



February 7, 2020

Judiciary Committee
Oregon House of Representatives
Re: HB 4005

Dear Chair Sanchez and Members of the House Judiciary Committee,

Ceasefire Oregon thanks you for addressing the problem of unsecured firearms and the need to report lost or stolen firearms. We recommend additional evidence-based measures be added to HB 4005 so the bill will be effective at increasing rates of gun storage, reducing gunshot death and injury, and stopping gun traffickers.

- Laws requiring the reporting of lost or stolen guns largely address the issue of gun trafficking. Ceasefire Oregon calls for escalating penalties for not reporting lost or stolen guns, including a criminal penalty to prohibit gun traffickers from purchasing more guns. Without a criminal penalty, gun traffickers will be cited with a violation, given a modest fine, and leave the state before they can be sued under the strict liability clause in HB 4005.
- Studies show that storage laws without criminal penalties are not effective at reducing gunshot death and injury. Ceasefire Oregon calls for escalating penalties including a felony for failure to secure a firearm. Webster and Starnes stated in *Pediatrics*, "...the beneficial effects of CAP (child access prevention) laws were limited to states that allow for felony prosecution of violators." (*Pediatrics* 2000;106:1466-1469). In 2018, Dr. Emma Hamilton, et al, found, "Weak CAP laws, which only impose liability for reckless endangerment, were associated with an increased risk of all pediatric firearm injuries." *Journal of Trauma and Acute Care Surgery* (2018).
 - Safe storage laws in Washington, California, and Texas, among others, include felony penalties,
 - Penny Okamoto discussed Dr. Hamilton's findings in a phone call with her on January 24, 2020. Dr. Hamilton reiterated her findings that weaker firearm laws lead to increased death and injury from firearms. The increased rate of all pediatric injuries (unintentional, homicide, suicide) reflects a state's permissive attitude toward guns and sends a message that firearm storage is not a serious issue, therefore gun owners will not be seriously penalized by the state for irresponsible gun storage.
- Violations and strict liability have not been shown to be effective means to improve gun storage rates, reduce gun violence, or stop gun traffickers.
- The strict liability timeframe in HB 4005 only provides the ability to sue if the injury occurs within two years. The ATF states the average "time to crime" for a gun recovered in Oregon is 9.79 years yet strict liability timeframe is only for two

years. Over the past few years, only 18% to 28% of firearms were recovered within the two-year timeframe provided by HB 4005.

- The language describing the storage of handguns and long guns in vehicles is vague. All firearms in an unattended vehicle must be locked .
- Section 5(c): Knowing the serial number of a gun is necessary for law enforcement to trace the firearm. A serial number is so vital to law enforcement that a federal law requires a new firearm to have a serial number. The language in Section 5(c) should be changed to, “A person SHALL provide the serial number of the firearm in a report...” and the permissive “may” removed.
- Reporting of lost or stolen firearms must be within a 24 hour period after discovery of loss or theft. In particular, stolen firearms are likely to be used in a crime or trafficked out of state.

Public policy must be evidence-based. No studies have shown that strict liability and violations are effective at increasing rates of gun storage or reducing rates of gunshot death and injury. Ceasefire Oregon’s recommendations are evidence-based and supported by research dating back twenty years.

Enacting weak laws lulls people into a false sense of security and undermines support for future bills. Ceasefire Oregon urges the House Judiciary Committee to amend HB 4005 to include the measures listed above to create an effective, strong safe firearm storage law based on years of evidence that will truly reduce the rate of gunshot injury and death, increase rates of firearm storage, and stop gun traffickers.

Studies and a list of frequently asked questions are below.

Thank you for the opportunity to submit testimony.

Penny Okamoto
Executive Director
Ceasefire Oregon

HB 4005 can be broken into two separate concepts. One is the requirement to report lost or stolen (RLS) firearms. The other is to encourage gun owners to securely store all firearms.
Reporting Lost or Stolen Guns

- Why should legal gun owners be required to report a gun that has been lost or stolen?
 - Every year, [hundreds of thousands of guns are lost or stolen](#) in America. Stolen guns can be diverted to the illegal gun market, where they are used to fuel crime across the country.
 - Lost and stolen reporting laws help reduce gun trafficking by requiring individuals to report loss or theft to law enforcement shortly after discovering the loss or theft.
 - These laws help law enforcement recover and return lost or stolen guns to their rightful owners.
 - They can also help law enforcement disarm individuals who become ineligible to possess firearms.

