

WALTER M. BEGLAU

DISTRICT ATTORNEY



PAIGE E. CLARKSON
JEAN L. KUNKLE
AMY M. QUEEN
KATIE A. SUVER
ADULT PROSECUTION
TRIAL TEAM SUPERVISORS
VANESSA COGGINS
ADMINISTRATIVE MANAGER

CONCETTA SCHWESINGER
SUPPORT ENFORCEMENT
TRIAL TEAM SUPERVISOR
BRENDAN MURPHY
JUVENILE DIVISION
TRIAL TEAM SUPERVISOR
KIMBERLY A. LARSON
VICTIM ASSISTANCE DIRECTOR

MARION COUNTY DISTRICT ATTORNEY

P.O. BOX 14500, 555 COURT ST NE
SALEM, OREGON 97309

June 1, 2015

**Written Testimony of Walter M. Beglau
Marion County District Attorney
Provided in Support of Senate Bill 525B**

**Prohibiting possession of a firearm or ammunition by a person who is subject to a
qualifying restraining order or who has been convicted of certain misdemeanor domestic
violence crimes.**

Chair Barker and members of the committee, I appreciate the opportunity to submit written testimony in support of Senate Bill 525B. I regret I am not able to address this important issue in person. This bill serves to fill an important gap that currently exists in our state that directly impacts the personal safety of victims of domestic violence.

In 2014, Cassandra Wagner was allegedly shot and killed in her home in Salem by her estranged former live-in partner, Jason Clifford Down. Ms. Wagner had petitioned for and received a restraining order against the defendant, that had been upheld after a hearing.

Since 2003, Oregon has suffered the loss of at least 256 lives due to Domestic Violence. In the last 12 years, almost every county in this great state has lost one of its citizens to Domestic Violence. As noted above, Marion County is one of those counties. In the last two years, Marion County has repeatedly felt the pain of domestic-violence related deaths. Since 2013, Marion County has experienced six domestic violence fatality incidents resulting in seven deaths. Five of those incidents involved firearms.

It is clear from extensive research, data, and our collective experiences that domestic violence is an unrelenting problem in our state and in our nation. Equally clear is that possession of or access to firearms by a domestic violence perpetrator significantly increases the likelihood of lethality in a domestic violence relationship. Despite this fact, there is no Oregon law prohibiting domestic violence misdemeanants or people subject to qualifying Restraining Orders from possessing firearms. This gap in our laws puts Oregon law enforcement and prosecutors at a severe disadvantage when trying to hold these perpetrators accountable. This legal gap also poses a significant safety risk to our law enforcement and to domestic violence victims.

SB 525B would create a state crime mirroring the current federal crime prohibiting possession by adjudicated domestic violence offenders. This will provide *local* law enforcement the authority to implement these protections. Local law enforcement officials would be able to arrest perpetrators when there is probable cause to believe there has been a violation of the provisions of SB 525B and seize those firearms. Currently, our local law enforcement does not possess the ability to do any of these things. While federal law prohibits possession of firearms by domestic violence misdemeanants and persons subject to qualifying restraining orders, the federal agencies tasked with investigating and prosecuting those cases have little to no resources to actually work these types of cases. Consequently, dangerous domestic violence offenders and those respondents who have been found to have abused their partners and are subject to a qualifying restraining order are very, very rarely held accountable for breaking a federal law.

It is time that Oregon prioritizes the safety of domestic violence victims by closing this legal gap. I urge you to pass SB 525B.