



H. 133 v. 1.1 Testimony
Sarah Robinson, Deputy Director
House Judiciary Committee – February 17, 2021

Thank you for the invitation to provide testimony on H. 133. On behalf of the 15 Member Organizations of the Vermont Network and the survivors of domestic and sexual violence they serve, we strongly support H. 133 and the strike-all amendment under consideration today.

The proposed amendment more clearly achieves the purpose of this bill – which is not to expand or narrow the court’s authority to issue firearms related conditions in relief from abuse orders - but to clarify the current practice of including these conditions when appropriate. This language serves to clarify this discretionary power not only for judges, but also for plaintiffs and defendants.

This strike-all amendment more appropriately places this language in the statute along with the list of other possible forms of relief listed in the statute, and it clarifies that firearms-related conditions may be issued after the court has found abuse has occurred *and* there is an immediate danger of future abuse.

Position on potential suggestions offered today:

- We would support the language highlighted by Judge Grearson to add “refrain from acquiring or possessing any firearms”
- We would have no opposition to Rep. Leffler’s suggestion to remove language related to firearms in the possession of other persons. The Vermont Network’s primary concern is ensuring that firearms within the possession or control of the defendant can be included in conditions when appropriate.

Current Practice in Civil Relief from Abuse (RFA) Orders

RFA orders are a very important and common legal tool for survivors of domestic violence. Civil RFAs are brought forth directly to the court by plaintiffs – almost always pro se. One of the important hallmarks of this tool is that they do not require the plaintiff to involve the criminal legal system in order to receive court protection.

Courts in Vermont already possess the inherent authority to issue firearms-related conditions in ex-parte relief from abuse orders. This is current practice, and judges already exercise this authority and order related conditions when it is both appropriate and there is a factual basis for granting this relief. The existing protection order statute not only grants the court authority, but requires that it “shall make such orders as it deems necessary to protect the plaintiff or the children, or both”, once it has



determined that abuse has occurred and there is immediate danger of further abuse. The court also derives its powers from the inherent authority of the Judiciary and from case law. Firearms relinquishment conditions are currently ordered across Vermont. This statute aims to simply clarify this process in statute. Declining to clarify this in statute will not prevent this current practice, but may perpetuate geographic inconsistencies related to these conditions.

Link Between Domestic Violence and Firearms

Research indicates that two leading risk factors for domestic violence homicide are the presence of firearms in a violent home and estrangement (leaving). A meta-analysis of studies examining domestic violence homicide published in 2018 found that “the perpetrator’s direct access to guns was the risk factor that increased the likelihood of Intimate Partner Homicide (IPH) by the highest percent.”¹ Additionally, “the increased risk of an occurrence of Intimate Partner Homicide (IPH) is for the time period shortly after the separation”, and the highest risk period extends through the first three months.² A study published by the Annals of Internal Medicine in 2017 looked at the impact of state laws requiring the relinquishment of firearms through the relief from abuse order process. This study found that “state laws that both prohibited the possession of firearms by persons subject to an intimate partner violence-related restraining order and required these persons to surrender their firearms were associated with firearm-related Intimate Partner Homicide rates that were 14% lower than in states without these laws.”³

Thank you for your time. I would be happy to address any questions that the committee might have about relief from abuse orders, their impact on victims of domestic violence or the link between domestic violence and firearms.

¹ Spencer, C. M., & Stith, S. M. (2018). Risk Factors for Male Perpetration and Female Victimization of Intimate Partner Homicide: A Meta-Analysis. *Trauma, Violence & Abuse*, p. 11.

² Spencer, C. M., & Stith, S. M. (2018). Risk Factors for Male Perpetration and Female Victimization of Intimate Partner Homicide: A Meta-Analysis. *Trauma, Violence & Abuse*, p. 3.

³ Siegel, M. (2016). State Intimate Partner Violence–Related Firearm Laws and Intimate Partner Homicide Rates in the United States, 1991 to 2015. *Annals of Internal Medicine*, (167), p. 541.