

May 14, 2015

Testimony to Judiciary Committee, Oregon State Senate

Re: House Bill 3093A

Chair Prozanski and Committee Members:

My name is Elise Gautier. Until last year, I served for many years as president of Ceasefire Oregon. Today I testify as an individual, one with 15 years' experience analyzing Oregon firearms laws in order to promote gun safety in this state. I am here to speak about the ways in which House Bill 3093A, if enacted, will undermine public safety in Oregon.

First, the bill lowers Oregon concealed carry standards for nonresidents.

After reviewing the proceedings and materials in the House regarding HB 3093A, I think it is likely that many House members who voted for the bill expected that nonresident concealed carry permits honored in Oregon would be issued under standards no less stringent than Oregon's CHL standards. That, however, is not what this bill provides.

HB 3093A grants concealed carry privileges to nonresidents' permits if only two conditions are met: (1) the other state must grant reciprocal privileges to Oregon CHL holders, and (2) the other state's licensees must fulfill a handgun competency requirement similar to Oregon's. In other words, of the 15 Oregon CHL requirements set forth in ORS 166.291, out-of-state licensees would have to meet only one, the one at 166.291(f). Oregonians, on the other hand, would still have to meet all 15 statutory requirements to obtain an Oregon CHL, including those regarding age and criminal history.

In addition, the language in section 2 of the bill provides that nonresident CHL holders being granted the specified privilege must also be "not prohibited from possessing a firearm." Why was that phrase omitted from what is otherwise the same new paragraph in sections 3 through 8 of the bill?

Proposed Amendment A7 would require that the reciprocal state's licensing requirements be no less stringent than Oregon's. Under the amendment, out-of-staters would have to meet **all** of Oregon's CHL requirements. As you know, the standards and procedures that other states use to issue concealed carry permits vary widely. Therefore, to achieve the amendment's goal, this bill **should also explicitly state that Oregon does not grant reciprocity to any permit held by a person who is prohibited from possessing a firearm under federal law.**

Second, this bill does not set adequate administrative standards for the issuance of CHLs by other states.

The administrative procedures under which other states issue, report, and revoke concealed carry permits are an essential component of reciprocity, one that is crucial to the safety of law enforcement officers. Oregon requires sheriffs to conduct "any investigation necessary" to corroborate that the applicant meets the requirements of our statute. ORS 166.291(3)(b). Sheriffs are also required to enter applications for Oregon CHLs in the Law Enforcement Data System.

ORS 166.291(7). And it is my understanding that Oregon law enforcement can verify the validity of any Oregon CHL almost instantly.

This is not true of all other states. Background-check requirements vary significantly among states, as do the systems for confirming permit validity. According to a 2012 report on CHL reciprocity prepared by the U.S. Government Accountability Office, for example, the validity of permits issued by Georgia and Maryland could be verified only by calling the issuing authority during normal working hours (Monday–Friday, 8–5).¹ And a *New York Times* investigation found that in a five-year period ending in 2011, at least 2,400 concealed-carry permit licensees in North Carolina were convicted of disqualifying misdemeanor crimes or felonies, but the state failed to nullify permits of at least half of those convicted of felonies.²

HB 3093A does not require reciprocal states to have permit issuance, verification, and revocation procedures that are comparable to Oregon's.

Therefore, to prevent prohibited purchasers from carrying concealed weapons in Oregon under the guise of another state's CHL, I urge you to write in the bill that **the other state's licensing process must include a background check conducted by the FBI's National Instant Criminal Background Check System (NICS)**. To protect Oregon's law enforcement officers, the bill should also provide that **the issuing state must provide the means for Oregon law enforcement to instantly verify that the out-of-state permit is still valid, and the system must be available 24 hours a day**.

In Conclusion

The Government Accountability Office has estimated that there are more than eight million concealed carry permits in the United States. Around 200,000 of them (I don't have the latest number) were issued by Oregon. House Bill 3093A would extend concealed carry reciprocity to an unknown number of the other 7,800,000—reciprocity that invites permit holders to bring loaded guns into our taverns, our parks, our public elementary schools, and this building—without requiring them to meet Oregon's CHL standards. I urge a No vote on House Bill 3093A.

Thank you.

Elise Gautier
Multnomah County

¹ *Gun Control: States' Laws and Requirements for Concealed Carry Permits Vary across the Nation* Government Accountability Office, July 2012, p. 30 <http://www.gao.gov/assets/600/592552.pdf>

² Michael Luo, "Guns in Public, and Out of Sight," *The New York Times*, December 26, 2011, available at http://www.nytimes.com/2011/12/27/us/more-concealed-guns-and-some-are-in-the-wrong-hands.html?pagewanted=all&_r=0.