



SENATE MAJORITY OFFICE

Oregon State Legislature
State Capitol
Salem, OR

NEWS RELEASE

February 22, 2018

CONTACT: Rick Osborn, 503-986-1074

Rick.osborn@oregonlegislature.gov

Senate sends domestic violence loophole bill to Governor

HB 4145 is important gun violence prevention legislation to protect survivors of abuse

SALEM – The Oregon Senate sent a bill that will keep guns away from domestic abusers and stalkers to Gov. Kate Brown for her signature.

House Bill 4145 – which passed the Senate today on a 16-13 vote – closes the intimate partner and stalker loopholes. It is one of Gov. Brown’s priority bills for the 2018 Legislative Session. Sen. Floyd Prozanski, D-Eugene, carried the bill on the Senate floor.

“Domestic abusers exert control through intimidation and fear over their victims, and stalkers wreak havoc on their victims’ lives,” Prozanski, a prosecutor and gun owner, said. “Anyone who is convicted of one of these crimes should not be able to possess a firearm. It’s that simple. This bill is common sense and it will help keep Oregonians safe.”

Under the current law, it is illegal for a person to knowingly possess a firearm or ammunition if he or she has been convicted of a violent crime against an intimate partner, or are subject to a restraining order.

However, the “intimate partner loophole” allows convicted domestic abusers or those under restraining orders to continue legally possessing firearms if they had not married, lived with or had children with their victims. Current law also leaves out stalking as a misdemeanor conviction that would keep someone from possessing a firearm.

The bill closes the intimate partner loophole by removing the term “intimate partner” in the state’s Unlawful Possession of Firearms statute, and replacing it with “family or household member,” so that it matches the same terminology that is used everywhere else in Oregon law.

A “family or household member” in its legal definition can include someone with whom a person has had a sexual relationship, without living together, having children or being married. The bill also adds a misdemeanor stalking conviction as a reason that a person won’t be allowed to possess a firearm.

“Being a former police officer, I have investigated a lot of domestic disturbances,” Sen. James Manning, D-Eugene, said. “This bill is not about Second Amendment rights. This is about people’s right to life. When you have convicted people of domestic violence and they can go out and still get and own a gun, then we have a broken system.”

The bill requires that the Department of State Police immediately enter records of domestic violence convictions into the Law Enforcement Data System and the National Crime Information Center of the United States Department of Justice. This allows that information to be available during routine background checks for firearm purchases. It also requires that the Department of State Police report illegal firearm purchase attempts to the district attorney of that county and, if applicable, a supervising parole officer within 24 hours.

“There is absolutely no reason why any stalker or domestic abuser should be able to possess or obtain firearms,” Senate Majority Leader Ginny Burdick, D-Portland, said. “The victims of domestic abuse and stalking have survived horrific atrocities and their abusers should not have access to firearms, under any circumstance.”

The bill now goes to Gov. Brown for her signature.

###