

Testimony for SB978, April 2nd, 2019

Senator Prozanski and the Senate Judiciary Committee

If a law is just and easy to follow, it is transparent to a law abiding citizen. A just law burdens and impedes the criminal. An unjust law is onerous for the law abiding citizen to follow, enforces preconceived prejudice, or is ineffective at changing criminal behavior. An unjust and difficult law to follow is not respected (along with the governing body) by citizens and law enforcement.

SB978 is now an unjust bill with the addition of the omnibus amendment -1; an onerous proposal that does far more to hurt citizens while leaving criminals virtually untouched. The original purpose of SB978, to report on attempted unlawful firearm transfers by the Oregon State Police, should remain the focus of the bill. Research is important, and replacing it with a mishmash of various proposals on such short notice does not benefit the public.

There are several portions of Amendment -1 that do not make sense or lead to more questions;

Does the committee understand what the crime rates are of CHL holders in Oregon? Page 35, "LOCAL AUTHORITY TO REGULATE FIREARMS IN PUBLIC BUILDINGS" makes a fundamental flaw by not understanding the difference between Concealed Handgun License (CHL) holders and criminals in illegal possession of firearms while in public places. The law assumes that CHL holders are a menace to society and must therefore be prohibited and discriminated against as to which buildings or public areas they may visit.

Perhaps before labeling CHL holders the committee should understand what the crime rates of law abiding CHL holders actually are? In states where those statistics are collected, they are on par with, or lower than, their own police. And far lower than the general populous.

The criminals? They will continue to do what they were doing already; carrying firearms illegally and without a license. Why not increase the penalties for illegally carrying a firearm without a license?

Why not understand the crime rates of CHL holders in Oregon before placing additional restrictions on them? Do not assume that just because they are different, they are bad people.

Is HomeDepot going to start running background checks? Page 10-25 ""UNDETECTABLE AND UNTRACEABLE FIREARMS" and ""PROHIBITED POSSESSION AND TRANSFER". The recent scare with 3D printed guns is unfounded. These "firearms" (and I use that term loosely) are easily detectable by xray and body scanners now routinely used by the TSA and security checkpoints in government buildings. Current federal law also already prohibits all plastic firearms (section 16 of SB978). And due to their large size, they are not readily concealable. The Hollywood myth that a compact and fully functional firearm can be printed in hours is plain false. **I know, I use 3D printing technology for my job.** The use of the term '**Downloadable firearm**' is a giveaway that the person desiring this law is lacking technical expertise to understand the subject. These are no more "Downloadable" than a dinner recipe from

Yummy. These firearms are not “Untraceable” or “Undetectable”. But they are unsafe, unreliable, costly to produce and just plain do not function well. Obtaining a real firearm via the current (unenforced) illegal means, or going to the hardware store to make a zip gun, would be a far more appealing option to the criminally minded.

The remaining sections of the law are ambiguous as to “*unfinished frames or receivers*”. I have seen people fashion firearms from a shovel or aluminum soda cans. I have seen steel pipes and wood 2x4’s from hardware stores used as well. Under this bill a 3-lb brick of aluminum could be considered an “unfinished frame or receiver” and require a serial number and background check. **Being in possession of these items is defined as a Class C Felony. This is especially dangerous as many firearms prior to 1968 do not have serial numbers.** It is also not clear if home hobbyists and gun smiths would also now be considered felons under this proposal. **These are non-violent people who hurt no one. Why discriminate against them like this?**

If a criminal makes a firearm they are already automatically in illegal possession and breaking current law. Punish them, not your average citizen.

If you want to punish prohibited felons and domestic abusers from attempted possession of a firearm, then do so. Insert the language that it applies to prohibited persons. But do not make it easy to turn law abiding citizens into felons simply because they offend someone else’s sensibilities and imagination.

Federal law already states that a serial number must be applied to a firearm prior to transfer to another individual. The Oregon bill makes citizens into felons for mere possession of federally legal items such as heirlooms they have held legally and safely for nearly half a century.

How is it safe storage when I can go to jail for the crimes someone else committed?

Page 3, “FIREARM STORAGE, LOSS OR THEFT REPORTING AND ACCESS BY MINORS” attempts to regulate responsibility via a long and micromanaged list of detailed behaviors of dos and don’ts. It is a bill of good intentions, but falls short of the “just and easy to follow law” test. One of the more disturbing sections is that a homeowner, after being a victim of theft, can be held liable for the future crimes that the thief may commit with the stolen firearm for up to two years. Even if the homeowner used a safe and trigger locks to secure their firearm.

Questions the committee should be aware of are

How are “safe storage” laws actually enforced in other states?

Reckless endangerment charges are already being used in instances of a child being killed or wounded in an accident in Oregon. Why are they still not sufficient?

What is wrong with promoting education or incentives (i.e. tax credit for a safe) for home owners?

Why not take advantage of free trigger lock and educational material provided thru the DOJ and police departments (Project Child Safe)? <https://www.projectchildsafe.org/about>

In section SECTION 6. (1)(a)(A) and (B) , why is the Oregon Health Authority determining engineering specifications for locks and containers? Is this to be considered a medical device?

Arbitrary age discrimination: Finally, if a young adult is somehow not qualified to own a gun till they are 21, should they also not have a driver's license? Should they also not be allowed to start businesses, or buy a home, or provide day care to children? Age discrimination after adulthood (18) is not an enlightened position for Oregon to take.

The remaining sections of this bill I do not have an issue with. Raising the CHL fees is an unfortunate cost of inflation. And the collection of information under "FIREARM INJURY REPORTING" should be allowed. Although I have to wonder what information Oregon Health Authority currently collects is not being reporting to the CDC now.