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Subject: Testimony for LC 38
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Attachments: [A BILL FOR AN ACT copy 2.pdf](#)

In light of the fact that mandatory gun locks are not "common sense" and in fact were declared unconstitutional by *DC v. Heller*, and in light of the fact that readily available loaded firearms are necessary to defend life and property, I have altered LC 38 so that it is more likely to be ruled Constitutional. Here is my draft for your consideration: (PDF is also attached.) Thank you very much.

DRAFT

SUMMARY

Requires owner of firearm to handle firearms safely, including while stored.

Requires state of Oregon to train every child in safe firearms handling.

Requires Oregon Department of Revenue to deduct from each firearm owner's state taxes the amount spent to comply with this act.

Requires prompt reporting of firearm loss or theft.

Requires transfer of firearm to minors to be done responsibly.

Makes criminals liable for crimes they commit, not others.

This is not an emergency – it will take effect in 2 to 4 years.

A BILL FOR AN ACT

Relating to citizen safety requirements; and declaring an emergency.

Whereas constantly in the news, we read reports about criminals (even multiple criminals) invading homes with the intent to rob and kill the people in the home; and

Whereas instead of the criminals killing those living in the homes, the criminals are in many cases killed with readily available firearms, including AR-15 style assault weapons; and

Whereas the legal owners of those readily available firearms used them to save the lives of themselves and other people in the home; and

Whereas having killed the home invading criminals, the readily available firearms saved the lives of the other victims those same criminals would have killed in the future; and

Whereas on average, according to the Centers for Disease Control, readily available firearms are used between 500,000 and 3,000,000 times per year for lawful self-defense; and

Whereas readily available firearms, including assault weapons, are a proven barrier to the impulse of criminals to rob and kill; and

Whereas, in many home invasion cases, any barrier to readily available firearms would have resulted in the death of everyone in the home as well as future victims; and

Whereas tens of millions of home owners protect their homes every single day and night with readily available firearms of all kinds, including assault weapons; and

Whereas criminals know many homes are protected with firearms and are fearful of being shot with readily available firearms, the level of crime is far lower than it would be if readily available firearms were locked up; and

Whereas the suicide rate has nothing to do with firearms availability as evidenced by 33 nations with far fewer firearms than the USA (we're #1 by far) having higher suicide rates than the USA - see Wikipedia page "List of countries by suicide rate"; and

Whereas there is no evidence that locking up firearms is a barrier, much less a "proven" barrier to impulse suicides; and

Whereas if an adult is in the home, then there is no legal requirement to lock up firearms as stated by the District of Columbia v. Heller Supreme Court Decision; and

Whereas the Second Amendment to the Constitution clearly states that the right of the people to keep and bear arms shall not be infringed; and

Whereas the State Legislators, and the Governor have sworn an oath to uphold the Constitution and would be violating that oath if they passed any gun control laws; and

Whereas the State of Oregon cannot deny rights to US Citizens that are protected by the Constitution; and

Whereas WE THE PEOPLE will not follow laws that are not Constitutional, and such laws will be struck down in court; and

Whereas the State of Oregon is deeply in debt thanks to many years of inept management and therefore cannot afford to be wasting taxpayer dollars defending laws that clearly will be struck down; and

Whereas The Oregon Health Authority is not qualified to specify anything with respect to locks or firearms; and

Whereas many young people (minors) are raised from a young age to properly and responsibly use firearms for lawful purposes including self-defense; and

Whereas many times those minors may be at home (perhaps in a rural location) without an adult and may have need to defend themselves from criminals or animals (if they are outside); and

Whereas the right of self-defense is a GOD given right and it would be immoral for the State of Oregon to infringe on that right for anyone, including minors; and

Whereas proposed Bill (LC38) requires transferring a firearm with a trigger or cable lock, but does not specify how a gun owner would prove that the firearm was transferred with such locks, the requirement is unenforceable; and

Whereas guns cannot generally be transported with locks attached due to the damage the lock would do to the the finish of the gun; and

Whereas cable and trigger locks are not substantial devices and will not prevent an adult from using a firearm; and

Whereas the above demonstrates without question that readily available, unlocked firearms, including assault weapons, greatly increases the safety of owners of those firearms and of the community; and

Whereas everyone has a right to defend themselves and their family and to be free from violence

by criminals; now, therefore,

Be It Enacted by the People of the State of Oregon:

SECTION 1. This 2020 Act shall be known and may be cited as the common sense firearm storage and right to self defense Act.

