

Vice- Chair Sanchez and Vice-Chair Sprenger, and members of the Committee:

Please accept this written testimony in opposition to proposed HB 4005 scheduled for hearing tomorrow AND LC 38 scheduled for next week.

Key Points -

1 - During this short session your time and our tax dollars for your time are better spent on other important legislation.

2 - There are already initiative petitions filed on this same subject which seek voter approval. Again - your time is better spent working on other important work during the short session. Let the voters decide.

3 - These pieces of legislation are not significantly going to solve the real public health issue related to firearms deaths and will simply create an ill-advised strict liability scheme on law-abiding gun owners for actions committed by others long after theft of a firearm. If you ARE going to move this bill despite objections, you should amend the liability for loss by adding a mens rea element such as gross negligence or recklessness rather than leave this a a strict liability matter, reduce the time between the loss and the subsequent crime, and also cut off the liability of the original owner if a firearm is downstreamed to yet another malefactor (eg - if John Doe steals a gun but doesn't use it and then another party steals it from Doe and uses it, original owner shouldn't be liable for physical harm following a remote in time and fact storage violation).

4 - OHA is not a competent agency with expertise to specify proper locks and safes - if you are going to do this - specify a

competent agency such as OSP who routinely has to manage storage of firearms.

5 - If you are going to move the bill despite objections, you should add an exception for antique firearms as defined under federal law. As a former Revolutionary War reenactor, I can assure you that it's exceedingly unlikely that there is an appreciable risk of harm in flintlocks and black powder antiques (and their reproductions) being mis-used if not equipped with a trigger lock or left hanging on a wall. Leave antiques out of the bill(s).

Discussion -

Legislation like this is not likely to make any appreciable impact in overall crime rates other than to impact and create violations for certain conduct related to exercise of the core rights protected under US Constitution Amendment 2, and Oregon Constitution Article I, Section 27. *See, e.g., District of Columbia v. Heller*, 554 US 570 (2008) (inter alia, law requiring firearm in the home to be disassembled or bound by trigger lock makes it impossible for citizens to use arms for the core lawful purpose of self-defense and is hence unconstitutional); *McDonald v. Chicago*, 561 US 742 (2010) (2nd Amendment incorporated against States). The proposed bill also is not reasonably likely to address the real issue related to firearm suicides in Oregon, as further discussed below, and many of its sections would not likely survive strict scrutiny review nor is the bill good policy.

Our laws already prohibit many persons from possessing or carrying firearms, create restrictions on transfers, and allow for dispossession of firearms under Extreme Risk

Protection Orders. Robust enforcement of those laws rather than adding more burdens is the right-minded way to address concerns.

Proponents of the bill claim it will reduce homicides and suicides. Perhaps marginally it will and loss of an innocent life is tragic. But what the bill really does is just widen the net of those to be charged *after* a heinous crime to punish victims of a crime (theft), not stop those violent crimes committed by the thief.

Notably, violent crime in the US is at a 45 year low, including an historic low level of murder/non-negligent manslaughter rate at 5.3/100,000 (FBI statistics). That's without a national assault weapons ban, magazine capacity ban, or national storage requirements, or other significant restrictions. Even more notably, Oregon's rate is 2.5 per 100,000 - half the national average. Our opioid overdose rate is between 6.4 and 6.6/100,000 (OHA), about 2.5 times our murder/non-negligent manslaughter rate, and in 2010, 39.7/100,000 Oregonians died from alcohol-related causes (OHA). I ask, what should you really be focused on in your short session?

Distressingly, suicide is of far greater concern for Oregonians. We suffer from a high rate of suicides (17.7/100,000 in 2013). See Oregon Health Authority Fact Sheet on Suicide. According to OHA, and in distinction to the fuzzy information provided in the preamble to both HB 4005 and LC 38, by far the highest rate of suicide is actually among males in the 65+ to 75+ range. *Id.* With respect to firearms fatalities in Oregon, the tale is also told: the risk is overwhelmingly NOT murder or accidental shootings or suicide by minors. 83% of ALL deaths in Oregon by firearm are suicides, *with the disproportionate victims being 65+ age group.* Storage laws and trigger locks are not going to meaningfully address this problem.

Overall suicide rates among minors, while very tragic indeed, account for 2.3/100,000 in the 10-17 age group. Accidental shooting deaths were exceptionally small according to OHA statistics. By contrast, the 65+ age group overall suicide rate runs 17.6/100,000 (2010-2014 data). Where should the legislature focus its policy efforts? I submit: not on further burdening constitutional rights and risking expensive challenges in court the defense of which taxpayers have to fund, but rather on addressing the root causes and remedies for this high rate of suicides among our older population. You want to reduce firearms deaths substantially in Oregon? Look at addressing those issues please and use your precious legislative time and our taxpayer dollars wisely and not to the detriment of safe, smart, law abiding citizens.

This isn't about whether locking up guns and keeping them out of the hands of young minors is wise - of course it is. bit have a little faith in the vast majority of the gun-owning citizens. The OHA's own facts show we really don't have an epidemic/public health issue in Oregon over this. Our issue is suicide rates in our elderly population. Address that and you'll start to address firearms fatalities in Oregon in a meaningful way.

Thank you for your consideration,

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