

Rep. Jeff Barker, Chair
and other Committee Members

Feb. 1, 2016

Dear Representative:

I am opposed to HB 4147 which eliminates the ability of a person to transfer a firearm when it is in pended status for a background check.

Les Henderson and I own and operate the Oregon Trail Trader gun store in La Grande, Oregon. We sell approximately 500 to 600 guns per year.

When a gun is sold, the purchaser often must wait over an hr. after their information is entered on the computer to get an approval number. Sometimes the wait is several hrs. To my knowledge, we have never received notice after a 30 minute delay as is required under 166.436.(3)(B)(b) to let us know how long we can expect the wait to be.

When a background check is pended, they can remain in a pended status for months. Most of the reasons for pending have nothing to do with eligibility to purchase a gun.

Examples: someone has a similar name, a local jurisdiction may not have updated their records when an issue is resolved, the person entering information may have made an error, a lack of prioritizing the follow up at the state level, a failure of another state to provide information, records may have been lost, etc.

Currently the Oregon Trail Trader has three gun purchases in pended status. The applications were entered into the system on the following dates:

12/8/15

10/15/15

7/2/15

I am only aware of two times when a pended application was later denied at our business. When that did occur, and the gun was already released to the new owner, the police followed up with the person who has the gun and took whatever action was appropriate.

We issue guns after the current two day wait time due to the above factors. To do otherwise would mean a denial of access to the firearm absent a showing of good cause.

This bill creates a problem where one does not exist and denies access to a firearm that may be needed for self protection, as a holiday gift, hunting or other activities that may be time sensitive. The pended individual is being treated as guilty absent any determination of that, and according to data from the Oregon State Police regarding the number of legitimate denials, with a very small chance that the person actually is not eligible to purchase a firearm.

I urge you to put this bill to rest in this committee. There are far more pressing issues for the legislature to be considering.

I would be interested in you finding out how the following occurred:

On Christmas Eve there were 490 cases waiting for an approval number. All of a sudden around 3:30 there were 190 cases and by 5:00 the store was closed and people had their guns. If they could do this on Christmas Eve, why are we having to wait for an hr., or two, or three for an approval number? If these people could be cleared that fast, why are others taking so long? Why aren't those responsible for issuing the approvals tracking how long it is taking to get a clearance?

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