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Bill keeps guns away from those most likely to do harm

HB 2013: Will help prevent domestic partner gun violence

SALEM – Statistics show that 76 percent of women murdered by intimate partners were stalked first. The Oregon Senate is sending a bill that will keep guns out of the hands of domestic abusers and stalkers to Gov. Kate Brown for her signature.

[House Bill 2013](#) – which passed today on the Senate floor – establishes that a person unlawfully and knowingly possesses a firearm when he or she is the subject of a court order and does not request or attend a hearing within the required time period. It also defines the way and time period within which those who are prohibited from possessing firearms must turn their guns over to law enforcement, a licensed gun dealer or a safe third party.

“We hear it all the time from gun rights advocates that the gun isn’t the problem and that it’s the person using the gun,” said Sen. James Manning (D-Eugene), who co-carried the bill on the Senate floor. “This bill makes sure the person who’s going to go out and shoot another person doesn’t have a gun. That helps to solve that problem and this bill is going to save lives.”

Under Oregon law, certain individuals – including people subject to court orders such as Family Abuse Prevention Act order, Sexual Abuse Protective Order and Elderly Persons and Persons with Disabilities Abuse Prevention Act order – are prohibited from possessing firearms or ammunition. These individuals have restraining orders against them stemming from stalking, intimidating, molesting or menacing an intimate partner or child. There must be a finding that the person represents a credible threat to the physical safety of the other person. People who are convicted of a qualifying misdemeanor – crimes involving the use of physical force,

attempted physical force or threatening use of a deadly weapon – against a family member also are not eligible to have guns. Currently, respondents can simply choose not to request response hearings or not show up at scheduled hearings and still be able to legally possess guns. This bill closes that loophole by requiring these hearings and that respondents attend them in order for them to have a chance to keep their guns.

According to written testimony provided by Children First for Oregon Strategic Director James Barta, nearly 2,900 children nationally are killed with guns each year, and 1,700 of those are homicides. Gun violence is the second most common cause of death for children. Former Benton County District Attorney Pete Sandrock testified in writing that every year an average of 600 women in America are killed by gun violence nationally and a third of them die within 30 days after obtaining a court protective order.

“Too many people in our nation are victims of gun violence,” said Sen. Floyd Prozanski (D-Eugene), who co-carried the bill on the Senate floor with Manning. “Even those we try hardest to protect – children and domestic abuse survivors – are being killed by the very people we know represent direct threats to those individuals. Protective orders only go so far, and we need to take away the means for abusers to murder their victims. This bill certainly will make a huge difference by doing exactly that.”

The bill also establishes the protocols for turning over firearms when a court has found that the person shouldn’t possess guns. These protocols include providing proof of transferring the firearms to a local law enforcement agency, licensed gun dealer or third party, as directed, within 24 hours of becoming subject to a court order. The third party or gun dealer must declare receipt of the firearm and file documentation with the respondent’s declaration that he or she has turned the gun over to the third party. A district attorney can initiate contempt proceedings if a respondent does not file a declaration, as required.

“Over and over again we have seen that Oregonians support common sense gun safety,” said Sen. Ginny Burdick (D-Portland), who was a chief co-sponsor of the legislation. “This bill closes the loophole that allows a person to continue possessing guns by simply declining to request a hearing. That’s a dangerous oversight in the system. By removing that loophole, this bill takes guns out of the hands of the people most likely to harm others. It also provides notification to victims when respondents are scheduled to get their guns back due to orders expiring. This bill is designed to protect people. It doesn’t affect responsible gun owners. It protects women and children from their abusers and it will save lives.”

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