

Vermont Council on Domestic Violence

To: Rep. Maxine Grad, Chair
Rep. Willem Jewett, Vice-Chair
House Judiciary Committee
From: Heather Holter, Coordinator, Vermont Council on Domestic Violence
Re: S.141 Committee Bill
Date: April 9, 2015

The Vermont Council on Domestic Violence (Council) held our quarterly meeting on March 4, 2015. At that meeting, Council Members considered the recommendations of our Legislative Review Committee. I have prepared this memo to make the House Judiciary Committee aware of the Council's *support* for a Vermont statute relating to the possession of firearms by prohibited persons, and our *opposition* to the requirement of a personal service notification prior to sale of firearms relinquished pursuant to a relief from abuse order.

The Council applauds the Vermont Legislature for drafting a Vermont Statute related to the possession of firearms by prohibited persons. In recent years the Council has devoted much time and discussion to this issue. Council Committees have reviewed best practice recommendations related to firearm relinquishment from the National Council of Juvenile and Family Court Judges, and the recommendations of the Vermont Domestic Violence Fatality Review Commission. The Council made a commitment to facilitate discussion with Council members and stake-holders in order to support and strengthen Vermont's firearm relinquishment and storage capability in cases when a protection order is in effect. Because evidence underscores the direct relationship between the presence of firearms and the risk for homicide in domestic violence situations, the Council supported all provisions of the original bill, S.31 as it had been introduced.

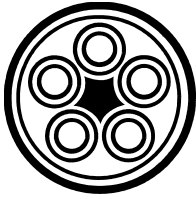
According to the Violence Policy Center, nationally, 52% of female homicide victims were shot and killed by a gun.¹ In Vermont, firearms were used in 56% of domestic violence homicides between 1994 and 2013.² In Vermont, we have a relatively low homicide rate, however, legislation such as S.141 can make a huge difference in reducing domestic violence homicide.

Council members, from law enforcement to prosecutors have expressed support for provisions that would mirror federal firearms restrictions and enable the Vermont criminal justice system to hold Vermont offenders accountable and protect victims of domestic violence in our state. Such provisions will allow prosecutors to move one case forward without having to ask a victim to endure two separate processes, or rely on overburdened federal marshals.

Council members did express concern over the potential unintended consequences for some individuals with mental illness in the original language of S.31, and recommended that the Legislature work with disability rights advocates to strengthen the provision, which seems to have been accomplished in the current draft of S. 141.

¹ Violence Policy Center. *VPC Releases Annual Report on Women Murdered by Men to Mark Landmark Anniversary of Violence Against Women Act*. 2014

² Vermont Domestic Violence Fatality Review Commission, 2014 Report



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Council Decision

The Council on Domestic Violence is large, and the diversity and breadth of members' experience is what makes the Council unique. It may also be notable that the Council makes our decisions using a consensus model—placing an integral emphasis on gathering and sharing information, rich discussion, and debate. 32 Council members were present at our March meeting. 22 members agreed to support the provisions contained in S.31 as it was introduced. Ten members “stood aside” from the vote, due to the limitations imposed for members representing State agencies or the Judiciary.³ There were no members in disagreement. 23 members agreed to oppose provisions contained in what had been introduced as S.4. Nine members “stood aside” from the vote, and there were no members in disagreement.⁴

Council Position

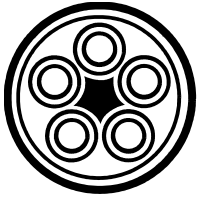
The Council **supports the provisions contained in S.141** and we urge the legislature to take this vital step to protect victims of domestic violence in Vermont who are at heightened risk. The Council **opposes the requirement of notice served according to Vermont Rules of Civil Procedure prior to sale of firearms relinquished pursuant to a relief from abuse order.** This requirement is unnecessary, and will only make it more difficult and more costly for law enforcement and licensed firearms dealers to sell unclaimed stored firearms, at a time when this relatively new system has just been put in place.

S.141 will impact a relatively small number of Vermonters, yet it may actually prevent half of next year's homicides from occurring at all. The families and communities of those potential victims deserve to have these simple safety measures put in place for our state, as do our tireless criminal justice partners, who deserve effective tools with which to fight crime in Vermont.

Council History and Information

³ *Stand Asides:* Hon. Barb Zander(Family Court), Carolyn Hanson, Esq. (VT Attorney General's Office), Ellie Breitmaier (VT Dept. for Children and Families), Donna McAllister (VT Agency of Education), Rick Bates (VT Dept. Of Corrections), Cary Brown(VT Commission on Women), Laura Dolgin (VT Court Administrator's Office), Kathleen Pearl (Court Clerk), Sheriff Sam Hill (Washington County Sheriff's Department, Chief Tony Facos (Montpelier Police Department).

⁴ *Stand Asides:* Hon. Barb Zander(Family Court), Carolyn Hanson, Esq. (VT Attorney General's Office), Ellie Breitmaier (VT Dept. for Children and Families), Donna McAllister (VT Agency of Education), Rick Bates (VT Dept. Of Corrections), Laura Dolgin (VT Court Administrator's Office), Kathleen Pearl (Court Clerk), Sheriff Sam Hill (Washington County Sheriff's Department, Chief Tony Facos (Montpelier Police Department).



Vermont Council on Domestic Violence

In 2008, VT statute 15 VSA chapter 21, subchapter 4, 1171-1173 created the Vermont Council on Domestic Violence (Council) with broad representation from state and community stakeholders in order to coordinate statewide responses to domestic violence. The Council makes recommendations for changes in state programs, laws, administrative regulations, policies, and budgets related to domestic violence.

If you have any questions, or would like more information about the Council, (I have included our Basic Information and most recent Biennial Report) please contact me at [\(802\) 917-1793](tel:8029171793) or vtdvcouncil@gmail.com.