

TESTIMONY IN FAVOR OF SB 823

Chairman Prozanski, Vice-Chair Thatcher and members of the Senate Judiciary and Ballot Measure 110 Implementation Committee:

My name is Gina Skinner and I am a Senior Deputy District Attorney in the Washington County District Attorney's Office. I am here on behalf of the ODAA to provide testimony in support of SB 823 with the dash 1 amendments. SB 823 is a bill that enables the Deputy District Attorneys, the Court, OSP and the Sheriff to fulfill the intent of 2018 HB 4145 and 2019 HB 2013. Those two bills are now codified in ORS 166.255 and requires defendants that are convicted of a misdemeanor crime of domestic violence and the crime of Stalking to be prohibited from possessing firearms, and requires defendants to ultimately dispossess themselves of any firearms in their control after conviction.

Victims of domestic violence offenders are significantly more likely to live in fear and ultimately be killed by their abuser if they are allowed to lawfully own and possess a firearm. Most crimes of domestic violence are misdemeanors and therefore convicted offenders had not previously been prohibited in Oregon from possessing a firearm. As of January 2020, defendants convicted of a misdemeanor crime of domestic violence or stalking were also required to dispossession themselves of all firearms within 24 hours of conviction and efile a notice with the court of completion of the dispossession within 48 hours of conviction.

SB 823 is the final piece of necessary legislation to make sure the defendant is fully informed of the firearm prohibition and obligation to dispossess themselves of firearms. It requires the District Attorney to plead the exact triggering relationship of the parties in the complaint as defined in ORS 135.230. The dash 1 amendment requires the State to efile a notice at least 60 days after arraignment or 14 days before trial (whichever is shorter) that a conviction on the case would carry a firearm prohibition. SB 823 also requires the State to prove the factors that trigger a firearm prohibition at trial if the defendant does not stipulate. Finally, the bill requires the County Sheriff to make sure that State LEDS and Federal NCIC criminal conviction data bases are updated with accurate information of the defendant's firearm possession prohibition.

Additionally, once a person has been previously put on notice that they are prohibited from the possession of a firearm, that information will easily be available to any police officer in Oregon and around the United States as a result of the requirements of OSP and the County Sheriff in SB 823. Therefore, the defendant could be charged with an A Misdemeanor if the State can prove that the illegal possession was knowing and with knowledge.

Please support SB 823 and complete the legal changes necessary to completely and accurately document with a District Attorney's filing, a defendant's admission, and finally a court order the firearm prohibition against domestic violence offenders and stalkers. Please support requiring OSP and the county sheriff from inputting that information into LEDS and NCIC so that any officer has that information anywhere in the nation and can act accordingly.