

The Constitution of the State of Oregon says in Article I, Section 27 “The people shall have the right to bear arms for the defence of themselves.”

The right to keep and bear arms is a fundamental right which is also enumerated in the Bill of Rights of the Constitution of the United States.

The Bill of Rights also states “nor shall any person... be deprived of life, liberty or property without due process of law.”

The bill before us, HB 4147 would permit the Oregon State Police to deny the right of the People to bear arms, indefinitely and without due process.

The current law regarding the purchase of firearms rightly puts the burden of proof on the state, to show that a person is prohibited from purchasing a firearm. The current law says that the state has one business day to find a statutory reason for denying a firearms purchase. This burden SHOULD be on the state. It is not possible for the People to prove they have not committed a crime which would put them in the category of “prohibited persons.” It is not possible to prove a negative.

Because firearms ownership is such an important and fundamental right, and because the burden of proof should ALWAYS be on the state to prove guilt rather than on the People to prove innocence, the current law regulating firearms purchases should NOT be changed to permit the Oregon State Police to delay firearms purchases for an unlimited period of time. That would violate both the Oregon Constitution and the Constitution of the United States and put those at risk of imminent violence in a position of helplessness.

Sincerely,  
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