

House Judiciary Committee

Honorable Members,

House Bill 4145 would expand the class of persons in Oregon that could be prohibited from possessing firearms. This legislation would add stalking to the list of offenses that would result in the removal of Second Amendment rights, and would change existing law so that a broader definition of "family and household members" would be applied to firearm prohibitions for certain misdemeanor offenses and protective orders. In doing so, this expansion would go well beyond existing state, Article 1, Section 27, and applicable federal law. This legislation was filed at the request of our Oregon Governor, Governor Kate Brown.

I have learned that this bill has been extensively marketed as "*closing the boyfriend loophole*." Since it's not titled as the close the "intimate partner" loophole, or the "lesbian lover" loophole it's clear that this bill is only targeting men, Men who own firearms.

Currently state law allows the Oregon to confiscate firearms from people who are the subject of orders that prohibit them from "stalking, intimidating, molesting or menacing an intimate partner."

Oddly, under Oregon law, "intimate partner" does *not* mean a person with whom you are having, or have had, sex. Under current Oregon law "intimate partner" also means the person's spouse, the person's former spouse, a parent of the person's child or another person who has cohabited or is cohabiting with the person in a relationship akin to a spouse.

This bill seeks to expand the list of people who are "protected" by a restraining order to "family or household members." What this means is that if the person who gets the restraining order against you is a "family or household member" you will now be prohibited from owning firearms.

While this would seem to make little sense, when you look at the definition the proponents of this bill wish to use for "family or household member" you'll begin to understand. Here it is:

---"Family or household members" means any of the following:

1. Spouses.
2. Former spouses.
3. Adult persons related by blood or marriage.
4. Persons cohabiting with each other.
5. Persons who have cohabited with each other *or who have been involved in a sexually intimate relationship*.
6. Unmarried parents of a minor child.

As I read this, anyone I may have ever had a sexual relationship, from anytime in the past forty years, is now considered a "family member" and can request an order that forbids me from having firearms. **This is absolutely preposterous!**

Yet as I understand the verbiage of this bill and its intent, that's not the worst part. The most egregious portion of this piece of legislation is contained in this well hidden portion of the bill on page 1.

Here's what line 10 of the bill adds the following language to the law:

(ii) Remains in effect after the person received notice of the opportunity to request a hearing in which to be heard on the order, and declined to request a hearing during the time period in which the opportunity was available;

Just exactly what does this mean in layman's English? This is what it means.

- If a court issues a restraining order against an individual (man, because as written this bill doesn't apply to anyone else) under current law, he has the option to contest the order to attempt to "prove" his innocence. A man will in all probability lose, but he had the option. However, under Federal law, if he does this and the order is upheld, he loses his gun rights under Federal law.

- However, if he *doesn't* contest the order and the court has not ordered a gun prohibition, he doesn't lose his gun rights. In other words, if a man agrees to comply with the order, no matter how false the accusations, he won't automatically lose his gun rights under Federal Law.

Under the section quoted above, a man will lose his gun rights *even if he complies*. And this is the entire desired outcome and the whole point of this bill and something anti-gunner's inside and outside this state have been pushing for more than 15 years.

In the past proponents of this type of legislation fervently proposed pushing legislation that would allow the person who *requested* the restraining order to *force* the subject (him) of the order to contest it just so the court could strip him of his Constitutional and natural rights under Federal and Oregon law.

Do not be mistaken, this bill has nothing to do with and will do nothing to keep women safe or anyone else safe. As has been proven time and again by real world experience and real world data, restraining orders don't keep people safe. Not women. Not men. No one! And the state of Oregon actually punishes women who are the real victims of domestic violence by forbidding them from arming themselves to protect themselves and their children!

One of the very good things that restraining orders, coupled with the provisions contained in this bill, *do* provide is a convenient and easy way for angry, jealous, malevolent people to ruin the lives of others and their families by forcing them and those who depend on them from their homes and stealing their property.

The reality is that the goodly number people who comply with restraining orders are not dangerous. And if they are dangerous people, as has been proven time and time again, they will simply ignore a restraining order and any weapons prohibition.

Unfortunately, the safety of women and those threatened by dangerous persons *is not* what this bill is designed to accomplish. Look closely at this legislation and you'll note that nowhere in this bill is there a single word concerning the protection of those falsely accused. This legislation is about unlawful punishment and harassment of gun owners and their families and depriving them of all aspects of any modicum of constitutionally guaranteed due process. This is what this bill intended to accomplish. It will deprive law abiding firearms owners and their families of their constitutional rights. Nothing else.

As a law-abiding Second Amendment supporter from, and who resides in, the great state of Oregon, I oppose House Bill 4145.

Once again, this bill as written has the intended purpose of expanding the class of persons in Oregon that could be prohibited from possessing firearms with no real world benefit to the "*family or household member*" it's intended to protect. This legislation would add stalking to the list of offenses that would result in the removal of Second Amendment rights, and would change existing law so that a broader definition of "family and household members" would be applied to firearm prohibitions against firearms owning men for certain misdemeanor offenses and protective orders. In doing so, this expansion would go well beyond existing state and federal law and has the real world effect of only targeting otherwise law-abiding firearms owning Oregon men.

Again, please consider opposing House Bill 4145.

Thank you so very much.

Sincerely,

Howard L. Trimble