

**TESTIMONY ON SB 823
BEFORE THE SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110
IMPLEMENTATION
APRIL 1, 2021**

**PRESENTED BY: ERIN PETTIGREW, ACCESS TO JUSTICE COUNSEL FOR
LEGISLATIVE AFFAIRS
OREGON JUDICIAL DEPARTMENT**

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

My name is name is Erin M. Pettigrew, Access to Justice Counsel at the Oregon Judicial Department (OJD). OJD does not have a position on SB 823; however, we wanted to provide the Committee with a possible amendment to address technical issues with the bill as introduced.

The changes proposed by this legislation are operational in nature and do not create any new criminal liability. A person charged with a qualifying misdemeanor already is subject to firearm dispossession under ORS 166.259.

The Judicial Department participated in an interim workgroup in 2019 that developed this concept. We appreciate that Committee Counsel, Ms. Gillian Fischer, included us in the conversation and we thank her for her great work with stakeholders to develop this concept. The area of firearm restrictions and dispossession for domestic violence offenders and the intersection of federal and state firearms and ammunition bans is exceedingly complex.

OJD has worked closely with the State Police on how courts identify cases where there is a firearm restriction and how that information is reported to State Police. If this measure were to pass, we look forward to continuing to work with the State Police and ensure courts have the appropriate training to identify and report cases with a firearm restriction.

OJD requests a technical amendment that is intended to reduce potential conflicts with current firearm dispossession statutes in ORS chapter 166 and ensure consistency in language around orders of the court. Circuit courts currently have such a form available to use when ordering firearm dispossession pursuant to ORS 166.259. This amendment would allow continued use of that form and ensure consistency in court processes concerning orders for firearm restrictions. We would be happy to work with Committee Counsel on this amendment.

Please do not hesitate to reach out if you have any questions. Thank you.