

Ladies and Gentlemen of the Committee;

I am unable to attend the public hearing on SB 978-1 because of work commitments. I am heavily opposed to this broad-sweeping, ill-advised, infringement on the 2nd Amendment and other rights imposed by this piece of legislation.

I am a law abiding, tax paying, voting, citizen in a rural Oregon county. I am a US Army veteran and have served the people of Oregon as a sworn law enforcement officer for more than seventeen years. I support truly common sense controls on firearms. SB 978 does not fall into that category.

There are many problems with this bill, but I will choose to highlight a few that are extremely ridiculous.

#1 Section 6 (C) (b)" *For purposes of paragraph (a) of this subsection, a firearm is not secured if a key, combination **or other means of opening a lock or container is readily available to a person** the owner or possessor has not authorized to carry or control the firearm."*

"Other means" would include things like -pry bars, drills, or other tools that burglars use every day when breaking into people's homes. You would be penalizing law abiding citizens for what the criminals have **readily available** to them- not the actions of the gun owner.

#2 "(3) *If a person obtains an unsecured firearm as a result of the owner or possessor of a firearm violating subsection (1) of this section and the firearm is used to injure a person or property within two years of the violation, the owner or possessor of the firearm who violated subsection (1) of this section is strictly liable for the injury."*

In what other situation would you further victimize a **crime victim** for the actions of a criminal offender?

Using this exact same logic, would it be reasonable to penalize the following **victims** for the actions of these criminals?

- Your car is stolen from your driveway. It was locked and the keys were not accessible to the thief. It happens every day in Oregon. Two years from the date it was stolen, the thief or anyone he gives the stolen car to, hits and kills someone one in a crosswalk. Should the original victim of the car theft be liable for the death? The answer is no, and it is exactly the logic being proposed.

- A forceful rape victim transmits an STD to a rape suspect. Two years later, the same suspect rapes someone else and transmits the STD to a new victim. Are you willing to say the first victim is liable to the next victim for what the rapist did? It may be an unusual example, but the fact pattern is still the same.
- A thief breaks into your locked car and steals your locked toolbox. The thief gets your tools by prying the box open at his/her leisure with “other means.” Two years lapse, and the tools have been traded for drugs, or money, dozens if not hundreds of times. A hammer stolen from your toolbox is used in an assault. Would you support holding the **theft victim** liable?

There is not any other similar ORS that would create criminal and civil liability based on this kind of culpability. There’s a reason for that-it makes no sense. The burden of proof that the guns were stored properly falls to the crime victim, not the State. That is not how our Justice System is supposed to work.

#3 Section 19 (l) A person would commit a crime of unlawful possession of unlawful possession of a firearm if under :

“(l) Has two or more convictions of unlawful storage of a firearm under section 12 of this 2019 Act; or”

The Bill would functionally strip someone of their Constitutional right to keep and bear arms, if they are convicted two or more times of a **VIOLATION!** As each firearm involved would count as a separate offense, this would later be used to as “two or more times” if a gun owner had three guns stolen during one burglary. The standard of proof for conviction of a violation is *preponderance of the evidence*, a much lower standard than the criminal burden of *beyond a reasonable doubt*. Removal of a Constitutionally guaranteed Right, on this basis is a clear and illegal overreach.

#4 Section 20 (j) does functionally the same thing, but with only **one** conviction of a possible **violation** of unlawful storage within the preceding 5-years. This is not due process.

#5 The gun storage requirements are not even completely addressed in this Bill, lending to potentially unreasonable great and excessive recommendations later by the Oregon Health Authority. Are they experts in gun safety and storage? Not in the least bit. OHA could later decide to create arbitrary and impossible requirements for storage without any legislative or public input.

#6 As a full time police officer, I spend a great deal of time away from my family on night shifts. My address is not secret and is publicly available with the simplest of Web searches. People I have arrested have shown up at my door step. Under stress, fine motor skills, like those needed to rapidly remove trigger locks depreciate. That is science, not assumption. Does my wife not have the right to quickly defend herself and my children? This is exactly what you would be saying if you lend support to this Bill. I would like to say we police always show up in time. Unfortunately that is not true. There are plenty of statistics to show how firearms are used in self-defense scenarios. I'm not going to go over them for the sake of brevity, and I doubt facts will win the day anyway.

It is your duty as legislators to protect the Rights of citizens over the whims and scare tactics of those who would infringe upon them. It is not acceptable to virtue signal about how precious life is by passing anti-gun laws intended only to harm law-abiding citizens , and bully people out of gun ownership by imposing impossible, unreasonable requirements for ownership, while at the same time doing nothing to stop real crime.

You want to save lives-focus on the real issues that cause death and destruction. More kids are hurt or killed while texting and driving, than from firearms related events. You want to criminalize something that kills? Make that a crime-the first offense. How about making drunk driver's (including marijuana impaired) face real consequences? ORS allows for diversion for a 1st offense of DUUI, and only makes it a felony after multiple convictions of a crime? You want to make real gun laws, how about making Pointing a Firearm at Another a felony? Instead of infringing on law-abiding citizens' rights, make it a Class A felony to use a firearm during the commission of a violent crime.

I do support realistic gun safety requirements. This Bill, with its last minute amendment, that in and of itself is an underhanded attempt to keep people uninformed about its true nature, is not such a realistic proposal. I urge you all too really reflect on this, and due your duty-not based on fear mongering, falsehoods, and distorted reality promoted by those looking to disarm the citizens of Oregon.

Sincerely:

Brian Eskridge

Depoe Bay, Oregon.