns are present, the dangers are greater, for victims and for responding officers:

- A 2004 local survey found that more than one third (36.7%) of female victims reported having been threatened or harmed with a firearm.
- In nearly two thirds (64.5%) of the domestic violence households that contained a gun, the intimate partner had used the firearm against the victim, usually threatening to shoot or kill her.
- 97% of law enforcement deaths due to responding to domestic violence are by firearm.

My personal opinion is any offender who has already assaulted another person and can still possess a weapon causes safety issues for victims, family members, officers who respond to the calls, and the community as a whole. I believe this bill will help protect responding law enforcement officers, who risk their lives every day in our communities to enforce the law and protect victims.

Sincerely,

Steve Bellshaw, Deputy Chief, Salem Police Department