

Dear Senators,

My name is Robert Hart from Jackson County, Oregon. I have been an Oregon resident for over 40 years and I am a veteran of the US Air Force.

I am opposed to the proposed amendments to SB 978 and find that the proposals, while good intentioned, are contrary to the rights that are contained in the Constitution of the United States and the State of Oregon that state our Second Amendment Rights Shall Not Be Infringed.

Minimum Age Sales

The first section that could limit the sale of a fire arm to a person that is under 21 years of age is not appropriate. While this is permissive, there are major sellers that have already refused to sell guns to persons under 21. My thinking as a veteran is that if persons under 21 are old enough to be in the military they are old enough to own a weapon. The voting age was lowered because of 18 year olds being in the military. This applies to both the US Armed Forces but also the Oregon National Guard. We should be consistent with the age issues. And we should not discriminate against 18 to 21 year olds that are responsible enough to protect and defend this nation and state.

Firearm Storage, Loss or Theft Reporting and Access By Minors

This section of the amendments is over controlling to the point that a weapon for self-protection would be too difficult to access in case of an emergency. Living in a rural area, sheriffs are 10 to 20 minutes or longer away when a call is made. In the case of life threatening situations having to go through the process of unlocking guns as proposed would not provide self-protection in an emergency. A local situation occurred just recently when a young mother used a gun to defend herself from an enraged ex-boyfriend that broke down her front door. If you had to have all of the security precautions proposed, she likely would have been severely injured or killed. While gun owners I know are responsible to keep their guns secure, this legislation would make just about everyone I know a criminal.

When you are asking for a review of locks to occur in the future, there is no ability to review and evaluate designs to see if they are not only secure but not so overly complicated that they would hinder the owner in a high stress emergency situation. This review needs to be taken before laws are adopted not after.

A terrible part of this section is to make someone liable for another person's actions. To put it simply this would be the same as blaming someone if their car was stolen and if the car thief hit someone, the original owner would be liable. It appear to be a twist on the federal law that prohibits people from blaming gun manufacturers if someone uses a gun to commit a crime. This liability section to blame someone whose guns are stolen and not place the full blame on the thief is not reasonable.

Local Authority to Regulate Firearms in Public Buildings

This section will lead to such a patchwork of different regulations no one will know where legal guns are authorized. It may be legal in one building and not in the same type of building in another jurisdiction or even across the street. There needs to be a full discussion of where legally permitted guns are allowed that applied throughout the state and have consistent laws across all jurisdictional lines.

Emergency

These regulations are not an emergency. More people are killed every year by drug over-doses and car crashes. I do not hear a cry to put locks on everyone's medicine cabinet or to restrict cars to only those over persons over 21 years of age. There are more critical issues to address than this rush to judgement to blame guns and gun owners for the criminal and heinous actions of a few.

I urge you to not adopt the amendments as proposed as out lined above.

Robert Hart
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SB 978 Supplemental Testimony

Chair Prozanski, Vice Chair Thatcher, Committee Members:

We can all agree that his bill raises a lot of emotions on both sides of the discussion. I am sure that no

one on either side wants any further death or injury as a result of “gun violence.” I hope that critical

thinking will be used to evaluate this bill before any action is taken.

Rights vs Privileges

The proposed bill affects the rights of Oregonians regarding firearms. The US Constitution Bill of

Rights and Oregon Constitution recognize the rights of the people to bear arms and. The Bill of Rights

states that these rights shall not be infringed and the Oregon Constitution states that “The people shall

have the right to bear arms for the defence [sic] of themselves, and the State,” The wording says shall

and not may which is a primary distinction between a Right compared to a Privilege. It is a privilege

for me to have a drivers license and drive on public streets. As such the state may attach conditions to

this privilege. A right is an absolute and is not subject to changing conditions whenever some question

the right or wish to attach limitations. It is my position that some provisions of this bill infringe upon

my rights to keep and bear arms.

