

Testimony HB2505
Firearms Lock-up Bill

To: House Judiciary Committee hjud.exhibits@oregonlegislature.gov

From: Craig Ziegenhagel, Resident/Law Enforcement *

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Please accept this as my formal comments and **Testimony on House Bill #2505**. I will address my personal resume, background and experience at the end of this testimony.

Dear Committee Members,

House Bill 2505 Overview:

“Requires owner or possessor of firearm to secure firearm with trigger or cable lock or in locked container except in specified circumstances. Punishes violation by maximum of \$500 fine. If minor obtains unsecured firearm as result of violation, punishes by maximum of \$2,000 fine. Provides that person who does not secure firearm as required is strictly liable for injury to person or property within four years after violation. Requires owner or possessor of firearm to secure firearm with trigger or cable lock or in locked container when transferring firearm except in specified circumstances. Punishes violation by maximum of \$500 fine. Provides that person who transfers firearm without securing firearm is strictly liable for injury to person or property within four years after violation. Requires person to report loss or theft of firearm within 24 hours of time person knew or should have known of loss or theft. Punishes violation of requirement by maximum of \$1,000 fine. Requires person transferring firearm to minor to directly supervise minor's use of firearm unless minor is owner of firearm. Provides that person who does not supervise minor as required is strictly liable for injury to person or property caused by minor's use of firearm. Directs Attorney General to specify by rule minimum specifications for trigger and cable locks and locked containers required by Act. Declares emergency, effective on passage”

Lock up requirements for guns should be a responsible thing to do but should be voluntary based upon the individuals own personal choice and circumstances. Besides, mandatory lock up requirements for firearms has been ruled UNCONSTITUTIONAL by the Supreme Court of the United States: “On June 26, 2008, the Supreme Court affirmed by a vote of 5 to 4 the [Court of Appeals for the D.C. Circuit](#) in **Heller v. District of Columbia**.^{[4][5]} The Supreme Court [struck down](#) provisions of the [Firearms Control Regulations Act of 1975](#) as unconstitutional, determined that

handguns are "arms" for the purposes of the Second Amendment, found that the Regulations Act **was an unconstitutional ban, and struck down the portion of the Regulations Act that requires all firearms including rifles and shotguns be kept "unloaded and disassembled or bound by a trigger lock".** This is settled law! Any attempt by the Oregon Legislature to enact firearms lockup restrictions would be unconstitutional and you as Legislators are violating your oath of office even attempting to pass such legislation.

Other specific issues I have with the proposed "lock-up" restrictions:

- It violates my ability to control my own property within my own home or possession.
- A gun left on a night stand in a bedroom while the owner was in the kitchen could be seen as a violation of this law. (no children or visitors in the home) The gun would be viewed as NOT under the owner's control and the owner subject to arrest.
- A gun in the home is often maintained for self defense purposes. Requiring a cable lock, box lock or other device defeats this purpose. In a home invasion or burglary, time is of the essence to protect one's self and family from injury or death. A locking device defeats the very reason to have firearm for defensive purposes.
- The Bill states that a building does not qualify for a locking device. My locked, deadbolted, cameras and alarm system Home does not qualify to properly retain my firearms ? But a plastic box with a cheap lock or a light weight cable lock that can be defeated with a \$5.00 tool is ? The State has no business what or how I store any of my property within my home. If a criminal makes the decision to break into my fortified and secured home and steal property of any kind, that is on the criminal not the homeowner.
- Cable lock/lock requirements upon sale or transfer even at a gun store. This is totally ridiculous. Many new firearms are now sold with locking devices. Some new firearms are sold with locking devices and by their design were custom made (as a cable would not work). I recently purchased a lever action hunting rifle that came with a custom lock. By design, not all guns can be locked by a device. Firearms from years past, many years, did not come with locking devices and there may not be the ability to do so. Cable locks currently accompanying firearms when sold can be easily opened using a screw driver or a simple wire cutter.
- Holding a gun owner legally liable for the acts of a criminal that illegally obtained their gun is ludicrous. 2 years at that. How could I prove months or years later that the gun that was stolen from me was properly locked up ? Where is the burden of proof ? The honest gun owner should not be held responsible for the acts of another... a criminal.
- Securing a gun in a vehicle is not permitted and is in fact a crime under this Bill. A CHL holder under other parts of other Bills being considered, would be required to disarm while in or upon certain jurisdictions. Proposed amendments would not allow locking a handgun in the trunk of their car. One could argue that the trunk (made of steel and a lock) is more secure than a cable lock, plastic box or cheap gun safe. Under other proposed bills a CHL holder would be required to; disarm, unload the gun, insert a cable

lock and then secure the weapon....where...? The vehicle is not permitted. All of this in view of the public, possibly in a parking lot. Unsafe and unnecessary.

