

Dear Senators,

The amendments to this bill would make me a felon overnight if they were to pass. It has long been understood that along with the right to own firearms, the people of the United States also have a right to manufacture them for personal use. As long as I refrain from manufacturing certain firearms that would be illegal for me to own (machine guns, undetectable firearms, short barreled rifles, suppressors, etc), and as long as I am not engaged in the business of manufacturing firearms, then I am completely within the bounds of the law and there is no federal license to manufacture firearms that would apply to me. The supreme court has ruled that states may pass laws that impose conditions on the commercial sale of arms, but manufacturing an otherwise legal firearm for personal use falls squarely outside of this domain.

We have a long and proud tradition of amateur gunsmithing in this country, an activity that these amendments would criminalize, since the “unlicensed” manufacturing of any firearm and the ownership of any unserialized firearm would be a felony. Yet jailing hobbyists and innovators would realize no public safety benefit. It doesn’t take a background check to go to the library, to buy a cheap 3d printer, or to buy supplies at the hardware store. Putting me in prison won’t stop those with bad intentions from doing what they want in the privacy of their own homes.

There are also certain unintended consequences from legislation like this. Anyone who understands firearm design will tell you that fully-automatic submachineguns are actually easier to build than their (currently legal) semi-automatic cousins. There are also minimum barrel lengths to contend with, restrictions on suppressors, etc. For any bad actors interested in building these firearms, there is a legal incentive to stick to the less effective (semi-automatic, harder to build, less concealable, loud) designs. But if possession of this firearm is going to be a felony regardless, then there is no incentive for these people to manufacture anything other than the easier to build, more concealable, fully-automatic machine guns. This would make the potential threat posed by the manufacture of illegal firearms worse, not better.

In addition to possibly making crime worse, not better, it would have one major impact: It would put me in prison, and I would really appreciate it if you didn’t do that.

Being a software guy, I am also incredibly unsettled by the inclusion of 3d printers and ‘downloadable’ firearms in this legislation. I am a big believer in open source software and hardware, the democratization of manufacturing, and its ability to empower individuals, and spur innovation. This extends to firearms as well. While governments are going to have to come to terms with the fact that they will no longer be able to rely on regulating industry to enforce their various prohibitions, this heavy-handed approach of criminalizing all activity in this area is morally wrong, regardless of any constitutional considerations.

There are also numerous constitutional issues at play in other parts of the amendments. Safe Storage, for example, is generally a good idea to be encouraged, but the criminalization of certain unsatisfactory storage has been ruled unconstitutional by the supreme court in *DC v*

Heller. And this is to say nothing about holding victims responsible for the crimes of others. I have no issue with the age provision. FFLs should, and generally do, have wide ranging discretion to deny a sale for almost any reason.

I also have no issue about the data gathering provisions of the original bill. More information is always better.

I would, however, caution the committee against viewing serial numbers and reports of lost and stolen firearms as a panacea of firearm safety. There is no registry of firearms, the 'traceability' of a firearm is tenuous at best, and any firearm can be made 'untraceable' in less than a minute with common hand tools. If serialization seems to be required for any legislation you put forward, I would hope you remove the federal licensing requirement, grandfather preexisting unserialized firearms (for example, antiques that were commercially manufactured before the serialization requirement in Gun Control Act of 1968), and create a legal serialization process for homemade firearms going forward.

This is all to say that this legislation is fatally flawed, and poses a grave threat to many Oregonians, including myself. Please vote no on the amendments to SB 978.

Thank you,
Evan Townsend