



**Testimony on H.422 Draft 1.1
House Committee on Judiciary
March 14, 2017**

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Policy Director**

Thank you for the opportunity to speak to you on the draft 1.1 of H.422.

I want to start the testimony today by restating the Network's commitment to the importance of this bill. H.422 provides added protection for victims of domestic assault and allows them more time to plan for their safety without having to fear for their lives. It is one tool that helps to eliminate the increased safety risks posed by firearms left in the wrong hands at the most dangerous and volatile time.

The Network member programs report that, despite best efforts, citation, arrest, and temporary lodging of a domestic violence offender do not go far enough to protect the victim from possible homicide.

- If a domestic violence arrest is made, lodging is only until arraignment in court, which may be the very next day. Such a short span of time is often not enough for the victim to plan for her or her children's safety.
- If a citation is issued by law enforcement, there is no lodging and the offender may be at home for weeks until the designated court date.
- When conditions of release are set at arraignment, they may include a requirement that offenders relinquish firearms; however, relinquishment relies upon offenders identifying the firearms in their possession and actually relinquishing them. There is always the possibility that not all firearms will be turned in.

We must remember that the statistics are real: When a gun is present in a domestic violence situation, it increases the risk of homicide for women by 500 percent.ⁱ We must also note that all 6 of the domestic violence-related homicides committed in Vermont in 2015 were committed with firearms, and over the past decade, more than half (59%) of all domestic violence-related homicides were committed with firearms. 131 homicides were committed, and 77 of them were committed with firearms.ⁱⁱ



1. It is imperative that H.422 require that all firearms be removed to protect the safety of the victim

The Network supports the use of “shall remove” in both (1) and (2) on page 1 of the bill. Without the use of the word “shall”, victims and others will be left at risk of serious injury or death.

As drafted, the officer has the discretion to remove, even if he or she feels that removal is necessary for the protection of the officer or any other person. It does not require the officer to remove the firearms if it is necessary to ensure safety. That does not make sense to us. If removal is necessary for the protection of the officer or any other person, then removal should not be optional; it should be required. If someone’s safety is in danger, then removal must be carried out.

2. Immunity for law enforcement officers and agencies:

The Network supports the immunity language which provides immunity for law enforcement officers and agencies. We believe that a law enforcement officer or agency acting in good faith should not be subject to civil or criminal liability.

We believe, however, that the addition of this language allows for the use of “shall remove”, as noted above. Immunity from liability should remove any concerns that law enforcement officers may have regarding liability they could have potentially been incurred as a result of being required to remove firearms. It also removes the burden on them as to whether they should or should not decide to remove the firearms.

3. “Weapons” or “Firearms”:

The Network member programs are willing to support a change from the use of the term “weapons” to “firearms”.

In closing, we cannot impress upon you enough the strong correlation between domestic violence, homicides, and firearms in Vermont. That is why we believe that it is imperative to require the removal of firearms at the scene of a domestic violence offense. Our experience with victims and our research in other states has led us to the conclusion that requiring the removal of firearms is absolutely necessary, enforceable, and effective in helping to ensure the safety of victims and others.

ⁱ J.C. Campbell, S.W. Webster, J.Koziol-McLain, et al., Risk factors for femicide within physically abusive intimate relationships: results from a multi-state case control study, 93 *Amer. J. of Public Health* 1089-97 (2003).

ⁱⁱ State of Vermont Domestic Violence Fatality Review Commission, *2015 Report*, p. 2.