



Oregon Alliance to End Violence Against Women



Protect Domestic Violence Victims from Firearm Violence From the Desk of **Representative** **Carla C. Piluso**

SB 525-B

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.
- During this time, 31 out of 36 counties suffered a loss of life due to domestic violence.
- Domestic violence accounts for one in four of all Oregon violent deaths.

Guns are dangerous in the hands of domestic violence abusers:

- Guns are used as a tool of manipulation, threat, and coercion in the most serious domestic violence cases.
- At least 60% of domestic violence deaths in Oregon every year are by firearm.
- There is a 20x higher risk of homicide in homes where a perpetrator has access to a gun and there is a history of domestic violence.
- Domestic violence assaults with firearms are 12x more likely to end in a fatality.
- More female intimate partners are killed by firearms than by all other means combined.

Since the mid-1990s, the federal Violence Against Women Act (VAWA) has prohibited the possession of firearms by domestic violence offenders who are:

- Convicted of a misdemeanor crime of domestic violence between family members; *or*
- Subject to a restraining order between intimate partners that has been upheld after a hearing.

A gap in Oregon law compromises victim safety:

- Oregon has no state law prohibiting possession by domestic violence perpetrators.
- Without an Oregon law, state law enforcement agencies and prosecutors have no authority to hold domestic violence offenders who possess firearms illegally under federal law accountable.
- Federal law enforcement does not have the capacity or reach to prioritize and respond to domestic violence cases in local communities across the state.

Oregon can do better to increase victim safety and hold offenders accountable:

- 19 states + DC prohibit possession by offenders convicted of domestic violence misdemeanors.
- 23 states + DC prohibit possession by offenders subject to restraining orders.
- Multiple studies have shown that passage of these laws leads to a reduction in domestic violence fatalities.

SB 525B will create Oregon law mirroring the federal law to ensure that Oregon law enforcement agencies and district attorneys can protect victims from lethal domestic violence.

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SB 525B Details:

- Mirrors the provisions of federal law (found in the Violence Against Women Act [18 U.S.C. Section 922(g)(8) and (g)(9)], and codifies it in Oregon statute. This important step will allow enforcement by state authorities and provide protection for victims in Oregon.
- 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 (assault IV, strangulation, or any other misdemeanor that has 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.
- The B-Engrossed bill was drafted in consultation with stakeholders and was a compromise to ensure broad bi-partisan support and NRA neutrality. The bill left the Senate Rules committee unanimously and passed the Senate Floor 24-6.
- The compromise bill is an immense step forward by providing, for the first time, a way for state law enforcement agencies and prosecutors to hold dangerous perpetrators of domestic violence accountable at the state level. These are individuals who are violating federal law yet not being held responsible by federal authorities. Implementation and enforcement of a state firearms ban will increase victim safety.