

HB 4145 A STAFF MEASURE SUMMARY**Carrier:** Rep. Barker, Rep. Williamson**House Committee On Judiciary**

Action Date: 02/09/18
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 7-2-2-0
Yeas: 7 - Barker, Gorsek, Olson, Power, Sanchez, Vial, Williamson
Nays: 2 - Post, Sprenger
Exc: 2 - Greenlick, Stark
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Expands the prohibition on possession of firearms or ammunition to include certain persons in domestic violence situations. Changes "intimate partner" to "family or household member" within the prohibition. Specifies that family or household member includes persons who have co-habitated with each other or who have been involved in a sexually intimate relationship. Includes persons convicted of stalking and persons convicted of qualifying misdemeanors who are parents or guardians of victims of offense in the prohibition. Requires Department of State Police to enter qualifying convictions and judicial findings or terms of judgment, when available, into Law Enforcement Data System (LEDS) and the National Crime Information Center of the U.S. Department of Justice (NCIC). Requires Department to report attempted transfer to or purchase of firearm by individual prohibited from possessing a firearm within 24 hours to all federal, state, and local law enforcement agencies, including district attorneys having jurisdiction in the location of the sale or transfer. Includes notification, as appropriate, to supervising officer, court, or Psychiatric Security Review Board. Requires yearly report on number of attempted purchases, the number of investigations resulting from those reports, and the charges and dispositions of charges arising from the reports. Updates language.

ISSUES DISCUSSED:

- Process for obtaining or issuing restraining orders
- Persons included in definition of "family or household" member
- Current statutory crimes of false swearing, perjury, and initiating a false report
- Examples of domestic violence harm elevated by use of firearm

EFFECT OF AMENDMENT:

Revises measure. Removes language on extending prohibition on possession of firearm or ammunition if person had the opportunity to request a hearing and declined to do so. Includes requirement that Department of State Police enter judicial findings or terms of judgment into LEDS and NCIC. Modifies convictions required to be entered. Requires report of personally identifiable information, in addition to person's name, when reporting purchaser who is prohibited from possessing firearms and modifies to whom report must be made.

BACKGROUND:

Current Oregon law prohibits certain individuals from knowingly possessing firearms or ammunition. Among those excluded are persons subject to a court order, such as a Family Abuse Prevention Act (FAPA) order, Sexual Abuse Protective Order (SAPO), and Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA) order, that restrains the person from stalking, intimidating, molesting, or menacing an intimate partner or child, and includes a finding of a credible threat to the physical safety of the other party. In order to be prohibited under this section, the person subject to the order must have had actual notice and opportunity to be heard in a hearing on the

HB 4145 A STAFF MEASURE SUMMARY

order. Additionally, persons who have been convicted of a qualifying misdemeanor against a family member are prohibited from possessing firearms or ammunition. A qualifying misdemeanor is one that includes use of physical force, attempted use of physical force, or the threatened use of a deadly weapon. ORS 166.255(3)(f). Intimate partner means the person's spouse, parent of the person's child, or persons who have or are co-habiting, which does not capture individuals who are or were in a sexual relationship but do not live together.

House Bill 4145-A expands the prohibition on possessing firearms to include those who are under a court order or who have a qualifying conviction relating to a family or household member, which includes persons who have been involved in a sexually intimate relationship but who may not reside together. It also includes those who have been convicted of stalking in the prohibition of possessing a firearm or ammunition.

Additionally, the measure requires the Oregon State Police to enter qualifying convictions and terms of the judgment in the appropriate state and national databases and to send reports of attempted purchases by prohibited individuals to the appropriate law enforcement entities. Annually, the Department must report on the number of attempted purchases and the outcome of those attempts, including any investigations, charges, and resolutions.