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Testimony for the Oregon State Senate Committee on Judiciary with respect to SB978, submitted by Brian Bove, 3022 SW Sunset Blvd, Portland, District 18.

With respect to the provisions regarding retailers to set minimum age for firearm sales- Oregon has some of the strongest anti-discrimination laws in the country. This bill allows for discrimination against a currently protected class. This is a step in the wrong direction. Furthermore, it looks to restrict a right protected by both the US Constitution and the Oregon Constitution for citizens who are legally adults. According to ORS 109.510, any person of age 18 or older "has all the rights and is subject to all the liabilities of a citizen of age". Allowing discrimination against the practice of civil liberties of those who are legally adults and have otherwise not committed any crime goes against the fundamental principles on which our society and culture is built.

With respect to the provisions requiring that guns be locked up while in the home- in DC v Heller, the US Supreme Court's struck down the District of Columbia's requirement that firearms be kept locked up while in the home. In the court's opinion, the 2nd Amendment protects the right to bear arms in self-defense (amongst other things), and requiring that a gun be locked up renders it useless for this purpose. While some of the provisions regarding firearms storage are good practice, despite the representatives' best efforts, common sense cannot be legislated. This section also requires approval of locks by the Oregon Health Authority, an agency whose mission is "helping people and communities achieve optimum physical, mental, and social well-being through partnerships, prevention, and access to quality affordable health care." There's no logical reason that this task would fall on the Oregon Health Authority instead of the Oregon Department of Justice or the Oregon State Police.

The provisions regarding "undetectable" and "untraceable" firearms are extremely ambiguous, a violation of civil rights, and absolutely unenforceable. The definition of an "unfinished frame or receiver" does not define the terms "frame or receiver", and Oregon has no regulatory body to determine these definitions. In fact, the BATFE only designates between "firearm" and "not a firearm"- despite marketing in the firearms community that suggests otherwise with terms like "80% receiver". In addition to this ambiguous definition that would be disastrous to the centuries-old practice of home gunsmithing, the requirement that these pieces need a background check for a transfer is impossible to fulfill without a substantial monetary and financial investment by the state, as the federal NICS system will only process background checks for actual firearms. The "undetectable" portion is pointless- these requirements are already present in federal law, and even this law is obsolete because with today's technology, firearms with low metal content are detectable by modern scanners. The serialization component is onerous as well- the current federal requirement that a gun be serialized on transfer is sufficient. If a gun is manufactured by a home gunsmith and is never transferred, what's the point in serializing it? Even if it's used in a crime, the serial wouldn't be "traceable".

Finally, giving local authorities the power to regulate firearms in buildings is a disastrous policy. In the past, the Oregon legislature adopted the provisions for state pre-emption of firearm regulations, which has prevented the creation of a legal minefield across the state in regards to firearms. A CHL holder, statistically some of the most law-abiding citizens, could inadvertently break the law on a daily basis. In Eugene and Portland, the universities make up parts of city blocks and often impossible to tell whether one is on university-owned property. The included restrictions that would ban CHL holders from having their firearms on any airport property is ridiculous; not only would it impede drivers from picking up and dropping off friends and family, it would restrict the rights of those who have to drive through or visit airport property during their working hours (cab drivers, delivery drivers, etc). Again,

CHL holders are statistically some of the most law-abiding citizens in not just Oregon, but the entire country, and these provisions are a slap in the face to them.

Besides the reporting requirements with respect to injuries, I vehemently disagree with every amendment that has submitted to this bill. I will offer something constructive, however. With regards to encouraging safe storage of firearms, tax incentives for purchasing gun safes or trigger locks would go a long way.