



To: Senate Judiciary Committee  
From: Debra Dority, Oregon Law Center  
Date: February 4, 2020  
Re: SB 1546 [Sections 1-5] regarding procedures to notify defendants when a conviction will result in the prohibition of firearms and ammunition, and recordation of prohibitions by the courts and by law enforcement in appropriate state and federal databases

Chair Prozanski and members of the committee:

On behalf of the Oregon Law Center (OLC), I respectfully request your support for SB 1546 which enhances safety for victims of domestic violence and stalking by creating a clear procedure for further implementation of Oregon's laws which help to keep guns out of the hands of abusers and stalkers. SB 1546 will ensure that defendants receive notice that a particular conviction will result in a firearm and ammunition prohibition. SB 1546 will also provide reliable information to ensure that such prohibitions be entered in the appropriate databases to allow law enforcement to fully enforce these protections.

Oregon Law Center is a statewide non-profit entity whose mission is to achieve justice for low-income vulnerable populations. A significant number of our clients come to us for help as they are struggling to escape or recover from domestic and sexual violence and stalking. Domestic and sexual violence are serious public health and safety issues in our state. Victims and their children suffer great psychological, emotional, and physical trauma, which have long-term impact on their lives. These issues greatly contribute to the vulnerability of our clients, and further trap them in poverty and crisis. All too often, domestic violence can be lethal. OLC is committed to supporting the coordinated community response necessary to help prevent this violence, and to help victims in crisis move towards the safety and stability they need for recovery.

**Domestic violence and firearms are a lethal combination.** Domestic violence accounts for one in four of all Oregon violent deaths. Every year, *on average*, twenty-nine Oregonians are killed in domestic violence incidents. In 2017 alone, 32 people died due to domestic violence.<sup>1</sup> From 2003-2014, a total of **321** lives were lost. These deaths include women, men, and children, and occurred in 31 of 36 counties. Deaths include primary victims, children and family members of the victim, responding officers, colleagues, and bystanders. Perpetrators also die, most commonly of self-inflicted gunshot wounds. The majority (approximately 66%) of domestic violence deaths are by firearm.<sup>2</sup> Many studies show that when firearms are in the

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<sup>1</sup> <https://olis.leg.state.or.us/liz/2018R1/Downloads/CommitteeMeetingDocument/141641>

<sup>2</sup> Oregon Violent Death Reporting System Data Dashboard  
<https://www.oregon.gov/oha/ph/diseasesconditions/injuryfatalitydata/pages/nvdrs.aspx>,  
<https://www.oregon.gov/oha/ph/diseasesconditions/injuryfatalitydata/pages/nvdrs.aspx>



# Oregon Law Center

WORKING TOGETHER TO ACHIEVE JUSTICE FOR LOW INCOME OREGONIANS

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hands of domestic violence abusers, there is a significantly greater danger of serious injury or death. Domestic violence assaults with firearms are 12x more likely to end in a fatality. The impact of these fatalities reverberates through our communities.

In recognition of this lethal connection, the Oregon legislature passed 2019's HB 2013, which created protocols and procedures to ensure that respondents who are subject to qualifying restraining orders and defendants who have been convicted of stalking or qualifying crimes of domestic violence are prohibited from possessing firearms and ammunition, and be ordered to surrender any firearms or ammunition in their possession.

SB 1545 clarifies some of the improvements created by 2019's HB 2013, by providing clear notice to the defendant that a conviction the criminal stalking matter or qualifying criminal domestic violence matter will result in a firearm prohibition. In addition, SB 1545 clarifies how the court will determine that a particular crime of domestic violence qualifies for the firearm prohibition and that the court must provide such a determination and prohibition order to law enforcement for entry into the appropriate state and/or federal databases. SB 1545 also clarifies that law enforcement shall enter such orders in these databases, such as the Law Enforcement Data System (LEDS), the National Crime Information Center (NCIC) or any other required databases.

Finally, based on stakeholder discussions, we expect amendments to SB 1545 will clarify which relationships between the defendant and victim will cause the crime is to be a qualifying crime of domestic violence for the purposes of this firearm prohibition under Oregon law. The form to be developed by DOJ will allow for notice to the defendant regarding the applicability of the firearm and ammunition prohibition under both state law and federal law [18 USC §922(g)(9)]. The amendment also ensures that 'ammunition' is clearly included in all places where the prohibition will apply to the possession of both firearms and ammunition.

The link between domestic violence and/or stalking and firearms fatalities cannot be understated. SB 1545 will ensure that the protections for survivors already provided by Oregon law will be fully implemented and enforced to best protect the safety of survivors. For these reasons, I urge you to pass SB1545.

Thank you for your time and for the consideration of this important issue.