

April 16, 2017

From: Jim Mischel
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Senate Committee on Judiciary

Chair	Senator Floyd Prozanski
Vice-Chair	Senator Kim Thatcher
Member	Senator Michael Dembrow
Member	Senator Dennis Linthicum
Member	Senator James Manning Jr.

I am writing in opposition to SB 797

Once again under the guise of a phony "Charleston Loophole" the attempts to revise the Oregon background check raise its ugly head. At the time Roof purchased his firearm he had no disqualifying arrest. He had been charged with a violation. The same type of violation one in Oregon would have gotten for possession of less than one ounce of marijuana. Yet, the anti-gunners perpetuate the lie that he should not have been allowed to have the firearm.

The federal background investigator erred by not denying the purchase if she was so concerned. This would have forced Roof to appeal the denial.

Federal laws regarding the background check were passed with careful safeguards in place as a checks and balances. There was NO LOOPHOLE to this or the reasons the 3 day safe guards were built in.

The Oregon State Police Instant Background check system is flawed and cannot be allowed to have the power to delay a person from a firearm purchase permanently without just cause, supportable in a court of law.

In November of last year it took 3 hours for me to be approved for a firearm purchase. I stood by waiting for the "instant" background check to be completed while numerous other people, who came after me, were entered and approved in the system and left with their firearms. A month later, at the very same store, when purchasing another rifle, I was approved in 15 minutes.

As I'm sure you are tired of hearing, 95% of the delays are in error. Any private business would fire an employee that had that accuracy rate and with track records like this would go out of business very rapidly.

They do not need the power to delay, indefinitely, a transfer to a qualified buyer. I would also be interested in seeing the applicability of the Federal Supremacy and preemption as it would apply to this state law that conflicts with **federal** law. If there is a conflict, the **federal** law is considered the supreme law and it always supersedes the state or local law. Federal law allows release after 3 days if a determination cannot be made.

Respectfully,
Jim Mischel
Sheridan