

Dear Chair Williamson,

Ceasefire Oregon supports SB 719A, Extreme Risk Protection Order or ERPO. Often people who are thinking of killing themselves or harming others show warning signs before they act. An ERPO allows families to take steps to protect their loved ones and themselves. In Oregon, where suicide is 85% of all gunshot deaths, temporarily removing access to guns is especially important to prevent suicide. Depression is treatable and suicide can often be prevented. ERPOs give families a chance to intervene to save their loved ones.

Some mass shooters show warning signs of their intentions as do some domestic violence shooters. Often the first people to see those signs are family members. The family members of the perpetrators of the Café Racer and Jewish Federation shootings have expressed anguish for the lack of tools for family members who see signs that their loved ones may do terrible harm.

Lack of ERPO has hurt Oregonians for decades. In 1995, in Scotts Mills, Oregon, Laura Whitson and her three children, Sarah, 6; Rachael, 3; and April, 6 months, were shot to death by David Whitson, Laura's husband and the father of the three children. David Whitson also injured Laura's mother, Margaret Magee, who was holding April when the baby was shot to death. A Seattle lawyer who represented Mr. Whitson in divorce proceedings a year before the murders said, "I just was not shocked that the call came about him at all," adding, "There was a potential for danger – for explosion." An ERPO might have saved the lives of Laura Whitson and her three beautiful girls.

Ceasefire Oregon is concerned about any amendments which require a family member and not law enforcement only to petition for an ERPO. Not all people live with family members or have other members in their households. Allowing law enforcement to petition for ERPO protects the public.

The Law Center to Prevent Gun Violence precisely explains why ERPOs do not violate the Second Amendment:

Second Amendment: The GVRO (EPRO) process does not violate the Second Amendment. In the landmark case *District of Columbia v. Heller*, the Supreme Court determined that the Second Amendment guarantees the right of law-abiding, responsible citizens to keep a firearm in the home for self-defense. 554 U.S. 570, 679 (2008). However, the Supreme Court stated that the Second Amendment is "not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose," and made clear that a variety of laws are permissible under the Second Amendment, including those prohibiting firearm possession by felons and the mentally ill. *Id.* at 626.

In California, the courts have specifically held that "the state may ensure that firearms are not in the hands of someone who may use them dangerously" and dangerous people may be prohibited from possessing firearms consistent with their Second Amendment rights, as long as they are afforded adequate due process.

See *City of San Diego v. Boggess*

, 216 Cal. App. 4th 1494 (2013);

People v. Jason K.

, 188 Cal. App. 4th 1545 (2010). In 2013, an Indiana Court of Appeals upheld a similar gun violence restraining order law against a Second Amendment challenge and ruled that the state may restrict access to firearms by dangerous persons in the interest of public safety and welfare.

Redington v. Indiana,

, 992 N.E.2d 823 (Ind. Ct. App. 2013). AB 1014 provides a mechanism to do exactly that: keep deadly firearms out of the hands of dangerous persons in the interest of public safety and welfare.

Due Process: The procedures for obtaining temporary emergency and ex parte GVROs provide sufficient due process to protect Californians' important constitutional rights. The law provides for a temporary (21 day) or a more permanent GVRO, which is effective for one year. However, the more permanent (one year) GVRO will only be issued after a full hearing before a judge. At this hearing, the burden is on the person bringing the petition for the order to prove by clear and convincing evidence that the named person poses a substantial likelihood of causing harm to self or others by possessing firearms or ammunition. If this burden is not met, the person may then regain the right to possess firearms or ammunition. In addition, the named individual may seek another hearing to terminate the order during the one-year period of its duration. Similar procedures are in place in the domestic violence restraining order context and courts across the nation have uniformly upheld these procedures. See, e.g., *Nollet v. Justices of the Trial Court*, 83 F. Supp. 2d 204 (D.C. Mass. 2000); *Blazel v. Bradley*, 698 F. Supp. 756 (W.D. Wis. 1988); *Baker v. Baker*, 494 N.W.2d 282 (Minn. 1992).

Clearly, SB 719A will save lives and is within the scope of the Second Amendment.

Thank you for accepting testimony in support of SB 719A.

Penny Okamoto

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Friends don't help friends commit suicide. Lock your guns. Always.