

March 29, 2019

Senate Judiciary Committee:
Chair Senator Floyd Prozanski
Vice-Chair Senator Kim Thatcher
Member Senator Cliff Bentz
Member Senator Shemia Fagan
Member Senator Sara Gelser
Member Senator Dennis Linthicum
Member Senator James Manning Jr.

Subject: Opposition to SB 978. No vote urged.

Chair Prozanski, Vice Chair Thatcher, Members of the Senate Judiciary.

I sit on the Board of Directors of the Yamhill County Sportsman's Association. I have been authorized by the Executive Board to represent the nearly 300 members and Associate members of our organization. The nearly 300 men, women, young adults and children of the Yamhill County Sportsman's Association are vehemently opposed to SB 978 and most especially the dash 1 amendment.

Our Political Leaders are supposedly calling for transparency in Government, showing respect to the Citizens of Oregon, Ethics in Government, chastising and removing members from committee assignments. The actions surrounding this bill, the secrecy, the last minute "Gut and Stuff" the sheer volume of topics covered, the method and manner of presentation all fly in the face of decent, honest and open government.

This bill encroaches on very fabric of both the Federal and State Constitutional Rights of the citizens of Oregon and flies in the face of State and Federal Case Law. Heller, Miller, Delgado, Kessler, Blocker all deal with a weapon of one type or another in the home, on the person and at other locations. The right is affirmed. Heller specifically discusses the unconstitutionality of Trigger locks, disassembly, or other methods of preventing the firearm from immediate use.

BATF controls classification of firearms, not the State and yet this bill attempts to usurp Federal jurisdiction over 80% assemblies. This bill blatantly attempts to wrest control of Interstate Firearms commerce from the Federal Government. It attempts to usurp or block Federal Law that allows interstate sales and commerce.

Legislation in the past had the State Legislature regulating firearms laws so that the citizens knew where they could carry firearms and where they could not. That was to prevent a patchwork of laws from jurisdiction to jurisdiction. This legislation reverses that and authorized schools and local government entities to establish a patch work quilt of laws and restrictions in Oregon. A person could leave home in McMinnville, drive to Crater Lake and violate the law a half a dozen times without even knowing it. God help him if he is going to Portland to pick up his son or daughter who is arriving on Alaska Airlines, home for 2 weeks leave from the Military.

Then we have the young man or woman, 20 years old, a Sgt. and Fire Team Leader in the US Marine Corp. This young military person comes home on 3 weeks leave preparatory to an overseas deployment to a combat zone. This person wants to pick up a new Rifle to go on and elk hunt before he / she spends a year in the "Sand Box". I'm sorry, you have to be 21, I'm not selling it to you.

Same Marine wants to buy a pistol to leave with their spouse for personal protection while they are on deployment. Once again, a Sgt. in the United States Marine Corp., (Substitute USN, USA, USAF or USCG) is denied the ability to purchase the pistol based on age discrimination.

SB798 -1

“(d) ‘Firearm accessory’ means any device that attaches to a firearm, or that is used in or facilitates the operation of a firearm, including but not limited to stocks, grips, detachable magazines and speedloaders.

So now that Sgt. listed above can’t even buy a flashlight? How about the boy scout or your next door neighbor that wants a flashlight. A flashlight mount for a rifle or pistol has been a very common firearm accessory for a great many years. It attaches to the firearm by various means and facilitates the operation of a firearm in low or no light situations.



So there should be no problem, but wait, there is that pesky little law that allows a firearms dealer, (Bi-Mart, Fred Meyer, Walmart....) to discriminate against military, boy scouts, girl scouts or your next door neighbor if they do not meet the 21 year old age, arbitrarily set by the dealer. You see, all you need is a roll of duct tape, electrical tape, pvc pipe or one of the below and you can attach any flashlight to any firearm. That makes a flashlight a firearm accessory.



Moving along we come to

“(C) A public or private school, as defined in ORS 339.315[,];

“(b) The grounds adjacent to a building described in paragraph (a) of this subsection;

Would any of the Senators care to buy my house?

I can literally stand on my property line, reach out and touch a Public School District Classroom next door to me. The school district bought the property (in a residential district) next to mine a few years ago. They moved my back fence after they commissioned a survey. One of the School Districts building eaves now actually over hang my back fence. My property is now literally physically in contact with grounds adjacent to a school building and tennis courts on 2 sides of me.

This school district has a no firearms policy. So, if you enact this, I become an instant criminal. I can assure you my home defense weapon is not going anywhere so I become a criminal for possessing a firearm on the grounds adjacent to 3 school building and a tennis court.

Four thousand people gathered at the Capitol March 23rd to support the Second Amendment of the United States as well as the Constitution of the State of Oregon. Myself and a number of the folks from my Association were in attendance. A number of Republican Legislators were there. I did not see a single Democrat at the rally. Perhaps it is time to start paying us a little respect and stop with the underhanded chicanery and dirty politics that has surrounded this bill.

https://www.oregonlegislature.gov/bills_laws/Pages/OrConst.aspx

Section 27. Right to bear arms; military subordinate to civil power. The people shall have the right to bear arms for the defence [sic] of themselves, and the State, but the Military shall be kept in strict subordination to the civil power[.]

In the 2008 case [District of Columbia v. Heller](#), the Supreme Court held that the "Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home."

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Syllabus

DISTRICT OF COLUMBIA ET AL. v. HELLER

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
CIRCUIT

No. 07–290. Argued March 18, 2008—Decided June 26, 2008

District of Columbia law bans handgun possession by making it a crime to carry an unregistered firearm and prohibiting the registration of handguns; provides separately that no person may carry an unlicensed handgun, but authorizes the police chief to issue 1-year licenses; and requires residents to keep lawfully owned firearms unloaded and disassembled or bound by a trigger lock or similar device. Respondent Heller, a D. C. special policeman, applied to register a handgun he wished to keep at home, but the District refused. He filed this suit seeking, on Second Amendment grounds, to enjoin the city from enforcing the ban on handgun registration, the licensing requirement insofar as it prohibits carrying an unlicensed firearm in the home, and the trigger-lock requirement insofar as it prohibits the use of functional firearms in the home. The District Court dismissed the suit, but the D. C. Circuit reversed, **holding that the Second Amendment protects an individual's right to possess firearms and that the city's total ban on handguns, as well as its requirement that firearms in the home be kept nonfunctional even when necessary for self-defense, violated that right.**

Held:

3. The handgun ban and the trigger-lock requirement (as applied to self-defense) violate the Second Amendment. The District's total ban on handgun possession in the home amounts to a prohibition on an entire class of "arms" that Americans overwhelmingly choose for the lawful purpose of self-defense. Under any of the standards of scrutiny the Court has applied to enumerated constitutional rights, this prohibition—in the place where the importance of the lawful defense of self, family, and property is most acute—would fail constitutional muster. **Similarly, the requirement that any lawful firearm in the home be disassembled or bound by a trigger lock makes it impossible for citizens to use arms for the core lawful purpose of self-defense and is hence unconstitutional.**

. Pp. 56–64.

Respectfully Submitted
Jim Mischel
Board of Directors
Yamhill County Sportsman's Association