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STATE & LOCAL AFFAIRS DIVISION
DANIEL REID, OREGON STATE LIAISON

May 19, 2015

The Honorable Jeff Barker
Chair, House Committee on Judiciary

Re: Senate Bill 913– OPPOSE

Dear Chairman Barker:

On behalf of the members of The National Rifle Association, I oppose Senate bill 913. This bill would do nothing to promote its purported goal of addressing poaching and the illegal ivory trade, while it would impose a heavy burden on law-abiding citizens.

Illegal trade in wildlife, as well as poaching for meat and products such as horns and tusks, takes its toll on the health and viability of wildlife populations. Further, it undermines the tremendous sustainability achievements made possible by hunters and other wildlife conservationists in the United States and other parts of the world. The NRA applauds serious efforts to stop poaching and the illegal ivory trade, but SB 913 would not materially contribute to that goal.

This bill would, however, harm those who have no part in these activities. American collectors, sportsmen, hunters, and recreational shooters have legally purchased firearms that incorporate ivory features for decades. These include some of America's most historically-significant and collectible guns. Historically, the U.S. Fish and Wildlife Service maintained the position that most ivory in the U.S. has been legally imported and that its sale in the U.S. did not materially contribute to the illegal ivory trade. Nevertheless, under SB 913 the purchase, sale, offer to sell, possession with the intent to sell or import for purpose of purchase or sale of any ivory (defined to include mammoth ivory), ivory product, rhinoceros horn, or rhinoceros horn product would be prohibited. The NRA is opposed to SB 913 because, if implemented, it would amount to the taking of property that had been acquired legally and in good faith. Needless to say, property that cannot be sold is radically diminished in value.

While the bill contains limited exceptions, it does not adequately address the concerns of law-abiding gun owners. The bill treats musical instruments (pre-1990 for ivory and 2015 for mammoth) differently than firearms and knives (pre-1976) allowing a broader time span for

items to be treated as legal. Both exceptions place the onus on the owner to prove the ivory meets the requirement. In most cases, pre-ban ivory pieces lack the documentation required to meet this exemption and there is no guidance as to what documentation would satisfy this requirement.

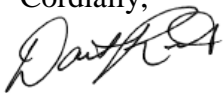
In addition to the limitation on manufacturing, the ivory components of the firearm or other item would have to make up less than twenty percent of the firearm by volume. This imposes arbitrary distinctions between people who acted legally under current law. For example, if a person had documentation to prove a shotgun with an ivory bead sight was manufactured before 1976, he or she would be able to sell the shotgun because of the small size of the bead. However, if another person had purchased a pistol with ivory grips before 1976 and had documentation, he or she might not be able to sell it because of the volume limitation. This would be true even if both persons had obtained their firearms from the same dealer, on the same day, with the same understanding of the controlling law. Moreover, as a practical matter, accurately measuring the “volume” of a complex mechanical object such as a firearm or of small, non-removable ivory components, such as inlaid decorations, would be a daunting task.

Further, the exception also fails to take into account the many variations of ivory pieces that may be present on a firearm. For example, ivory on a firearm can vary from decorative inlays, to bead sights, to ivory grips. Often the ivory can be interchangeable amongst firearms which could pose additional problems and arbitrary distinctions. Under this bill an ivory bead sight would be perfectly legal on a shotgun manufactured in 1975. However, that exact same ivory bead sight placed on a shotgun manufactured in 2015 would be illegal.

While the NRA stands in opposition to the illegal ivory trade and poaching, banning the trade and sale of legally owned, pre-ban ivory will not save one elephant (much less mammoths, ivory from which is covered in the bill, even though the creatures themselves are long extinct). The NRA is receptive to measures that directly target the illegal ivory trade and poaching. We do not, however, support symbolic measures that do little more than move the goalposts for law-abiding citizens and devalue property which was originally obtained legally and in good faith.

Thank you for your attention and I ask that you oppose this bill.

Cordially,



Daniel S. Reid
State Liaison

Cc: Members, House Committee on Judiciary