

TESTIMONY FOR SB978

TO: Senate Judiciary Committee

FROM: Matthew Niemeyer

March 31st, 2019

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

There are several parts of this bill that I find concerning as a citizen of Oregon. My biggest issues are with the parts of the text that demand responsibility of victims for crimes committed against them, the purposed text to limit a citizen's ability to protect themselves within and outside their homes, and the purposed age discrimination of constitutional rights as they pertain to young adults.

“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.

In the United States of America, the Constitution protects and secures our right to own and purchase firearms. As such, it is not within the legal rights of a company to say which American Citizens may purchase firearms or firearm accessories. I take great issue with the idea that anyone of the above mentioned agencies should be allowed the right and ability to determine the constitutional rights of a citizen of the United States. Businesses should have the right to sell whatever legal products that they choose, but they do not have the right to discriminate against anyone based upon their race, ethnicity, or age. Furthermore lower in section 2 of THIS TEXT, it 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,

This section of the bill clearly states that age is a potential reason for discrimination. Removing the rights of Oregon Citizens, based upon their age is discrimination. For the members of government in Oregon to approve this bill would be for them to openly approve active and legal discrimination

against law abiding citizens of Oregon. Such an act would be both disturbing and appalling.

“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 caters to big business and terminates due process for Oregonians. It is written with the sole purpose of killing current court proceedings regarding age based discrimination. The proper legal way to handle discrimination between law abiding citizens and businesses is to handle things within our judicial system. Justice is stripped away and our judicial system loses all value when a citizen's rights are given a back seat to 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 forces those who have been victimized to pay for the crimes of others. When someone's property is stolen, they are a victim. They did not consent to letting someone take their property, it was stolen. That person's life is turned upside down and their sense of personal security is violated. This bill attempts to force the person who has suffered to suffer more. This bill is not written to provide justice for those who are victims of a crime but solely to punish law abiding Oregon citizens for having owned a firearm and then having had it stolen from them. When a vehicle is stolen and used to hurt someone the owner of the vehicle is not punished for the driver's crime. The concept of forcing someone else to pay for a crime they did not commit violates everything on which this country was founded on. Approving a bill that punishes the victims destroys everything that we as a people

hold dear.

While I am grateful that this bill does not punish an individual for using a firearm for self defense, it must be stated that in order for a firearm to be used in self defense, it must first be unlocked and accessible for the owner to use. Any law enforcement professional will tell you that when you are attempting to fight off an intruder whose sole purpose is to harm you, seconds wasted will cost not only your life but the lives of your family. Criminals do not adhere to laws! Attempting to unlock a safe or open a trigger lock will cause unneeded and deadly harm to law abiding Oregonians attempting to protect themselves and their families. Requiring that keys and unlocking devices be stored separately from safes and firearms only adds to the time that is taken to be able to access your firearm for self defense. Unfortunately more lives will be saved by those who violate this section than by those that adhere to it, as this bill will only be successful in crippling law abiding citizens and robbing them of their rights and their safety.

“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.

Increasing the fee to the county sheriff for the issuance of concealed licenses or duplications of a CHL is a reasonable proposal if that increase is to cover additional costs for the license and the time that the sheriff's office is investing. It is not appropriate or reasonable to increase the cost of licensing so as to make licensing more difficult to obtain. All law abiding citizens should be allowed the opportunity to receive a concealed license if they desire.

While increasing the fees to be paid to the sheriff's office may be reasonable, legally binding Oregon citizens to pay an undefined amount of money to the federal government without setting rules and regulations regarding that fee is unreasonable. That amount that might be set forth to be payed could be anything. Currently, the Oregon State Police conduct background checks and fingerprinting on all concealed license applicants. Having a second agency conducting additional back ground checks is excessive and unnecessary and will only further tax the few federal resources that we have. People who have undergone a background check are less likely to use their firearm to commit a crime as they have already been entered into a system and their fingerprints collected. As such we should encourage people to become licensed instead of putting up more road blocks.

“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.

As law abiding American citizens we have a constitutional right to own a firearm and to carry that firearm in public so as to be able to defend ourselves, our families, and our neighbors from those who seek to harm us. Placing restrictions over where a person may or may not carry a firearm legally only serves to strip law abiding citizens of the ability to defend themselves and those they love. It is a proven fact that gun-free zones do not stop criminals from hurting innocent people, but rather empowers them to take action knowing that if there are no police officers around, there is no resistance to their evil plans.

My final concern is in regards to the emergency clause which turns law abiding citizens into criminals over night. Parts of this bill have been set to not take effect until January of 2020 and yet other parts are set to become law immediately. Making these things law immediately does not allow law abiding citizens the ability to take appropriate steps to become compliant but merely condemns them for something they may or may not be aware of.

The entire purpose of this bill is to regulate a tool and to punish and criminalize the people who would use this tool in a legal and reasonable way. This bill does nothing to address the true problems such as mental health and a society that has become ever more increasingly morally bankrupt. Crime and atrocities did not start happening only after firearms were created. Wherever and whenever man has desired to do evil against his fellow man, he has found a way. Punishing and regulating those who seek to follow the laws only ensures that they will become victim to those who hold no regard for the law. If anything the argument can be made that firearms have spared us many tragedies as they have allowed us the ability to stand up against those who would do us harm.

Respectfully,
Matthew Niemeyer