

TESTIMONY FOR SB978

TO: Senate Judiciary Committee

FROM: Katie Niemeyer

March 31st, 2019

Please accept this letter as my formal testimony for SB 978.

There are multiple parts of this bill that I have found troubling as a citizen of Oregon. My biggest issues are with the age discrimination of constitutional rights as they apply to young adults, the blatant desire within the proposed text to limit citizens' ability to protect themselves within and outside their homes, and the extreme position of the text demanding responsibility of victims for crimes committed against them.

“SECTION 1. (1) A gun dealer, a person transferring a firearm, a firearm accessory, a firearm component, ammunition or an ammunition component at a gun show, or a business engaged in repairing or servicing a firearm, may establish a minimum age of 18, 19, 20 or 21 years for the purchase of firearms, firearm accessories, firearm components, ammunition or ammunition components or for the repair or service of a firearm.

I take issue with the idea that anyone of the above has the right to determine the constitutional rights of a citizen of the United States. Businesses have the right to sell any legal product they want, but they do not have the right to discriminate any sale based upon race, ethnicity, or age. Interestingly, lower in Section 2 the text states; *[SECTION 2. ORS 659A.403 is amended to read: “659A.403. (1) Except as provided in subsection (2) of this section, all persons within the jurisdiction of this state are entitled to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodation, without any distinction, discrimination or restriction on account of race, color, religion, sex, sexual orientation, national origin, marital status or age if the individual is of age, as described in this section, or older.]* where it clearly states AGE as a potential reason for discrimination. Removing the rights of Oregon citizens, based upon their age, is discrimination. To encourage a form of legal discrimination is appalling and disgusting.

“SECTION 3. (1) Except as provided in subsection (2) of this section, the amendments to ORS 659A.403 by section 2 of this 2019 Act apply

to all causes of action under ORS 659A.403, whether arising before, on or after the effective date of this 2019 Act.

“(2)(a) The amendments to ORS 659A.403 by section 2 of this 2019 Act do not apply to any action under ORS 659A.403 for which a final judgment has been entered into before the effective date of this 2019 Act.

“(b) As used in this subsection, ‘final judgment’ means a judgment for which the time to appeal has expired without any party filing an appeal or that is not subject to further appeal or review.

Section 3 terminates due process for Oregon citizens and is catered to Big Business. It is written specifically to kill current court proceedings between citizens regarding the above mentioned discrimination. When discrimination occurs with a business, the proper way it is handled is within our justice system. Our justice system loses all value when citizen rights are swept under the rug in favor of those with money.

“SECTION 6. (1)(a) A person who owns or possesses a firearm shall, at all times that the firearm is not carried by or under the control of the person or an authorized person, secure the firearm:

“(A) With an engaged trigger lock or cable lock that meets or exceeds the minimum specifications established by the Oregon Health Authority under section 10 of this 2019 Act;

“(B) In a locked container, equipped with a tamper-resistant lock, that meets or exceeds the minimum specifications established by the Oregon Health Authority under section 10 of this 2019 Act; or

“(C) In a gun room.

“(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.

Section 6 is when victims become liable for their own crime. When property is taken against your will, you are a victim. The victim of a crime is not held liable for what occurs with a vehicle when someone else controls it. I am glad that people who use a firearm for self defense will be spared the gun lock violation but in order to use a firearm for self defense it must be unlocked. Requiring that opening devices such as keys and tools be stored elsewhere means victims of a home invasion must run to fetch the opening device AND THEN open the lock before actually using the firearm for self defense. This adds precious second or minutes that most people don't have. Sadly, more lives will be saved by violating Section 6 than by adhering to it. I realize that the main purpose of this idea is to prevent unauthorized use but someone determined to harm others will always find a way. Requiring a cable lock or a trigger lock will victimize homeowners (possibly to their death) and merely inconvenience attackers.

“CONCEALED HANDGUN LICENSE FEES

“SECTION 24. “(5)(a) Fees for concealed handgun licenses are:

“(A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.

“(B) [~~\$50~~] **\$65 to the sheriff for the issuance or renewal of a concealed handgun license.**

“(C) [~~\$15~~] **\$20 to the sheriff for the duplication of a license because of loss, [~~or~~] change of address **or change of name.****

“(D) To the sheriff, an amount equal to the fee charged by the Federal Bureau of Investigation for conducting a nationwide fingerprint check of the applicant.

I have no problem with the fee increase to the sheriff for issuance or duplication of a CHL, but an unknown fee to the FBI is unbelievable. This amount could literally be \$100 or it could be \$300. That means obtaining a CHL is impossible for anyone but the wealthy. Everyone has the right to defend themselves from an attacker, why should the wealthy be the only ones who can afford to? We already have Oregon State Police conducting a fingerprint search, which is quite thorough, adding an FBI search seems like a waste of money, time, and effort. If the FBI search is truly more thorough, then I'm all for it, but I take issue with adding this into law without a defined price. I can't support anything that makes life saving opportunities only available to the wealthy.

In the Application for a Concealed Handgun License, I don't see a spot to check for those who wish to keep their status private. Concealed means the average person doesn't know you have a handgun. I have no problem with law enforcement agencies knowing but if anyone can access a list of CHL holders then that makes citizens walking targets. Other states have released CHL holders' names and horrible things have happened to them. Please add this little check box back to the form. Concealed Handgun License holders shouldn't become targets when their whole objective is actually to prevent more violence.

“LOCAL AUTHORITY TO REGULATE FIREARMS IN PUBLIC BUILDINGS

“SECTION 26. (1) Notwithstanding ORS 166.173, a city, a county, a metropolitan service district organized under ORS chapter 268, or a port operating a commercial service airport with at least 2 million passenger boardings per calendar year may adopt an ordinance regulating or prohibiting the possession of firearms in public buildings as defined in ORS 166.360 by persons licensed to carry a concealed handgun under ORS 166.291 and 166.292.

“(2) A school district, college or university may adopt a policy regulating or prohibiting the possession of firearms in public buildings as defined in ORS 166.360 by persons licensed to carry a concealed handgun under ORS 166.291 and 166.292.

Concealed firearms are already regulated in public spaces. Giving local governments authority over concealed firearms when it is already regulated by county sheriffs seems to be a conflict of, not only authority, but also local government overstep. Regulation of firearms in public buildings should not be handled by anyone except the county sheriff as that is the issuer of the Concealed

Handgun License.

My final criticism of the proposed text is the emergency clause that turns law abiding Oregonians into criminals overnight. Violations and misdemeanors will all be possible due to this emergency clause. There isn't anything within SB978 that can't wait until January 2020 to become law. The desire to "do something even if it harms others" is never worth it. The issues of our society won't be changed by adopting these laws immediately. We have mental health issues and moral issues. Neither of those issues are addressed in this bill therefore an emergency clause can't save us anymore than enacting these same laws in January will. But sadly, I don't see anything within this text that can save lives, just new punishments for law abiding citizens.