

Testimony in Support of HB 2543

My name is Melanie Kebler and I am a Bend City Councilor, testifying here today in my individual capacity in support of HB 2543. My testimony here represents my own personal opinions based on my twelve years of experience as a prosecutor and crime victims' rights attorney. HB 2543 is a necessary bill and will close a dangerous loophole in our background check laws that can result in tragedy.

Passing this bill will not result in more delay for most purchasers of guns. It will allow law enforcement to do their job and help keep more people in Oregon safe. This is especially crucial in the context of increased gun purchases during the pandemic. In Oregon, the Firearm Instant Check System had nearly 100,000 more requests for background checks in 2020 than in 2019. Also in 2020, 5,807 guns were flagged by the FBI as being transferred to prohibited purchasers, more than any other calendar year. The 3% of Oregon background checks that take more than three days are four times as likely to be for a prohibited purchaser and are more likely to be for guns that will be used in a crime.

In my career as a prosecutor, I specialized in and spent most of my time on domestic violence and sexual assault cases, working closely with the victims of those crimes on a near-daily basis. I have prosecuted many cases resulting in convictions that prevented a domestic abuser from possessing guns. I can't tell you how many times survivors told me about a specific fear that they or their children would be shot by their partner. The accountability of a conviction, combined with the safety of knowing an abusive partner would be denied the purchase or transfer of a gun in the future, was so important to them. They knew that even after their partner was held accountable, the danger they were in would not necessarily dissipate. In fact, it could get worse now that the abuser had lost control of the relationship.

I know from experience and simply from news headlines that when a woman leaves her abuser, it can be the most dangerous time in the relationship. If the abuser has access to guns, the danger is ratcheted up even more. Some examples have stuck with me.

One is Nikki Elias, shot by her husband while a restraining order was in place and a violation of restraining order case was pending. https://www.oregonlive.com/portland/2014/11/portland_man_faced_restraining.html "I'm not a violent man," her husband said on Youtube before he followed through on his plan to murder her, "I do like to collect firearms."

Another is Jan Moffat. Her husband violated her restraining order immediately and when he learned she wanted a divorce, he sought her out and tried to kill her with a gun. <https://www.oregonlive.com/oregon-city/page/oregon-city-woman-survives-husbands-shooting.html> "He has said many times he 'will kill himself and take me with him,'" Jan wrote in the court papers. Please note I include these names and stories as they have appeared publicly in the Oregonian, and do not attempt to speak for either of these victims or what their position on this law is, or would have been.

In order to protect women like Nikki and Jan, and the thousands of other men and women who experience threats and abuse from their partners, it's imperative that we have a robust background check system that ensures that any person who is prohibited by a court order or a qualifying conviction cannot purchase a gun, no matter if the background check takes fewer than three days or more than three days. The Charleston loophole is a tragedy waiting to happen here in Oregon. We must join the other 19 states that have already closed it. For the safety of all Oregonians, and especially those that are at risk to suffer the deadly consequences of domestic violence, I urge you to support the passage of HB 2543.

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