

My name is Matthew Subotnick, I am a constituent of Senator Rob Wagner, residing in Lake Oswego, Oregon, 97034.

I am writing to OPPOSE SB 978 and amendments SB 978-1, SB 978-2, and SB 978-3.

My partner and her two small children (6 and 4 years old at the time) were visiting Santa at Clackamas Town Center on December 11, 2012. She has walked me through the mall, showing me where the shooter died and how close she was to that location at that moment, where she initially heard the gunshots, the route she and others had to take, moving closer, not further, from the gunman to try to get to an exit. As a family we deal with the lasting effects of that traumatic event.

The issue of common sense gun legislation is very important to us.

However, this bill's proposed amendments would significantly impinge on a person's Second Amendment rights under the US Constitution, and an Oregonian's rights under Article I, Section 27 of the Oregon Constitution.

More significantly, while proponents intend the proposed amendments to this bill to make Oregonians safer, they would, in fact, do the opposite.

1. SB978 would completely eliminate the utility for a firearm to be utilized for personal defense in a person's home, contrary to the intent of Article 1, Section 27, and ORS 161.219.

The time needed to open a locked firearm container, obtain trigger or cable lock keys, unlock the lock, load ammunition into the firearm, and ready the firearm for use would be so significant in home defense scenarios as to virtually ensure a criminal's ability to commit or attempt to commit a burglary in a dwelling, or ability to commit a felony involving the use or threatened imminent use of deadly physical force against a person.

Similarly, even if the cable or trigger lock provision were removed, just the locked container provision of the bill would significantly reduce a person's response time to address a potential criminal intrusion or threat of violence in a dwelling.

2. SB 978 would essentially require a person in a vehicle to physically carry the firearm on their person at all times whilst driving, or forfeit the ability to defend themselves in a vehicle for similar reasons as stated above, with greater difficulty to unlock a firearm or remove it from locked storage in a vehicle due to seating configurations and confined space.

The 24-72 hour notification provision in the bill regarding loss or theft is unreasonable, unfair, and unclear.

3. The "should have known of loss or theft" language in Section 8 of the proposed amendments is far too vague, with no definition of measurement of that term. Combined with the mandatory maximum penalty assigned to violation of this provision, there is presumed guilt at all times. Who determines when someone should have known, or why they should have known?

The provisions under Section 26 of the proposed amendments allowing local jurisdictions to limit or preclude the use of the affirmative defense in 166.370 (3) (g) eliminates the *entire purpose of*

obtaining a Concealed Carry Permit, and again, would significantly impinge on an individual's Second Amendment rights under the US Constitution, and an Oregonian's rights to defend their person under Article I, Section 27 of the Oregon Constitution.

4. Combined with the proposed storage requirements under the bill, SB 978 would make it extremely difficult-at-best for a person who legally owned a firearm, and possessed a current and valid concealed carry permit from, at some point, committing a firearms violation simply by travelling from one local jurisdiction to another, which is entirely the problem ORS 166.170 and the affirmative defense under 166.370 (3) (g) was written to solve.

There's an overarching problem with this bill and proposed amendments, and that's its omnibus nature.

Article IV, Section 1 (1d) of the Oregon Constitution limits ballot initiatives to one subject only. While the legislature is not so hamstrung, this bill went from being a single subject (a directive to the Department of State Police to study firearms transfers), to being a bill on age of ownership, storage requirements, concealed carry permit fees, delegation of ability to regulate firearms to local authorities (contrary to the purpose of ORS 166.170), etc.... This all-or-nothing, "everything but the kitchen sink" bill makes it impossible for the electorate to weigh in on the varied provisions proposed.

More importantly, as stated previously, SB 978 and its proposed amendments makes it extremely difficult for a law-abiding gun owner, exercising their rights under the Oregon Constitution, to avoid violating the law while trying to carry, transport, or use a firearm legally and responsibly for self defense.

I appreciate your recording of this testimony and urge the committee to NOT refer this bill out of committee, and all members to OPPOSE its passage.

Respectfully yours,

Matthew Subotnick