



April 8, 2015

TO: Rep. Maxine Grad, Chair  
Rep. Willem Jewett, Vice-Chair  
House Judiciary Committee

FROM: Auburn Watersong, Associate Director of Public Policy

RE: Firearms – S.141 Committee Bill

Thank you, Representatives for your invitation to speak to you regarding S.141.

According to the Vermont Domestic Violence Fatality Review Commission's 2014 report, half of all homicides in Vermont between 1994 and 2013 were domestic violence related. Of those homicides, 56% were committed with firearms. 79% of Vermont's domestic violence murder-suicides during this time were committed with firearms.<sup>i</sup>

Compared to homes without guns, the presence of guns in the home is associated with a 3-fold increased homicide risk within the home. The risk connected to gun ownership increases to 8-fold when the offender is an intimate partner or relative of the victim and is 20 times higher when previous domestic violence exists.<sup>ii</sup>

Family and intimate assaults with firearms are 12 times more likely to result in death than non-firearm assaults. This research suggests that limiting access to guns will result in less lethal family and intimate assaults.<sup>iii</sup>

The Vermont Network knows that the lives of victims of domestic violence literally depend on our state's ability to keep firearms out of the hands of domestic abusers. **This bill as passed by the Senate prohibits a person convicted of a violent crime from possessing a firearm and for this reason the Network strongly supports passage of this bill.**

This bill makes sense because a state crime can be more efficiently prosecuted, as reflected in the testimonies and opinions of law enforcement and the State's Attorneys' in Senate Judiciary

hearings. Efficient prosecution insures that victims and their families are safer. Research indicates that states which have passed laws requiring abusers to surrender firearms have 9-12% lower rates of domestic violence homicide.<sup>iv</sup>

New Hampshire's rates of domestic violence homicides, for example, drastically decreased after the adoption of comprehensive firearm statutes. There were 18 such homicides from 1998 - 2000, and only 8 from 2001 – 2003.<sup>v</sup> State and local law enforcement have the contact and agility to work closely with county prosecutors to follow up on possession charges. This bill if passed would give local law enforcement the appropriate tools necessary in order to pursue prosecution at the local level, without having to wait for enforcement or prosecution from a federal agent or office.

In addition, **the Vermont Network commends the Senate for including the additional assurance of victim notification of a prohibited person's petition for relief from firearms disability (see Sec. 7. 13 V.S.A. § 4825 (g) on page 15 of 18 of this bill).** It is critical to victim safety that once the petitioner decides to petition for relief, the victim of a violent crime (as defined in 4017 (3) of this bill) be notified of the petition and the proceeding, and that the victim be allowed, should the victim wish, to offer to the court her/his testimony or impact statement prior to any stipulation.

**Firearm Sale Notification - Section 2(A)(iii) on page 7 of 18.**

The Vermont Network recommends returning to the original language of “shall include providing notice to the owner at least 21 days prior to the date of the sale via first class mail, certified delivery.”

This section was debated in the process of crafting the original firearms “fee” storage statute (Title 20 VSA section 2307) and was agreed to by involved parties, with the understanding that insisting upon more intensive efforts toward notice (i.e. notice served according to Vermont Rules of Civil Procedure which would include personal service and publication) would simply serve as a further impediment, and further cost, to law enforcement and firearms storage facilities, thereby frustrating their efforts to store firearms. The Dept. of Public Safety currently reports that while there are a few facilities willing to store firearms, only two law enforcement agencies have agreed to do so to date, and the Network would rather encourage than discourage law enforcement's ability to ensure safe storage going forward.<sup>vi</sup> If there remains a strong concern that firearms owners cannot be located prior to the sale of their firearm, the Network recommends that the committee then consider placing the responsibility for retrieval of the firearm in the hands of the person from whom it was removed, **requiring that person to keep the storage facility informed of their current valid mailing address in order that they are able to receive certified mail.**

This standard of requiring the individual to keep the storage facility informed of their current address in order to receive notice of a pending sale is the same standard we use with crime victims throughout title 13. All of the rights afforded crime victims are contingent upon the victim keeping law enforcement, the prosecutor and victim advocate informed of their current phone number and address in order to receive the various forms of notification. It's seems reasonable to require the same of an individual who has violated the law and lost their right to possess firearms.

Thank you for your time.

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<sup>i</sup> State of Vermont Domestic Violence Fatality Review Commission, *2014 Report*, (p. 2). Of the 119 DV related homicides between 1994 and 2013, 67 were committed with firearms (p. 15)

<sup>ii</sup> Kellermann AL, Rivara FP, Rushforth NB, et al. Gun ownership as a risk factor for homicide in the home. *New England Journal of Medicine*. 1993; 329(15):1084-1091.

<sup>iii</sup> Saltzman LE, Mercy JA, O'Carroll PW, Rosenberg ML, Rhodes PH. Weapon involvement and injury outcomes in family and intimate assaults. *Journal of the American Medical Association*. 1992; 267(22):3043-3047.

<sup>iv</sup> Office on Violence Against Women. *Enforcing Domestic Violence Firearm Prohibitions*. 2006.

<sup>v</sup> Office on Violence Against Women. *Enforcing Domestic Violence Firearm Prohibitions*. 2006.

<sup>vi</sup> Vermont Department of Public Safety 2014 Annual Report: The annual report on the status of the firearms storage program for the relinquishment of firearms pursuant to relief from abuse orders. T. 20 V.S.A. Sec. 2307