

SB 797

Firearm Safety Package Of 2017:

Close Charleston Loophole; No guns for stalkers; Close dating Partner Loophole

1. This Bill closes the Charleston loophole. This loophole is how the Charleston Church shooter, Dylan Roof, obtained his gun even though he is a prohibited purchaser. Currently a gun seller is permitted to complete a gun sale if the background check takes longer than 3 days. The gun seller is not held criminally liable if the person is a prohibited purchaser.

This bill prohibits transfer of a firearm by a gun dealer or private party until background checks are complete.

2. It provides that a conviction of stalking causes a person to be prohibited from possessing a firearm unless the person obtains relief, goes to court.

It gives law enforcement tools to prosecute prohibited purchasers who attempt to buy a firearm. This sets up an active alert system at the local and state levels.

These tools include:

Requiring the state police to notify United States Attorney for District of Oregon and all state and local law enforcement agencies with jurisdiction if prohibited purchaser tries to buy a gun.

It also requires department to notify unlawful purchaser's probation officer or court that issued a protective order.

These notifications must be made within 24 hours unless investigation would be compromised, and it requires law enforcement or prosecuting attorney's office receiving notification to report back to the state police on action taken after notification and outcome.

A published written report detailing attempted unlawful purchases, including information on investigations and criminal prosecutions.

This makes for a network that makes sure everyone who is in danger or impacted or a servant of the court knows what is happening and why and what actions will be taken.

3. Closing the dating loophole modifies the definition of relationship status of boyfriend/girlfriend. Currently, dating partners who have never lived together or had a child together do not have protection under certain court orders and convictions for domestic violence. Closing this loophole would allow the same protection to an abused dating partner as to other abused people.

As they say, Guns don't kill people, people kill people so let's make damn sure the one with the gun is someone we would want to have it, not stalkers, not abusers and not violent persons.

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