



April 2, 2019

The Honorable Senator Floyd Prozanski  
Senate Committee on Judiciary  
900 Court St. NE  
Salem, Oregon 97301

RE: Opposition to SB 978-1

Chair Prozanski and Members of the Senate Committee on Judiciary,

On behalf of Oregon Gun Owners (OGO), I am writing to urge your opposition SB 978, specifically the proposed -1 amendment. OGO is one of Oregon's largest gun rights advocacy groups. Since 1975, OGO has worked to promote responsible gun ownership and preserve gun ownership rights in Oregon.

Of particular concern to gun owners is the "Firearm Storage, Loss or Theft Reporting and Access by Minors" section of the bill. OGO has always advocated responsible ownership, and that includes safe, adequate storage of firearms that is appropriate for the circumstances. This means different things for different people and families depending on their unique situations. Imposing a "one-size-fits-all" approach undermines our constitutional rights and jeopardizes life and property of law-abiding citizens.

Further, the strict liability provisions contained in the storage section are deeply troublesome. Since the Oregon Crime Victims' Compensation Program was enacted in 1977, there has never been, to our knowledge, a proposal to pursue criminal charges against innocent victims and expose them to civil liability. The policy under consideration would do just that by holding law-abiding gun owners strictly liable for the criminal actions of other people who break the law by burglarizing their homes and stealing their property. This sets a dangerous precedent and it should be rejected on principle as well as on its practical implications.

Under the proposed amendments to SB 978, gun owners must report loss or theft within 72 hours of the time they knew *or reasonably should have known* of the loss or theft. Of course, a responsible gun owner would report any loss or theft. But the imposition of strict liability for failure to report on this timeline raises serious concerns.

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Page 2

The clause “reasonably should have known” could be interpreted in a way that would harm gun owners. Some Oregonians own numerous guns in multiple locations—how can anyone be totally certain of the location of all his or her firearms at all times? Even if guns are stored responsibly, there is no such thing as a storage system that is totally impenetrable. This begs the question: at what point should a person reasonably know of the loss or theft? Different judges and juries may have vastly different interpretations of reasonableness on this issue. This exposes gun owners to potentially ruinous liability and will have a chilling effect on gun ownership and sportsmen’s activities throughout Oregon.

There are several other issues with this bill, but the section about storage, liability, and minors’ access is the most concerning and we urge a no vote.

Respectfully,

Dan Cushing  
Executive Director