

Testimony in Opposition to SB 978 for the Oregon Senate Judiciary Committee

The last minute gut and stuff of SB978 with 44 pages of very complicated and far reaching legislation pertaining to guns is very disappointing. Until today, SB978 was a few paragraphs dealing with a single minor issue. Opponents now will have only two business days to analyze, develop arguments, and respond to these major changes. It is obvious that the lengthy, numerous, and far reaching new contents of this bill have been planned and ready to insert for a long time, and that the proponents have been waiting to spring this new language on their opponents for quite a while. The ethics displayed by the proponents of this bill are sadly lacking.

There are several problems with the various areas this bill attempts to address in its present form:

1) Transfers involving a temporary loan between friends or family members on a hunting trip require that the transferor apply a cable lock, trigger lock, or place the firearm in a locked box before handing it to the transferee? How would that work and what possible benefit would accrue? I can see it now, a friend hands his unloaded shotgun (safe firearm practices already require that it be unloaded in such a situation) to me so he can cross a barbed wire fence, and he has to apply a trigger lock first, where it resides for 30 seconds before I hand it back to him? Then I do likewise with mine?

2) We make instant criminals out of people who previously owned 80% AR-15 lower receivers which remain unmodified, because they have never applied a serial number to them? The ATF has drawn a line at 80% finished, at or below which the lower receiver is not considered to be a firearm, but Oregon knows better than the federal agency tasked with regulating firearms nationwide, putting Oregon out of step with the federal government and every other state in the nation? At what point is a simple block of aluminum a firearm and when is it not? Is a piece of pipe a shotgun? This provision is so vague that it is probably unconstitutional on its face.

3) I actually do, by choice and out of prudence, adhere to most of the safe storage provisions in this bill. I have small children in my house and if a firearm is not on my physical person it is locked in a safe. My home defense handguns are in pistol safes that can be opened by touch, only by me, in the dark, in a matter of a couple of seconds. I have no quarrel with promoting that idea. However, I have a huge issue with laying strict liability and criminal penalties on firearms owners due to the illegal actions of others. When I was in law school I learned that for hundreds of years, in both American law and British common law, a basic premise of justice was that citizens could not be held responsible for foreseeing the illegal acts of others, and that no liability could be assigned in such a case. This bill proposes to change that ages-old basic premise of Anglo-Saxon law. It is unjust, and unfair. It unduly burdens a firearm owner with a liability due to circumstances over which he has no control. It chills the exercise of a constitutional right. I believe that this too would be unconstitutional under any level of scrutiny.

How much better and more palatable to those who love the law would it be if we used a carrot instead of a stick? Why not grant firearm owners who satisfy reasonable storage requirements strict immunity from any liability if their guns are stolen or misused by unauthorized persons? Anyone who does not

adhere to those standards would be vulnerable to being liable in a lawsuit or, in cases of gross negligence, criminal prosecution.

And why is the definition of “safe storage” left up to the discretion of the Oregon Health Authority, which would presumably have the power to change that definition at any time, even after gun owners have spent thousands of dollars complying with a previous ruling? And why is such a responsibility assigned to an organization that on its face has no expertise or experience in regulating firearms?

4) And finally, where is the rash of unlawful or accidental shootings on college campuses and in other public government buildings by CHL holders that requires that we create a hopelessly complicated maze through which CHL holders must navigate when they try to legally carry a concealed firearm? Any trip or errand that merely passes through any of these buildings or their grounds would require that no firearm be carried throughout the totality of the trip in order not to run afoul of this statute. Must a CHL holder consult a lawyer, a title company, and a surveyor when planning any such trip? I can say from experience that it is not obvious to the average person exactly when one is on PSU or U of O property. And how does one ascertain what policy an institution has in place when driving down the street at the posted speed limit? There is a good reason that previous legislatures thought the firearms pre-emption law was a good idea. It made for uniform, understandable, consistently applied laws throughout the state, laws that the average person could understand and follow. Indeed, the USSC has from time to time reiterated that in order to be constitutional, laws must be fair, easily understandable, and consistently applied.

This part of the proposed statute is a solution in search of a problem. Again I ask, where is the rash of unlawful or accidental shootings on college campuses and in other public government buildings by CHL holders? Far from being trigger happy vigilantes or criminals, as a class CHL holders are 6 times less likely to break the law than are police officers. I can only conclude that this part of the bill is intended as punishment for being willing to be responsible for one’s own protection and that of others from violent crime. It is a fact that a licensed CHL holder stopped the mass shooting at Clackamas Town Mall. It is a fact that several mass shootings have been ended or prevented by CHL holders. Is that the behavior we wish to discourage?

This bill is a bad bill that does nothing to will increase the safety of our citizens from criminals and insane people with guns, while putting new burdens on people who obey the law. I urge you to vote NO on SB978.

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Who and what's behind this Bill? For decades the left has always asserted that nobody is out to take anyone's guns away. "All we want is reasonable gun control." This Bill is the unmasking of that big lie. The nibbling around the edges of the Second Amendment has gone on long enough. Now with a super majority of both chambers of the State Legislature, it feels safe enough to let the cat out of the bag. What's even more troubling is how much gamesmanship has been going on (including the ridiculous requirement of putting it out attached to the emergency clause) in the development of this Bill. Obviously even the legislature knows it's not the will of the people. If that were untrue than this would be on a ballot measure before the people and not in a legislative Bill. The fact is, one or two out-of-state billionaires with an anti-gun agenda have paid their way into having more influence over Oregon politics and gun policies, then the citizens of Oregon. I challenge the legislature to take the language of this Bill and put it on a ballot measure. If it's the will of the people, they will get their way. If it isn't, they will get their answer. I know this won't happen. So, what is really behind this Bill? And please spare me the platitudes and insults to my intelligence by saying it's about **Public Safety**.

· A big part of this Bill involves the personal liability of Oregon gun owners. This concept would be unique to the ownership of guns. It's not unlike the attempt of other states to make gun manufacturers liable for what people do with their products. The hypocrisy of these positions is deeper than Crater Lake. Example; automobiles. If someone steals my car and subsequently runs over another person and kills them, am I libel for the death of that victim? Of course not! Or, how about this, if a drug company that manufactures opioids, manufactures 10 times the opioids that the legitimate market needs, are they held liable for the overdose deaths of tens of thousands of people a year? Of course not! Even though they knowingly overproduce their deadly product, they're not held liable. Why? With more than 70,000 overdose deaths last year, is that not a real public safety issue? Where is your outrage and where is your legislation to address that? None! Why? Because there's no money in it for you. In fact, attempting to do something about that issue might cost you campaign funds. You are obviously not interested in public safety. No gun control legislation ever submitted anywhere had anything to do with public safety. Not even a little bit. Gun control is about control. It's not about guns and it's not about public safety. Everyone knows that none of these measures will change the outcomes of crime statistics one little bit. That is a fact and can be evidenced by pointing to every City or State with extremely restrictive gun control measures that also have the highest crime rates. Let's be clear and honest, the purpose of this bill is to make owning a firearm so onerous, and so risky that people ultimately give it up. The goal of this bill, coupled with whatever other Bills will be coming next, is the disarmament of the Oregon citizen.

Why is it that Progressive, Democratic Socialist governments, state and national, are always conniving to disarm the law-abiding American citizen? Because they are afraid of an armed citizenry. This of course begs the question, why are they so afraid of a population of law-abiding citizens which happen to be well armed?