- In reading this Bill I also see no exemption in storing of firearms in vehicles for; hunters, shooting sports, transporting guns for any reason or even guns stored within police vehicles. Does this State really want to criminalize a hunter for having a rifle locked in the cab of their truck, the trunk of their car or; the police officer that may have a spare gun, shotgun or tactical rifle in a police vehicle ?
- This bill holds gun owners responsible for two years for guns they "transferred" unless they could prove the transferred gun had a trigger or cable lock.
- This bill significantly impacts personal choice and responsibility by requiring all firearms owners and possessors to secure the firearm with a trigger lock or other storage device, without regard to whether the premises itself is secured or where it is.
- MANY potentially harmful and deadly devices exist, such as; vehicles, hammers, clubs, tools, knives, stabbing devices, irritants and drugs...yet there is NO legal requirement that says these devices must be locked up and rendered inoperable or ineffective such as you are suggesting with firearms. Drugs kill more people every year than firearm related deaths yet you attempt to control the lock up of firearms in violation of a settled Supreme Court Case (Heller) and, the fact that Firearms is a Constitutionally protected right where access to drugs (as an example) is not.

SECTION 7. No later than January 1, 2020, the Attorney General shall adopt rules establishing the minimum specifications for trigger locks, cable locks and containers equipped with tamper-resistant locks required by sections 3 and 4 of this 2019 Act.

In regards to Section 7; It is my opinion that the Oregon Attorney General has no expertise to comment or make rules in the proper locking or security of firearms. There are thousands of styles and designs of firearms which may require unique means of securing. If even possible. Regarding "tamper resistant locks"; every lock can be tampered with, every lock defeated. What will be the minimum standards ? At what cost ?

Most gun owners are already responsible for properly securing their firearms. Firearms is nothing more than, property. The State should not be involved in how gun owners store their property. This has already been settled by the Supreme Court in the Heller decision. Further action by the State is Unconstitutional ! Besides; cars, knives, hammers, drugs harm and kill more people than guns do....when will we require hammers be locked up ?

A seller, dealer, etc. should not be able to limit firearms or ammunition sales beyond any restriction set forth in ORS or in Federal Laws. This is in effect a form of age discrimination. It is also a solution looking for a problem where none exists. We can send a 18 year old off to war, serving in the military but they can't buy shotgun shells or purchase a hunting rifle ? A teen can drive a 4,000 pound car at 16, buy one if they can, purchase all kinds of power tools, gasoline, other potentially dangerous items but cannot buy a gun, ammo or accessory if legal to do so by State Law ? Age discrimination is what it is. Leave the statutes as they are.

***SECTION 9.** This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.*

The use of the Emergency Clause in HB2505 is an improper and inappropriate use of the emergency clause, one for which it was NOT intended. I strongly object to the use of the emergency clause. NO emergency exists when it comes to any subject matter discussed within this Bill. There is NO emergency for securing and locking up of firearms !

In it's entirety, HB2505 should be tabled and no further action be taken. The entire bill is restrictive of constitutionally protected rights at both the State and Federal Levels.

As a former Law Enforcement Officer, if you really want to make our communities safer; instead of attacking honest gun owners with unconstitutional laws and more restrictions of their rights, your efforts would be better spent: Enhancing penalties for crimes involving the use of firearms, enhanced sentencing for assaults/injures/deaths involving firearms, gang reduction (high illegal gun usage), drug use and trafficking (high illegal gun usage) and going after criminal black market gun sales. **HONEST GUN OWNERS ARE NOT THE PROBLEM ! CRIMINALS ARE !**

Respectfully submitted,

Craig Ziegenhagel, Oregon Native and Voter

* Resume: Former Deputy Sheriff, Corrections Deputy, Special Deputy, Police Officer, EMT, Security Manager-CEO, Associate Criminal Justice Degree-Honors, Member Salem Criminal Justice Advisory Board, Certified Course Instructor DPSST, Police K-9 Trainer, Business Owner, Pro Second Amendment Advocate.