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June 5th, 2015
Walter M. Beglau
Marion County District Attorney

Please Support Senate Bill 525B

I respectfully urge your "Aye" vote in support of Senate Bill 525B, a bill which serves to fill an important gap that currently exists in our state that directly impacts the personal safety of victims of domestic violence.

Since 2003, Oregon has suffered the loss of at least 256 lives due to Domestic Violence. In the last 12 years, almost every county in this great state has lost one of its citizens to Domestic Violence. Since 2013, Marion County has experienced six domestic violence fatality incidents resulting in seven deaths. Five of those incidents involved firearms.

In 2014, Cassandra Wagner was allegedly shot and killed in her home in Salem by her estranged former live-in partner, Jason Clifford Down. Ms. Wagner had petitioned for and received a restraining order against the defendant that had been upheld after a hearing. Mr. Down was in violation of federal law by possessing the firearm used to kill Ms. Wagner. But there is currently no Oregon law prohibiting firearm possession by domestic violence misdemeanants or people subject to qualifying Restraining Orders.

This gap in our laws puts Oregon law enforcement and prosecutors at a severe disadvantage when trying to hold these perpetrators accountable. When local law enforcement determines a federally prohibited suspect possesses a gun, there is lack of clarity about how or if they can seize evidence or make an arrest without the participation of federal law enforcement officers. It is very clear that state prosecutors cannot prosecute except for violations of state law. And state courts have no jurisdiction to oversee violations of federal law. This legal gap creates uncertainty, lack of enforcement, and danger for victims. It also poses a significant safety risk to our law enforcement officers.

SB 525B would create a state crime mirroring the current federal crime prohibiting possession by adjudicated domestic violence offenders. This will provide clarity that *local* law enforcement have the authority to implement these protections, and will give state prosecutors and courts clear authority to protect victims and hold perpetrators accountable.

It is time that Oregon prioritizes the safety of domestic violence victims by closing this legal gap.
I urge you to pass SB 525B.

From the desk of
Rep. Betty Kemp
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