

Response to H.B. 4005

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February 6, 2020

House Bill 4005

Summary

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Requires owner or possessor of firearm to secure firearm with trigger or cable lock, in locked container or in gun room except in specified circumstances. Punishes violation by maximum of \$500 fine. If minor obtains unsecured firearm as result of violation, punishes by maximum of \$2,000 fine. Provides that person who does not secure firearm as required is strictly liable for injury to person or property within two years after violation. Specifies exceptions to liability.

Requires owner or possessor of firearm to secure firearm with trigger or cable lock or in locked container when transferring firearm except in specified circumstances. Punishes violation by maximum of \$500 fine. Provides that person who transfers firearm without securing firearm is strictly liable for injury to person or property within two years after violation. Specifies exceptions to liability.

Requires person to report loss or theft of firearm within 72 hours of time person knew or reasonably should have known of loss or theft. Punishes violation of requirement by maximum of \$1,000 fine.

Requires person transferring firearm to minor to directly supervise minor's use of firearm unless minor is owner of firearm. Provides that person who does not supervise minor as required is strictly liable for injury to person or property caused by minor's use of firearm.

Directs Oregon Health Authority to specify by rule minimum specifications for trigger and cable locks and locked containers required by Act.

Declares emergency, effective on passage.

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Where do I begin, as a general philosophical perspective this bill falls into the category of the “Nanny State”; trying to legislate morality or what should be common sense from a personal responsibility point of view. Not only is this bill full of unenforceable and unprovable clauses, it also turns a victim of a crime into a criminal. Also, it is getting very frustrating that the “emergency clause” is being misused on bills, this is a very transparent way for the legislature to circumvent an all important “people’s” check on the legislature via the initiative process - STOP using this on bills that clearly are not an emergency (e.g. emergency funding for say an earthquake).

Instead of fining and/or charging a person when a firearm is stolen (stick), why not provide an incentive (carrot) to the theft victim to report the crime by reimbursing the cost of the gun, thereby ensuring the make, model and serial number of the stolen gun be reported to law enforcement. Remember this person is a victim of a crime.

Please explain how a person, whom is innocent until proven guilty, can possibly prove that a gun was properly locked (either in a gun room, gun safe, or other safety device) once a criminal steals or defeats said securement apparatus or mechanism, which may or may not be available for analysis. Resources should be targeted at educational and public service messages regarding gun safety instead of wasting resources on laws that can not be (or should not be) enforced.

Is it too much to ask that when the legislature is considering “gun safety” legislation to punish criminals and not innocent law abiding citizens whom are all protected by Constitutional and due process rights. Instead of looking through the “lens of emotion” or taking input from the

“Gun Control” lobby funded by the “Bloomberg’s” of the world, using mountains of cash to influence legislation. How about a more thoughtful debate with all sides represented*. And most importantly, when submitting bills into the legislative process, give overwhelming weight to Constitutional Rights, presumption of innocence and hundreds of years of due process before submitting any bill.

* I attended the “Concept” session with the joint committee on Jan 16th where the opposition to this bill was refused representation and only the support side was allowed to have speakers. This was unacceptable from a fairness perspective, but also a biased view of information was provided to the legislative decision makers. For example, the pediatric doctor provided a bunch of data related to suicides by gun, only using data from the United States, then made a conclusionary statement that if guns are removed then childhood suicides would be reduced. He did not talk about childhood suicide rates or methods in other countries that have strict gun control or no guns within the citizenry. He did not go into the mental illness or mental state of suicidal children, or how they would likely look to other means of terminating life. He just made a weak conclusion that suicide rates would be reduced with an obvious intent to influence decisions based on emotion. I am sure it did not go unnoticed that the gallery was disproportionately filled with opposition citizens/voters, making me for one left with a “why” was the support side only providing testimony and the opposition side blocked ! If the sponsors of this bill (and others) have to rely on unbalanced playing fields than the likely future, if these bills get passed, will be in the judicial branch.