

FROM THE DESK OF  
REP. DAVID BROCK SMITH



A handwritten signature in black ink, appearing to read "David Brock Smith".

NATIONAL RIFLE ASSOCIATION OF AMERICA  
INSTITUTE FOR LEGISLATIVE ACTION  
11250 WAPLES MILL ROAD  
FAIRFAX, VIRGINIA 22030-7400

February 14, 2018

RE: House Bill 4145- OPPOSE

On behalf of the National Rifle Association, I strongly encourage you to oppose House Bill 4145.

House Bill 4145 would expand the class of persons in Oregon that could be prohibited from possessing firearms. This legislation would add stalking to the list of offenses that would result in the removal of Second Amendment rights, and would change existing law so that a broader definition of "family and household members" would be applied to firearm prohibitions for certain misdemeanor offenses and protective orders. In doing so, this expansion would go well beyond existing state and federal law to strip individuals of their constitutional rights.

#### **Removal of Constitutional Rights for Misdemeanor Offenses**

Federal law 18 U.S.C. Section 922(a)(33)(A) limits firearms prohibition to convictions for misdemeanor crimes of domestic violence that have, as an element, the use or attempted use of force or the threatened use of a deadly weapon. House Bill 4145 would strip an individual's constitutional right for the misdemeanor offense of stalking, which is defined under ORS 163.732 to include alarming another individual through unwanted contact. Oregon's stalking misdemeanor offense does not require use of force, or even an attempted use of force. Furthermore, it doesn't even require a finding that the individual is a credible threat.

#### **Vague & Undefined Expansion of "Family Members"**

This legislation would also amend the definition of those prohibited from firearm possession as applied to certain misdemeanors and protection orders. Federal law limits application of the firearms prohibition to protective orders and misdemeanor crimes of domestic violence when committed by a current or former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person. House Bill 4145 would change the definition of "family or household member" from that contained in O.R.S. 166.255 to the expanded definition in O.R.S. 135.230. The new definition would include "adult persons related by blood or marriage", as well as those "who have been involved in a sexually intimate relationship." These vague and undefined terms create a vast world of possibilities and confusion about who this would apply to and how far into the past this expansion would go.

Domestic violence is a serious issue and those convicted of violent crimes should be addressed accordingly. House Bill 4145, however, removes a constitutional right for a misdemeanor offense that requires no finding of a credible threat. Furthermore, it expands "family and household members" to include a vague and undefined class of intimate partners without any limitation as to how far into the past this would apply. Thank you for your attention, and again I would ask you to oppose House Bill 4145. Please feel free to contact me with any questions or to discuss this bill further.

Sincerely,

A handwritten signature in black ink, appearing to read "Keely M. Hopkins".

Keely Hopkins  
NRA-ILA State Liaison