

My name is Frank E. Martin, living in Gresham Oregon and I am here today in opposition to the proposed legislation that is House Bill 4147. This Bill proposed by House Majority Leader Jennifer Williamson states that a person who is even “delayed” by the Oregon Firearms Unit in the background check that is part of Oregon's process under the Brady Handgun Control Act of 1993. That individual will be denied their firearm purchase even after the Three Day period provided by Federal Law under the National Instant Criminal Background Check System when the check comes back Delayed. In a Sense, this bill is attempting to supersede Federal Law.

My opposition to this bill stems from several aspects. The Oregon Firearms Unit of the Oregon State Patrol states on their website that vast majority of denials are for Prohibited persons, Wanted Persons, and Mental Health reasons. But I personally know a person who has been attempted to purchase a rifle for himself at a Sportsman's Warehouse location who has been delayed in November with no prior arrests, not wanted for anything, and no history of mental health problems. The business will not process the transaction because of their store policy to avoid problems for legal reasons. But when the person has attempted to contact the Oregon State Police and ask Why he was delayed, he has been repeatedly been told that they can not answer the question. If an individual is being accused of being denied a firearm but can not be told the reason why? That is a power being given an agency of the state without due process.

To me this bill's goal of stopping a purchase to a person who comes up delayed is already in effect. Which flies in the face of two sections of the Oregon State Constitution.

Section 27 of the law provides for the right to bear arms for the defense of an individual.

Section 27. Right to bear arms; military subordinate to civil power. The people shall have the right to bear arms for the defence [sic] of themselves, and the State, but the Military shall be kept in strict subordination to the civil power:

Section 10 of the Oregon State Constitution applies to the courts. But in this bills proposal is to give power to the Oregon Firearms Unit the power to secretly hold court over an individuals right without having to answer for it:

Section 10. Administration of justice. No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation

In this bills stated goal. A person who has committed no crime, not wanted, and has no mental health problems attempts to make a firearm purchase and comes up delayed for whatever reason will have his reputation damaged and will not be able to purchase a firearm if that person so chooses. This is action is wrong. There should be an avenue where individuals should be able to easily appeal such a decision. But this bill will deny that person that ability.

I have noticed that bills like this bill are touted as being “reasonable” and “common sense” and only affect a small portion of the population within the state. But with all due respect, the actions of the Oregon Legislature through the present Majority Party is trying at every turn to keep even the law abiding people from being able to own a firearm or make it so difficult to own that firearm that many will give up. This too is wrong.

I urge a No vote on this bill. I find it sad that House Majority Leader Williamson and the rest of the sponsors wish to make it so even law abiding who attempt to purchase a firearm and may come up denied even through a clerical error.. or the computer system may be down.. Poof, that person is now denied their ability to purchase a firearm. Good Day.