

HB 4145

Modifies definitions relating to relationship status that pertain to types of court orders and misdemeanor convictions that cause person to be prohibited from possessing firearms.

We note there are no misdemeanors specifically stated, so any misdemeanors could be used to deny due process.

A **misdemeanor**, a **criminal offense** that is less serious than a felony and more serious than an infraction, is generally punishable by a fine or incarceration in a local jail, or both. Many jurisdictions separate **misdemeanors** into three classes: high or gross **misdemeanors**, ordinary **misdemeanors**, and petty **misdemeanors**. Fn A2

“ The constitutional guarantee of due process of law, found in the Fifth and Fourteenth Amendments to the U.S. Constitution, prohibits all levels of government from arbitrarily or unfairly depriving individuals of their basic constitutional rights to life, liberty, and property. The due process clause of the Fifth Amendment, ratified in 1791, asserts that no person shall "be deprived of life, liberty, or property, without due process of law." This amendment restricts the powers of the federal government and applies only to actions by it. The Due Process Clause of the Fourteenth Amendment, ratified in 1868, declares, "[N]or shall any State deprive any person of life, liberty, or property, without due process of law" (§ 1). This clause limits the powers of the states, rather than those of the federal government.” Fn A1

There is a phrase often repeated “Information is power.” Without the peoples Constitutionally guaranteed right to privacy and self-protection, the power given by collected information, can and will be used to disarm and enslave the people. No person, party or government entity, should have this kind of legislated power over the people, it has been used to commit crimes against humanity and if passed and enacted, the possibility is in place for it to be used to commit crimes against humanity. Our founders understood this and history continually proves them right. Thus all government are required to maintain DUE PROCESS, protecting the citizen from government over reach. When organizations such as Moms Demand Action, Everytown, and CeaseFire Oregon demand that due process be eliminated, they are advocating for a tyrannical stripping of a person’s Fifth Amendment rights. This will not stand before the courts, nor will it stand the Constitutional test that all laws go through.

A question that comes to the forefront is. Since SB941 was a supposed to be a UNIVERSAL BACKGROUND CHECK LAW, is it failing to catch these stalkers? If so the law is failing and should be revisited. Making laws on top of laws to correct failures just builds complexity and confusion into the system.

I am asking that you vote NO ! on this unconstitutional poorly thought out bill. Since it goes against the Fifth amendment due process provision, in the Constitution, it will exist if passed but be null and void when challenged in a court of law. John Woods Beaverton Oregon

Footnotes:

A1:

<https://legal-dictionary.thefreedictionary.com/Due+Process+of+Law>

A2

<http://www.bing.com/search?q=misdemeanor+convictions&go=Submit+Query&qs=ds&form=QBLH>

The Oregon stalker law would supposedly catch stalking gun users. Knives not so much.

Obsessed Joshua Stimpson was jailed for life for murdering his ex Molly McLaren.

Stimpson stalked the 23-year-old university student before inflicting at least

75 wounds on her as she sat helplessly in her car.