

Oregon passes 'extreme risk' law

By **Jolene Guzman**
The Itemizer-Observer

SALEM — With the passage of Senate Bill 719, Oregon joins a handful of states to authorize "extreme risk protection orders," compelling the temporary surrender of deadly weapons, including firearms.

The Oregon House of Representatives approved the bill on a 31-28 vote on July 6 to send it to Gov. Kate Brown for her signature.

The Oregon Senate passed the bill 17-11 on May 1.

Both votes were mostly on party lines, with bill sponsor Sen. Brian Boquist (R-Dallas) the only Republican to vote for it.

Proponents of the bill said it will prevent suicides and domestic violence by taking

weapons out of the hands of people in danger of harming themselves or others. Opponents claim, no matter its good intentions, the bill infringes on the gun ownership rights and doesn't address underlying mental issues of the causes of violence.

Boquist denied the bill is an attempt to take away a person's rights.

"We only want to target those individuals who unfortunately want to commit suicide and unfortunately may want to harm their spouse that's in the house, their children in the house or their roommate," Boquist said during the Senate debate of the bill. "This isn't some broad, sweeping confiscation like you see in Breitbart News. Everyone wants to promote this as a gun bill. It's not."

He said the bill is about preventing suicide among military veterans and the general population, and averting domestic violence.

Boquist said a similar law passed in 1999 in Connecticut has been used only about 800 times. A study, "Implementation and effectiveness of Connecticut's risk-based gun removal law: Does it prevent suicides?" found it does work. Published in August 2016, the study looked at the impact of the law from 1999 to 2013. It found that approximately 10 to 20 gun seizures were carried out for every averted suicide.

While Oregon's bill is not limited to guns, according to Oregon Health Authority statistics on suicide, 56 percent of suicides involved a firearm. The report, from 2013 and updated last in 2015, stated the highest rates of suicide were among white males and veterans, with one in five suicides occurring among vets.

Opponents of the bill say it takes away gun ownership rights without helping the subjects of the orders, or those who petition for them.

"There's nothing in this bill that addresses any kind of help for a person who is genuinely suicidal, which this bill — this is how it's been sold to us," said Kevin Starrett, the director of Oregon Firearms Federation during July 3 testimony on the bill. "We care about why they are committing suicide, not how they are committing suicide."

He added those filing petitions may not be mental health professionals, nor are the judges hearing the cases.

"All of this without me ever having been accused of a crime, let alone having been convicted of a crime," he said. "I know of no other situation where this principle is in effect, where your possessions and your privacy can be taken away by the authorities with absolutely no indication, no proof, that you have done anything wrong."

Roger Beyer, a lobbyist for the NRA, said a few the items judges consider when

Senate Bill 719

Senate Bill 719 creates a process for petitioning and obtaining an extreme risk protection order through the court system preventing individuals from "having in the person's custody or control, owning, purchasing, possessing or receiving, or attempting to receive a deadly weapon" if sufficient evidence is established that they present a risk to themselves or others.

The bill states that in deciding on the petition, judges shall consider: suicide threats or attempts or acts of violence toward others; a history of use or attempted use of violence; convictions on misdemeanors involving violence, domestic violence, driving under the influence, cruelty or abuse of animals; evidence of unlawful uses of a controlled substance; previous unlawful or reckless use of, display or brandishing of a deadly weapon; previous violations of court orders; and evidence of acquisition or attempted acquisition of a deadly weapon in the 180 days before the petition is filed.

Deadly weapon is defined in the bill as: "Any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury."

Members of an individual's family, household or law enforcement officers can petition the court for the order, which if approved, can prohibit a person from possessing deadly weapons for up to a year. Renewals require another hearing with the petitioner responsible for showing the risk persists.

SB 719 requires that the petitioner provide "clear and convincing evidence," a legal standard that indicates that risk is highly probable.

Once the order is approved, the subjects have 24 hours to surrender all deadly weapons.

They have 30 days to request a hearing to have the order withdrawn.

Order violations, filing a false application and filing a petition to harass are all Class A misdemeanors.

deciding on protection orders are not associated with risk, including driving under the influence convictions and buying or attempting to buy weapons.

"It seems pretty specific in that it calls out specific items that will be considered, many of which, in our opinion, have no correlation to being violent or self-destructive," he said.

Rep. Mike McLane (R-Powell Butte), the House Republican leader, said he is worried about how the definition of "deadly weapon" would be interpreted and whether police officers filing petitions or conducting searches from weapons would escalate dangerous situations.

"I'm always leery when people are rushing to take away rights of citizens in the name of compassion, because that is when we need to be most vigilant," McLane said.

Niki Tezieff, with Americans for Responsible Solutions, a group formed by former Congresswoman Gabrielle Giffords and her husband following the Sandy Hook shooting, said the bill could save lives.

"Judges' discretion was

brought up, and that is right," she said. "There's a Constitutional requirement and a Constitutional obligation for judges to choose what's best in these cases, in particular when it comes to firearm dispossession."

She said in most mass shootings in the last 20 years, there had been warning signs that the people who committed those acts were struggling. The bill gives them a way to act on those warnings.

Rep. Jennifer Williamson (D-Portland), the majority leader in the House, said extreme risk protection orders are just one part of addressing mental health. She said the legislature allocated \$20 million to provide crisis services, suicide prevention — including to veterans — and access to school-based mental health services.

"This is the way we will get at this issue of suicide, a multi-dimensional approach. I believe this bill is only one piece of it," she said. "I believe it is a tool that can be used in conjunction with other investments to address mental health and suicide in this state."

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DEADLINES

NEWS DEADLINES

For inclusion in the Wednesday edition of the *Itemizer-Observer*:

Social news (weddings, engagements, anniversaries, births, milestones) — 5 p.m. on Thursday.

Community events — Noon on Friday for both the Community Notebook and Community Calendar.

Letters to the editor — 10 a.m. on Monday.

Obituaries — 4 p.m. on Monday.

ADVERTISING DEADLINES

Retail display ads — 3 p.m. Friday.

Classified display ads — 11 a.m. on Monday.

Classified line ads — Noon on Monday. Classified ads are updated daily on www.polkio.com.

Public notices — Noon on Friday.

CORRECTIONS

Vikkye Fetters name was misspelled in the story, "WOU grad ready to improve value of the chamber," printed on May 31. The *I-O* regrets the error.

The date for the Monmouth High School reunion was incorrect in the July 12 edition of the *Itemizer*. The reunion was on Sunday, not Saturday. The *I-O* regrets the error.

WEBSITE

The *Polk County Itemizer-Observer* website, www.polkio.com, is updated each week by Wednesday afternoon. There, you will find nearly every story that appears in the print version of the newspaper, as well as some items that do not appear in print due to space limitations.

The *Itemizer-Observer* is also on Facebook, Twitter and Instagram.

WEATHER

RECORDED	HIGH	LOW	RAIN
July 11.....	82	52	.00
July 12.....	86	52	.00
July 13.....	78	54	.00
July 14.....	88	51	.00
July 15.....	83	54	.00
July 16.....	77	55	.00
July 17.....	83	52	.00

Rainfall during July — 0.00 in.
Rain through July 17 — 33.30 in.

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