

February 4, 2020

To: House Judiciary Committee

Subject: HB 4005

Dear Legislators:

House Bill 4005 is in direct violation of the United States Supreme Court's decisions in *District of Columbia v. Heller* (June 26, 2008) and *McDonald v. Chicago* (June 28, 2010).

In the *District of Columbia v. Heller* (June 26, 2008) the Supreme Court of the United States struck down provisions of the Firearms Control Regulations Act of 1975 as unconstitutional, and determined that handguns are "arms" for the purposes of the Second Amendment, found that the Regulations Act was an unconstitutional ban, and struck down the portion of the Regulations Act that required all firearms, including rifles and shotguns, be kept "unloaded and disassembled or bound by a trigger lock."

On June 28, 2010, the Supreme Court reversed the Seventh Circuit's decision, holding that the Second Amendment was incorporated under the **Fourteenth Amendment thus protecting those rights from infringement by state and local governments.**

In *McDonald v. Chicago*, 561 U.S. 742 (2010), the Supreme Court of the United States that found that the right of an individual to "keep and bear arms," as protected under the Second Amendment, is incorporated by either the Due Process Clause or Privileges or Immunities Clause of the Fourteenth Amendment against the states. The decision cleared up the uncertainty left in the wake of *District of Columbia v. Heller* as to the scope of gun rights in regard to the states.

The Oregon Constitution, Article I Bill of Rights, Section 27 Right to Bear Arms, specifically states "the people shall have the right to bear arms for the defence [sic] of themselves, and the State..." The unalienable and constitutional right of self-defense applies to a person anywhere or time a person may be.

In the cases of *Heller* and *McDonald*, three very important decisions were made: (1) a handgun ban is unconstitutional, and (2) requiring that all firearms be kept "unloaded and disassembled or bound by a trigger lock" is unconstitutional -- in other words, "locked up," and (3) no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

Heller dictated that firearms are to be left in a ready state of use. HB 4005 violates *Heller* in that the bill's requirements essentially require that firearms be locked up and unavailable for use as intended by both the United States and Oregon constitutions and the United States Supreme Court. *McDonald* affirmed that.

I also find the sections that hold a firearm owner "strictly liable" for another's crimes as deplorable and a tyrannical threat of a government devoid of the respect of life, liberty or property without due process of law. I strongly suggest that HB 4005 be withdrawn from further consideration and that the legislature support a state-wide awareness of voluntary firearm safety within our schools and to the public at large without and devoid of political bias.

Respectfully,



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