

Dear Members of the Committee on Judiciary,

We respectfully request that the Committee reject HB 4005 (Firearm "Safety") which is a flawed and damaging piece of legislation.

My wife and I are residents of Central Point, where we have lived for 6-1/2 years. While we love the beauty and serenity of Southern Oregon, we are very concerned about the increasing overreach by the legislative supermajorities in Salem.

One example of this overreach is House Bill 4005, which we strongly oppose. HB 4005 is yet another piece of legislation that will penalize law-abiding Oregonians, while doing nothing to stop the people who are actually committing crimes. As with other infringements on our Second Amendment rights, these bills are presented as "common-sense" gun legislation. Where some see "common sense," others – like us - view this legislation only as an incremental assault on our liberty.

HB 4005 includes yet one more abuse of the emergency clause; declaring an emergency where none exists. The Oregon Constitution declares that "no act shall take effect until ninety days from the end of the session – except in case of emergency." That same Constitution also guarantees citizens the right of referendum – the right to put laws passed by the Legislature to a public vote. The issues purportedly addressed by this bill have been occurring for years – for example – the Clackamas Town Center shooting incident described in the text occurred seven (7) years ago! How does this constitute an emergency? Will an additional 90 days make any difference? That's doubtful - the emergency clause in this case is clearly intend to thwart objections to this contentious legislation by preventing The People from putting this bill to a public vote.

HB 4005 is an attack on law-abiding gun owners. Gun safety and storage is a matter of personal responsibility and every person's situation is different. It is unreasonable for the law to impose a one-size fits-all solution. HB 4005 invades people's home and forces them to render their firearms useless for self-defense, or face the prospect of becoming criminals.

The opening paragraph of HB 4005 references a crime committed with "AR-15 assault style weapon," and uses the term "assault rifle" or "assault weapon" several more times. The terms "assault rifle" or "assault weapon" are buzzwords used by anti-firearms activists in order to elicit an emotional response to gun control legislation. The term "scary black gun" comes to mind. These terms are an inaccurate and prejudicial characterization of a class of firearms owned and enjoyed by millions of Americans. Nothing in this bill is directed exclusively toward semiautomatic AR-15 style weapons, so we're only left to assume that this language was included in order to demonize firearms and their lawful owners.

One of the "safety devices" mandated by this bill - trigger locks - are ineffective and unsafe. Trigger locks render weapons useless for home defense use. They are also not designed to be used on loaded guns (any gun intended for home defense use would and should be loaded), which makes them basically useless for preventing negligent discharges. In fact, a trigger lock might actually make a loaded gun MORE dangerous.

Cable locks, which are an alternative under this mandate are ineffective, and easily defeated by anyone with basic hand tools.

In the case of *District of Columbia v. Heller*, the Supreme Court ruled that a D.C. law requiring gun owners to use trigger locks violated the Second Amendment. Is the Legislature prepared for a legal challenge based on this precedent? Believe me, if this bill somehow passes, it will be coming.

This bill will not only render self-defense firearms useless, by requiring they be locked up – it also will penalize gun owners if their firearms are stolen, which could occur even if they are locked up! Under this bill, crime victims not only become criminals - they also become responsible for the acts of others - acts which are completely beyond their control. Ironically, this bill does nothing to penalize the real criminals – those who violate the property rights of others, and who would certainly not obey the laws that this bill will engender.

This bill requires that firearms that are lawfully transferred be locked up during the transfer, and makes the transferor liable for two years for misuse of a legally transferred firearm if it was not locked. Are we to assume that a person to whom you lawfully transferred a firearm - with a background check - will not remove the required lock for two years? As well, how is the liability for an injury perpetrated by another individual transferred to an innocent gun owner? This alone constitutes a direct attack on gun owners, and we're not sure that it would withstand a court challenge. The transfer statute is not clear, and this exposes just one of several fatal flaws in this bill.

According to sources such as the Giffords Law Center, studies and estimates "suggest" that "safe storage" could reduce suicide deaths, but there seem to be no studies that prove that conclusively. This bill sacrifices the rights of law-abiding gun owners in a potentially futile attempt reduce suicides, rather than focusing on the more complex issue of general suicide prevention.

Lastly, this bill virtually eliminates a minor's ability to use a firearm even to protect themselves and their families in their own homes. Many families live in remote parts of the state, with scant law enforcement protection. Imagine a scenario where a minor child was at home alone and suddenly became a victim of a robbery or home invasion. A response from law enforcement could take 30 minutes or more. That minor child is trained and proficient in the use of firearms, but because of this bill, would be unable to defend him or herself.

Rather than reducing the number of crime victims, this bill has the potential to create numerous new victims – is the Legislature prepared to deal with that?

Thank you for your consideration.

Keith and Tami LaHaie
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