Specifically the provisions that propose how I am to store my firearms is an infringement. The Oregon

Constitution provides that I have the right to bear arms for my defense. How I choose to defend myself

is my right. By having a readily accessible firearm in my dwelling is how I choose to defend myself

and family. Outside my house I rely on a licensed concealed handgun. Others may choose a different

method. It is not a function of the government to dictate how I put my rights into practice. My dwelling

is always locked when I am not present and none of my firearms are in plain sight. If my house is broken into that is a crime and what ever is taken is to be blamed on the perpetrator. There are

provisions in ORS 164.055 (1)(d) to specifically address the theft of firearms to make it first degree

theft regardless of the value of the item stolen. There are also numerous provisions in the current ORS

166 that address firearm uses and the illegal acts that are currently addressed. My security of firearms

should not be treated any differently than if a burglar took medicines or knives or other tools that could

be used to harm others. It is government overreach to dictate how I am to secure my property.

Additionally, it is my position that to find me responsible or liable for an action by someone else is morally wrong if not addressed as a constitutional provision under the 14 Amendment of equal protection.

Secondly the change of age requirements to own a firearm is a change of a “right” to allow age discrimination. I understand that this provision is not mandatory but is optional with each retailer.

There is no other instance that I can imagine that allows discrimination against a class of people by option. Discrimination is just as the word says, the difference between persons where their rights are

abridged. It is not an “option” that can be changed as a policy or a preference. It seems that precedent

was set when the voting age was lowered to 18 by the 26th Amendment to the Constitution because

persons that were in the military to defend our nation should have the ability to vote for those representatives that could send them to war. This change was not by a legislation law but a full amendment. This change to allow companies to refuse to sell firearms based on an arbitrary decision

based on age is not justified. Some may say that limiting tobacco and alcohol to those over 21 is justified and similar treatment to the firearms limitation may be justified. But, tobacco and alcohol are

not rights enumerated in the constitution.

Firearm Storage and Theft

The storage requirements are such that access to the firearm will be delayed in every instance. In a

matter where you life is threatened, any delay can lead to a death. As stated above, I am guaranteed

the right to defend myself. Your delay by these new storage rules takes away my right to defend myself

in a manner of my choosing. While this may be well intentioned, it is not a right I am willing to relinquish.

I do not object to reporting of stolen firearms. This does not affect my right to possess a firearm.

Authority to Regulate Handguns in Public Buildings

Currently ORS 166.173 provides that cities and counties may prohibit handguns in public buildings

with a number of exceptions. A current exception is 166.173 (c) “A person licensed to carry a concealed handgun.” The proposed law greatly expands the areas when handguns are prohibited and

eliminates the CHL exemption. The persons that have gone to the expense and effort to obtain such

a license should be the in-fact persons allowed to be in these public places. Not only have they had an

extensive background check to exceed an “ordinary” firearm background check, they have also been

trained in safe handling of handguns. The “gun free zones” proposed in this bill, have become the killing fields where people bent on destruction operate. A CHL holder is an ally to reduce the loss of life and the injury that can occur when someone wishes to attack an area that has no defense. This denying the CHL holder of their weapon takes away their right of self defense and the opportunity to defend others.

Emergency Declaration

The provision to declare an emergency for this bill is an abuse of power. There is not a specific emergency that needs to be addressed. There was not an emergency legislative session to address a critical situation. There are no mass murder actions happening in Oregon on a yearly basis let alone a monthly basis or weekly basis. I would conclude that a massive wildfire, earthquake or tsunami would be a cause for an emergency clause. Or even a failure of the electrical grid. However, it seems that this is an attempt to force a law into affect and to make any vote of the people to address the issues more difficult. It seems that a significant number of the bills put forth in this legislative session are being categorized as an emergency. If the legislature cannot articulate the specific conditions that constitute the emergency other than the “preservation of the public peace, health and safety, “ then it is not a true emergency and this section should not apply to this bill. Because this bill so impacts the rights guaranteed in the constitution, we should take a more methodical review of the matter than a rush to judgement that seems to be the case here.

Sincerely,
Robert Hart
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