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STATE & LOCAL AFFAIRS DIVISION  
DANIEL REID, OREGON STATE LIAISON

April 5, 2013

The Honorable Floyd Prozanski  
Chair, Senate Judiciary

Re: Senate Bill 347, 699, 700, 796 – OPPOSE

Dear Chairman Prozanski:

On behalf of the members of The National Rifle Association, I strongly oppose the four bills up for hearing today both in their original form and as amended. These bills do nothing but target law abiding citizens, limiting their ability to protect themselves and subjecting them to increased restrictions in exercising a constitutional right. These bills will do nothing to make Oregon safer but are rather “solution looking for a problem”.

ORS 166.170 to 176, also known as “firearm preemption”, was originally enacted in 1995. Prior to this statute, gun owners were subject to a patchwork of state, county and city laws, regulations and ordinances. A law abiding citizen traveling on I-5 from Medford to Portland could literally pass through local jurisdictions where local ordinances ranged from where guns were required to prohibited and end up where possession of a firearm could have you arrested.

The legislature, recognizing the absurdity of this confusion, enacted state preemption so that legal gun owners would have consistent, statewide regulations. This law has served Oregonians well for nearly 20 years. Gun owners know what is allowed all over the state. Public safety officers also know the law and application of the law is consistent statewide.

SB 347 adds schools and school grounds to the list of public buildings where a person would not be allowed to have a firearm or dangerous weapon unless the school governing board proactively adopts a policy allowing firearms and dangerous weapons. This would put us right back to the past where gun owners would not know from one district to the next what the policy might be. Adding to the confusion, the proposed -3 amendments would create more uncertainty by allowing schools to adopt a policy allowing guns but requiring gun owners to lock the gun in a safe or vault while on school grounds. This bill would require a parent with a concealed handgun license (CHL) who is called to the school to attend to their child, for any reason, to either risk breaking the law and committing a felony if they know the district policy, or alternatively, locking their legal gun in a vehicle.

We would also remind the committee that these crimes are almost always carried out at known “gun free” areas. Criminals with murder in their heart are also typically cowards who go into places that they are least likely to encounter opposition in the form of legal gun owners. This bill would create more of these known “gun free” zones in which these cowards feel safe. Representative Greg Mathews, a former school resource officer, relayed to me the following comment: “It isn’t an armed policeman in a school that deters crime as much as the police car parked at the curb in front of the school”. Not knowing if armed individuals are nearby is a deterrent to criminals, just as the police car on the curb is a deterrent. This bill takes away that deterrent.

SB 699 with the -3 amendments requires any firearm carried by a CHL holder in a public building to be “completely concealed from view”. “Completely concealed from view” is an undefined term and would subject CHL holders to interpretation and uncertainty. If someone sees a gun shaped bulge under a coat, is that firearm completely concealed from view? What about a heavy item in a fanny pack?

What protection would a CHL holder have from an over-zealous building manager who called the police because they suspected someone was carrying a firearm? If the CHL holder has a firearm, how would he or she prove it was “completely concealed from view”? What standard of proof would be required to convict them? Would the CHL holder be considered guilty unless they could prove themselves innocent? They have a firearm and someone turned them in, therefore was it “completely concealed from view”?

The bill also redefines public building to include any “building owned or occupied by a public body”. Public body means state government, local government or special government. Redefining public building in this manner would subject CHL holders to confusion of what defines public buildings. Special districts include everything from water districts to fire districts. It also includes “the grounds adjacent to each such building”. A rifle in a gun rack in a parking lot next to the rented water district office would subject a person to a felony. How would a CHL holder know where these special district buildings are or what defines the grounds adjacent to them.

SB 796 will prohibit vulnerable people who want a concealed handgun license from getting one. Domestic violence victims are most likely not able to pass test. In more the 75% of crimes deterred by a weapon, the weapon is never fired. Just last week in Oregon City a 22 year old woman was the latest example of this. News reports declared when she was able to draw her legally carried pistol the attacker fled.

The amendments state a person can have a maximum of three attempts to pass the live fire test. Is this in fact a life time limit and once a person fails the third time would forever be unable to obtain a CHL? If that is the case this bill is tougher on CHL applicants than Oregon law is on repeat criminals. Instructors offer live fire as part of the CHL class in Oregon today. Can the proponents of this bill point to a problem in Oregon of CHL holders inappropriately using a hand gun?

The rules for obtaining a concealed license in California are much more stringent than in Oregon and in Oregon it is more stringent than Washington. Is there evidence the CHL holders in California have a significantly better track record on deterring crime than either Oregon or Washington CHL holders? Is there any evidence suggesting Washington CHL holder have caused more accidents or incidents of inappropriate uses of firearms than Oregonians?

As of April 3, 2013 Oregon is home to 175,378 permit holders. These law abiding individuals have undergone extensive background checks, met or exceeded firearms training criteria and have been permitted to carry a concealed handgun by their respective Sheriff. Permit holders are authorized to carry in nearly every corner of Oregon and have done so for well over 20 years with exceptionally few incidents. This phenomenon of law abiding citizens being just that, law abiding, is not unique to Oregon but has proven consistent throughout the country. So why are these law aiding citizens the target of legislation?

Finally I'd like to address SB 700 which criminalizes private party transfers absent a background check. Background checks have not proven to be effective. Person who are denied purchasing a firearm based on a check are rarely, if ever prosecuted. It's worth noting that submitting false information on a federal firearms form is a felony.

Oregon's background check denials are consistent with those run on the Federal Level, just over 1% (1.35% in OR and 1.14% over history of NICS system). In 2010 the FBI denied 72,659 of the total 14,409,616 checks run. Of those denials only 62 of these cases were prosecuted and only 13 resulted in a conviction. The reason, according to Vice President Biden, is that "we simply don't have the time or the manpower to prosecute everybody who lies on a form, checks a wrong box, that answers a question inaccurately." Unfortunately that means that persons who are caught through a background check are turned away to obtain a firearm somewhere else rather than being prosecuted to the fullest extent of the law.

According to a January 2013 report from the U.S. Department of Justice's National Institute of Justice, the effectiveness of "universal background checks" depends on requiring gun registration. In other words, the only way that the government could fully enforce such a requirement would be to mandate the registration of all firearms in private possession – a requirement that has been prohibited by federal law since 1986.

Even if accompanied by a change in federal law to require gun registration, most criminal possession of firearms would remain outside the system. The concept of expanding background checks therefore, would only incur massive cost and bureaucracy; would not work without a change in a long standing federal law to require gun registration and would unduly burden law-abiding citizens from exercising their fundamental Right to Keep and Bear Arms.

Clearly, the system is not working as intended. Yet rather than focusing on ways to improve the current system the solution being called for is to expand it.

I understand that many proponents of the bills here today are motivated by events that have happened both nationally and locally, however none of the solutions offered today would have had any impact. As much as we want to legislate against evil, it's impossible to do. Those who are bent on evil will commit evil, regardless of legislation and additional laws. The solution is not to infringe upon law abiding citizens.

Thank you for your attention and I ask that you oppose these bills.

Cordially,

Daniel S. Reid  
State Liaison