



**TESTIMONY REGARDING SB 1546 —  
PROCEDURES FOR RECORDING PREDICATE RELATIONSHIP for DOMESTIC  
VIOLENCE FIREARMS BAN**

Before the Senate Committee on Judiciary, Oregon State Legislature  
February 5, 2020

Submitted by:  
Maureen McKnight, Senior Judge  
Formerly of Multnomah County Circuit Court

Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee:

My name is Maureen McKnight and I am a Senior Judge, retired 6 months ago from the Circuit Court bench in Multnomah County. I served there in the Family Law Department for 17 years handling family and juvenile matters as well as criminal cases involving domestic violence. During that time and during the two decades I worked for Oregon's Legal Aid programs, I have worked in various forums -- the courtroom, the Legislature, public agencies, and community organizations -- on Oregon's response to domestic violence, including on firearms issues. I am speaking today for myself rather the Judicial Department or Legal Aid.

**I support SB 1546.**

This bill is an operational measure. It does not create any new criminal liability.

What it does is establish procedures for:

- **notifying defendants** in advance of the existing law, i.e., to inform them at the beginning of a qualifying DV misdemeanor case that a firearms ban is a result if convicted,
- requiring **courts to record and transfer recordation** of the predicate relationship to the State Police and sheriff, and
- requiring the **State Police and sheriffs to enter that information into federal and state databases** containing names of individuals disqualified from having or purchasing firearms.

The area of firearm dispossession for domestic violence offenders and the intersection of federal and state firearms and ammunitions bans is exceedingly complex. An interim workgroup discussed and reviewed concepts and drafting and I appreciate Committee Counsel's inclusion of me on that group. Some of the themes that emerged in that group focused on the importance of advance notice to defendants, consistent coding by the court of the particular case having a potential firearm ban so that judges and clerks -- no matter where sitting -- had the appropriate

forms ready in the event of a conviction to ensure the dispossession protocol mandated last session by HB 2013 was stated and followed, and also a uniform method for the court to record that proven or admitted relationship at conviction so that the status could be transferred to the State Police and sheriff for data entry. I believe the draft addresses all of these themes. The bill will have some additional amendments intended to further refine its provisions.

One includes clarifying on page 1, line 8, that the bill covers "qualifying misdemeanors as defined by ORS 166.25591(b)" and not "offenses described in ORS 166.2555(1)(b)." In other words, the bill applies to the DV misdemeanor, not to the crime of Unlawful Possession of Firearms.

I expect prosecution practice to change in some counties under this bill since a specific relationship will need to be proven or admitted, and not just a generic "family or household member" status (which is sufficient for any crime "constituting domestic violence" under ORS 132.586). But training for both DAs and the defense bar as to why that specificity is important is a significant component of improving understanding in this complex area.

Thank you for considering my comments.

Respectfully submitted,



MAUREEN McKNIGHT, Senior Judge

cc: Members of the Senate Committee on Judiciary  
Nancy Cozine and Phil Lemman, State Court Administrator's Office  
Gillian Fischer, Senate Judiciary Counsel