

HB 4145 A STAFF MEASURE SUMMARY**Carrier:** Sen. Prozanski**Senate Committee On Judiciary**

Action Date: 02/21/18
Action: Do pass the A-Eng bill.
Vote: 4-2-1-0
Yeas: 4 - Dembrow, Gelser, Prozanski, Wagner
Nays: 2 - Bentz, Linthicum
Exc: 1 - Thatcher
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Modifies persons that may be prohibited from possessing firearms or ammunition. Changes prohibition from those with restraining orders obtained by an "intimate partner" to those with restraining orders obtained by a "family or household member." Specifies that "family or household member" includes persons who have cohabitated with each other or who have been in a sexually intimate relationship. Includes person who has been convicted of stalking within prohibition on possession of firearms or ammunition. Requires Department of State Police (Department) to enter qualifying convictions and judicial findings or terms of judgment, when available, into Law Enforcement Data System (LEDS) and the U.S. Department of Justice National Crime Information Center (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 these attempts, and the charges and dispositions of charges arising from these attempts. Updates language.

ISSUES DISCUSSED:

- Domestic violence and firearm death statistics
- Extending prohibition to capture relationships in which persons had a sexually intimate relationship but are not living together
- Number of people affected by measure
- Examples of domestic violence harm elevated by use of firearm

EFFECT OF AMENDMENT:

No amendment.

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. For the prohibition to apply, the order must restrain the person from stalking, intimidating, molesting, or menacing an intimate partner or child, and include 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 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 cohabitating, which does not capture individuals who are or were in a sexual relationship. This Summary has not been adopted or officially endorsed by action of the committee.

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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.