

## Written Testimony of the Law Center to Prevent Gun Violence

May 14, 2015 Senate Judiciary Committee

Addressing Committee Chair, Senator Prozanski and the members of the committee

The Law Center to Prevent Gun Violence (“Law Center”) appreciates the opportunity to offer testimony to the Senate Judiciary Committee on House Bill 3093, legislation that would force Oregon, with strong concealed carry permitting laws, to recognize permits issued by other states, including those with dangerously weak laws. This legislation threatens public safety in Oregon.

Founded by lawyers after mass shooting at a San Francisco law firm in 1993, the Law Center provides legal and technical assistance in support of gun violence prevention to federal, state, and local legislators nationwide.

**HB 3093 would significantly undermine Oregon’s strong concealed carry law.** In order to publically carry a hidden, loaded gun in Oregon, an applicant must establish, among other things, that he or she is over 21 years of age, not a convicted felon and not required to register as a sex offender. Oregon also refuses concealed carry licenses to individuals who have been convicted of misdemeanors within the preceding four years, have outstanding arrest warrants, or have not taken a handgun safety course.<sup>i</sup> Another important feature of Oregon’s concealed carry law is that it allows sheriffs to deny licenses to individuals who the sheriffs reasonably believe are likely to be a danger to themselves, others or the community at large because of applicants’ past violent behavior.<sup>ii</sup> HB 3093 would require Oregon to recognize concealed carry licenses from several states that do not impose the above requirements, consequently weakening Oregon’s strong law limiting who can carry guns in public.

**HB 3093 would allow dangerous people from out of state to carry hidden, loaded firearms in Oregon.**

Under HB 3093, people who are ineligible to receive concealed carry permits if they were Oregon residents will be allowed to carry in Oregon with out-of-state licenses. For example, the following people would be prohibited from obtaining a concealed carry license in Oregon, but would still be able to carry in Oregon with a permit from their home state:<sup>iii</sup>

- Registered sex offenders from Nevada<sup>iv</sup>
- Domestic abusers with multiple arrests but no convictions from Nebraska<sup>v</sup>
- 18 year olds with outstanding arrest warrants from Maine<sup>vi</sup>
- Stalkers with misdemeanor convictions from South Carolina<sup>vii</sup>
- People with past violent behavior who present a danger to themselves or others from Kentucky<sup>viii</sup>

Oregon legislators have determined that Oregonians falling into the categories listed above are not suitable people to carry loaded firearms in public spaces. Illogically, HB 3093 would allow these same people from out-of-state to carry firearms in public.

**A likely result of enacting HB 3093 is that Oregon’s gun death rate will increase.** Since 2010, the Law Center has compiled data demonstrating that states with strong gun laws have lower rates of gun deaths. In 2014, the Law Center ranked Oregon 18<sup>th</sup> out of 50 states<sup>ix</sup> for the strength of its gun laws. Correspondingly, Oregon’s gun death rate was lower than 27 other states according to data from the

Center from Disease Control.<sup>x</sup> HB 3093 would weaken Oregon’s gun laws, thus increasing the likelihood that the state’s gun death rate will increase.

Adding more support to this conclusion is the fact that permits from states with high gun death rates would be recognized in Oregon under HB 3093. For example, Oregon would recognize permits from the following non-exhaustive list of states:

- South Carolina (10<sup>th</sup> highest gun death rate)
- Kentucky, (13<sup>th</sup> highest gun death rate)
- Nevada (18<sup>th</sup> highest gun death rate)
- Colorado (20<sup>th</sup> highest gun death rate)
- Utah (21<sup>st</sup> highest gun death rate)

**HB 3093 will increase the number of people carrying loaded weapons in public and, consequently, threaten public safety.** Because HB 3093 will allow people from several other states to carry concealed weapons in Oregon, more guns will be in the public domain. More guns in public create unnecessary risks of intentional and accidental shootings, and increase the risk that everyday disagreements will escalate into shootouts, especially in places where disputes frequently occur—in bars, at sporting events, and in traffic.

Furthermore, even when well-intentioned people with guns are trying to assist in a crisis, they often make certain situations more dangerous. During the 2011 Tucson shooting, for example – where the shooter killed six people and injured 14 others, including Congresswoman Gabrielle Giffords – an individual carrying a concealed weapon almost drew his gun against a man who had wrestled the shooter’s gun away, thinking erroneously that the man was actually the shooter.<sup>xi</sup>

The dangers of more guns in public are amplified by the conclusions of handgun experts—such as law enforcement, military members, and safety instructors—that the vast majority of handgun owners do not understand basic safety rules, do not have the shooting skills necessary to defend themselves without jeopardizing the safety of others, and are not mentally prepared for the extreme emotional effects that are an unavoidable aspect of an armed confrontation.<sup>xii</sup>

**The Law Center to Prevent Gun Violence Opposes HB 3093.** The Law Center to Prevent Gun Violence has over 20 years of experience tracking, analyzing, and evaluating state gun laws. The Law Center’s analysis of HB 3093 is that it will weaken Oregon’s existing gun regulations and jeopardize the safety of its residents. Accordingly, we urge Committee Chair Senator Prozanski and the members of the committee to vote “no” on this legislation.

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<sup>i</sup> Or. Rev. Stat. § 166.291.

<sup>ii</sup> Or. Rev. Stat. § 166.293.

<sup>iii</sup> The only barriers HB 3093 places on the recognition of out-of-state licenses is that the reciprocal state must have similar handgun competency requirements as Oregon, and it must recognize Oregon concealed carry licenses. Because Oregon does not currently recognize licenses from out-of-state, many states that do not currently recognize Oregon licenses, such as Colorado and Nevada, would likely do so if HB 3093 is enacted.

<sup>iv</sup> Nev. Rev. Stat. Ann. §§ 202.3657, 202.360.

<sup>v</sup> Neb. Rev. Stat. § 69-2433.

<sup>vi</sup> Me. Rev. Stat. tit. 25, § 2003.

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<sup>vii</sup> S.C. Code Ann. § 23-31-215. While South Carolina does not currently extend reciprocal status to Oregon permits, it is likely that this is due to the fact that Oregon does not recognize out-of-state permits.

<sup>viii</sup> Ky. Rev. Stat. Ann. § 237.110.

<sup>ix</sup> Law Center to Prevent Gun Violence, *Gun Law 2014 Annual Gun Law State Scorecard*, December 2014. See <http://gunlawscorecard.org/> for more state and gun death rate rankings.

<sup>x</sup> CDC data is from 2012, the last year for which the data was available at the time of the ranking in December 2014. This data is accessible here: <http://www.cdc.gov/injury/wisqars/fatal.html>.

<sup>xi</sup> William Saletan, Friendly Firearms, *Slate* (Jan. 11, 2011), at [http://www.slate.com/articles/health\\_and\\_science/human\\_nature/2011/01/friendly\\_firearms.single.html](http://www.slate.com/articles/health_and_science/human_nature/2011/01/friendly_firearms.single.html).

<sup>xii</sup> Violence Policy Center, Unintended Consequences: Pro-Handgun Experts Prove That Handguns Are A Dangerous Choice for Self-Defense, November 19, 2001, available at <https://www.vpc.org/studies/unincont.htm>.