

As we approach the opening of the 2020 February Short Session, anti-gun bills have been introduced that will severely burden law abiding citizens both financially and in the exercise of their right to bear arms. I am writing you to urge you to oppose any such restrictions and to honor your oath to Oregon Constitution and the Constitution of the United States. From the Oregon Constitution Article I Section 27: "Right to bear arms; military subordinate to civil power. The people shall have the right to bear arms for the defence [sic] of themselves, and the State, but the Military shall be kept in strict subordination to the civil power[.]" From the US Supreme Court case Heller vs DC "The requirement that any lawful firearm in the home be disassembled or bound by a trigger lock makes it impossible for citizens to use arms for the core lawful purpose of self-defense and is hence unconstitutional."

HB4005 conflicts with the right to bear arms for self-defense and I would encourage you to vote no on advancing this bill.

HB4005 also states that if a criminal breaks into a home, steals a firearm, and two years later commits a crime that injures someone with said firearm, the lawful owner would be "strictly liable" for the criminals actions. Unless the owner could prove that they reported the crime in 72 hours AND could prove that the gun had a lock on it or was in a locked container, they would be held "strictly liable". This is victim blaming and unjustly puts the victim responsible for a criminal's actions. Further, a firearm theft victim would also be required to self-incriminate if they wished to report a theft 73 hours after they "should have known" the firearm was stolen. A person would have to choose to either lie about the timing of when they were victimized to the police, violating Section 5. (2)(c) of this bill, OR admit to being in violation of the 72 hour rule and be in violation of Section 5. (1)(a). Either way, the victim of theft would be punished by the state for criminal actions of others.

If this bill were to be enacted, it would be entirely unenforceable and would only be used to add fines and potential jail time to otherwise law-abiding citizens and put the burden of proof on victims of crime. This proposed Bill, while good-intentioned, will do nothing to make Oregonians safer and will instead create a "feel-good" law that will burden law-abiding Oregonians wishing to exercise their constitutional rights and will effectively chip away at their ability to defend themselves in a way they see fit.

Respectfully,
John Holcombe
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