SECTION 2. All citizens of the United States of America, having been endowed by their Creator with the right to defend themselves, and having that right protected by the Second Amendment to the US Constitution, shall secure their firearms:

- (A) In the manner that is best for their individual situation, using methods they think will make their home and family safest.
- (B) Methods used in (A) above will vary for each family depending on location of their home, age and abilities of family members, level of safety and instability of society perhaps driven by ineptitude of political policies in practice at any time, response time to law enforcement (in no case can LE response be considered adequate for self--defense), etc.
- (C) Methods used for firearm storage shall be solely up to the firearm owner, and this applies wherever the firearm owner takes the firearm(s).
- (D) Firearms owners shall not store a loaded firearm in an unlocked and unoccupied vehicle where it is visible from outside the vehicle.
- (E) Firearms owners shall not store loaded firearms in an unlocked and unoccupied home or dwelling.
- (F) Crimes committed with firearms shall be punished per existing Oregon law.

SECTION 3. (1)(a)The state of Oregon shall contract with the National Rifle Association (NRA) to produce a curriculum on firearm safety.

- (A) The content, including format (video or slide show, etc), shall be determined solely by the NRA in collaboration with the Second Amendment Foundation (SAF) and Oregon Firearms Federation (OFF), and shall include at a minimum, firearm safety training, training on why the Second Amendment was included in the Constitution, the dangers to Americans when it is infringed upon, and shall include graphic photographs showing the horrors that have occurred to hundreds of millions of unarmed people around the world.
- (B) A test shall be given to all Oregon students on the content of the firearm safety training. The test shall be graded by an NRA representative. The test shall be given in the 6th grade, the 9th grade, and the 12th grade.
- (C) No student may obtain a High School diploma in Oregon without passing the firearms safety test.
- (D) The firearm safety training shall also be given to all college students in Oregon. No student shall be given an Oregon college degree without passing the firearms safety test.

SECTION 4. (1) A person transferring a firearm shall transfer the firearm:

- (a) Unloaded, unless it is to be used or carried immediately after the transfer.
- (2) (a) A violation of subsection (1) of this section is punishable only if the firearm accidentally discharges during the transfer. It would be punishable by existing Oregon law, if any law applies, but would not be a criminal act if the discharge is accidental.
- (b) After the transfer, the firearm is then in possession of the person who received it, and they have full responsibility for it. The person who transferred it to the receiver no longer has any responsibility for the firearm, or for anything done with it.

SECTION 5.(1)(a) A person who owns, possesses or controls a firearm shall report the loss or theft of the firearm to law enforcement within 3 days of the time the loss or theft is discovered, or as soon as they can get in contact with law enforcement if not within 3 days.

- (b) Failure to report the loss or theft of the firearm shall be punishable by a fine of not more than \$250.
- (c) Once the firearm is lost or stolen, the previous owner shall have no liability for the firearm or acts committed with it. American citizens are not responsible for the acts of others, particularly for acts of criminals, and even more so if the criminal was previously released from custody by liberals in the justice system.

SECTION 6. (1)(a) A person who transfers a firearm to a minor shall:

- (b) Supervise the minor's use of the firearm unless they know the minor can safely handle the firearm because of prior experience with it, or with similar firearms.
- (c) In the event of an injury caused by the minor's use of the firearm, current Oregon liability law shall apply as applicable to each case.

SECTION 7. The Oregon Department of Revenue shall reduce state taxes owed by every firearm owner one dollar for every dollar they spend on containers and locks needed to comply with this law. The firearm owner shall determine which container or locks they need for their firearms. All common firearm containers and locks currently sold by dealers shall be considered adequate and shall be eligible for the state tax reduction. Firearm owners shall provide receipts for each lock or container and include a copy with their Oregon tax return.

SECTION 8. Gun dealers shall post safety notices concerning safe firearm storage in the store, and shall provide a card with every gun purchase reminding them to store their guns safely.

SECTION 9. Sections 2 to 8 of this 2020 Act become operative on January 1, 2022. This should give gun container and gun lock providers adequate time to supply the public with these items, but if they can't meet demand, the date may be extended to January 1, 2024. This is not an emergency Act.