

Oregon Senate Bill 978 Testimony

Carl F. Jahn

6220 SE Jess Ct

Hillsboro OR 97123

All:

Thank you for the opportunity to provide testimony to Proposed Amendments to Senate Bill 978. I am opposed to several provisions within the amendment and wish for my testimony to be entered into public record.

When considering legislation to be passed into law, there are at least two reasonable considerations to weigh:

- 1) What is the problem that this legislation might cure?
- 2) Will the proposed legislation cure the problem?

Section 6: Criminals are solely and entirely responsible for their activities, not citizens. Requiring a citizen to prove compliance with a law, here a lock on a firearm, is unconstitutional. The burden of proof; proving one's innocence, is entirely contrary to our system of justice.

Section 6 creates more problems than it fixes; it is dubious in its constitutionality, and it is unlikely it will solve whatever problem, real or imagined, that it is intended to do.

Please strike Section 6 from the Amendment in its entirety.

Section 24:

Why is an Oregon State Police background check being conducted? We do not need redundant background checks; the Federal Bureau of Investigation already accomplishes this during the application process.

Why are fees being dictated? Let the local Sheriff's office determine fees, within reason (below \$100), since costs vary throughout the state.

Please strike the objectionable items from this Section.

Section 26:

This section does not meet any basic requirements for law-making. What is the problem that this Section seeks to correct? Are there too many law-abiding citizens carrying firearms in a responsible manner? Does the Oregon Legislature wish to persecute the small minority of persons so licensed in order to appease an equally small number of anti-self-defense persons?

I am aware of no event, nor series of events, nor even any theoretical premise, that justifies the language in this Section of this Amendment.

This amendment would create a nightmare hodgepodge of prohibited areas for law-abiding, conceal-carry citizens, to no constructive purpose. Allowing municipalities, colleges, port authorities and other non-legislative, un-elected bodies to craft so-called "legislation" is an invitation to disaster, and it is highly likely that such "rules" would be deemed unconstitutional by a reasonable court.

As an aside, I am aware that my alma mater, Oregon State University (OSU), was slapped down and publicly embarrassed by the Oregon judiciary for doing just that; trying to legislate carriage of concealed weapons within its campus. My guess is that they are key petitioners to the Legislature to allow this type of un-democratic rule-making. The spectacular arrogance displayed by OSU administration before, during and after that court case clearly demonstrates they – and other public entities - are unfit to make such decisions. Institutions in the public sphere, whether public colleges, universities and schools, and even non-profits such as hospitals, do not have the accountability demanded by a modern representative democracy. My preference is that colleges and universities stick to their charter of education and research, and leave the democratic process to we, the greater population.

My conceal carry permit states, in bright red-and-white letters, “Oregon Concealed Handgun License,” issued by the Washington County Sherriff. The fact that the license is applicable to our state of Oregon implies that laws and standards of conduct to retain the license are consistent throughout the entire State. The proposed Section would allow un-elected, petty bureaucrats to dictate their whims. This runs entirely contrary to common sense and our democratic representative system of government. I do not wish to be controlled by such people; I do not wish anyone else to be, either.

It is ironic that the Oregon Legislature is considering multiple bills this session to reform our criminal justice system. This Section will surely create inadvertent felons out of decent people for no constructive purpose, just as decades of unbalanced prosecution has done throughout our great State. If we as a people are serious about true criminal justice reform, let us not manufacture criminals out of what is now legal and responsible behavior.

This Section does not in any way meet my two simple, basic criteria for effective legislation. There is no observable problem that it can address. Logically, it cannot therefore provide a remedy. I request that it be struck from the bill in its entirety.

Section 32:

Emergency? What emergency?

I am not aware of any emergency, official or otherwise, that demands this Amendment become effective law upon passage.

Several provisions in this Amendment are controversial and possibly unconstitutional. If it is passed, and hopefully only in a modified form, it should have an effective date that allows affected entities to adjust to its implications.

The less-controversial Sections are, for the most part, already covered under Federal law, and thus cannot generate any state of emergency since the affected practices are already regulated.

Please modify Section 32 with an appropriate effective date, preferably at the end of 2019 or beginning of 2020.