- Will HB 4005 stop gun trafficking?
 - Under HB 4005, the penalties for reporting lost or stolen guns include a fine and the threat of a lawsuit if the gun is used to injure a person or property within two years of the loss or theft.
 - A Class B violation (not a criminal penalty) will not stop gun traffickers. They will only add the fine to the cost of doing business and nothing in HB 4005 will make them a prohibited purchaser—so the gun traffickers can still buy guns.
- What about strict liability?
 - The liability expires only two years after the loss or theft.
 - The [ATF](#) states the average “time to crime” for a gun recovered in Oregon is 9.79 years yet strict liability timeframe is only for two years.
 - In Oregon in 2018, fewer than 28% of guns are recovered within the two-year time frame allowed in HB 4005. ([ATF](#)) The rate was even lower for the previous years.
- What would make HB 4005 stronger?
 - To be effective, a repeat offense of failure to report lost or stolen must include escalating penalties, a criminal penalty, and forfeiture of the right to bear arms.
 - The first offense need not be criminal—legal gun owners should not be facing a criminal penalty for the first offense of failure to report a lost or stolen firearm.

Safe Gun Storage

- Are safe storage laws effective at reducing gun violence?
 - Yes. Studies over the past 20 years show that strong storage laws with penalties that escalate from a fine to a felony (depending on how the firearm was used and where it was taken) significantly reduce firearm injury and death. The studies are listed below.
- Are safe storage laws supported by gun owners?
 - Yes. [National polling](#) shows that safe storage bills enjoy the support of 78% of voters—including 66% of gun owners.
- Is a criminal penalty necessary?
 - Yes. Studies show that storage laws without criminal penalties are not effective at reducing gunshot death and injury. Ceasefire Oregon calls for escalating penalties including a felony for failure to secure a firearm. Webster and Starnes stated in *Pediatrics*, “...the beneficial effects of CAP laws were limited to states that allow for felony prosecution of violators.” ([Pediatrics 2000;106;1466-1469](#)). In 2018, Dr. Emma Hamilton, et al, found, “Weak CAP laws, which only impose liability for reckless endangerment, were associated with an increased risk of all pediatric firearm injuries.” [Journal of Trauma and Acute Care Surgery \(2018\)](#)
- Isn't it better to just get a safe storage law on the books?
 - Weak gun laws send a message to gun owners that secure storage is not viewed as a critical component to reducing gun death and injury. We know

that Oregon law makers take this issue very seriously. Our laws should reflect a culture of smart, responsible gun ownership.

- Ceasefire Oregon applauds legislators for addressing this issue but passing weak bills lulls people into a false sense of security and undermines support for future firearm legislation.
- Do other states include a felony penalties?
 - Yes. Safe storage laws in [Washington](#) and [Texas](#) include felony penalties.
 - From [Giffords.org](#):
 - States Imposing Criminal Liability for Allowing a Child to Gain Access: The broadest laws apply regardless of whether the child even gains possession of the firearm. California, Massachusetts, Minnesota, Nevada, and the District of Columbia impose criminal liability in circumstances where a child *may* (Massachusetts and Nevada) or *is likely to* (California, Minnesota, District of Columbia) gain access to a firearm. The laws in Hawaii,⁴ Maryland, New Jersey, and Texas apply whenever a child gains access to an improperly stored firearm. In these states, it is not necessary for the child to actually use the firearm or cause any injury.
 - States Imposing Criminal Liability When a Child “May” or “Is Likely To” Gain Access to the Firearm: California, District of Columbia, Massachusetts, Minnesota, Nevada, and New York
 - States Imposing Criminal Liability for Allowing a Child to Gain Access to the Firearm, Regardless of Whether the Child Uses the Firearm or Causes Injury: California, District of Columbia, Hawaii, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, and Texas.
- Okay, so the bill is not perfect but let’s not let the perfect get in the way of the good.
 - HB 4005 as written needs improvement to be effective and the lives of Oregonians are stake. Let’s work together to draft amendments that will provide real protection for all Oregonians, especially our children.

Studies

[Variability of child access prevention laws and](#) pediatric firearm injuries, Emma, C. Hamilton, MD; Charles C Miller, III, PhD; Charles S Cox, Jr., MD; Kevin P. Lally,, MD; Mary T. Austin, MD, MPH *Journal of Trauma and Acute Care Surgery (2018)*Key Findings: After adjusting for race, sex, age, and socioeconomic income quartile, strong child access prevention (CAP) laws were associated with a significant reduction in all, self-inflicted , and unintentional pediatric firearm injuries. Weak CAP laws, which only impose liability for reckless endangerment, were associated with an increased risk of all pediatric firearm injuries. The association of CAP laws on hospitalizations for pediatric firearm injuries differed greatly depending on whether a state had adopted a strong CAP law or a weak CAP law. Implementation of strong CAP laws by each state, which require safe storage of firearms, has the potential to significantly reduce pediatric firearm injuries.

[State Firearm Laws, Firearm Ownership, and Safety Practices Among Families of Preschool-Aged Children](#), Kate C. Prickett, MPAff, Alexa Martin-Storey, PhD, and Robert Crosnoe, PhD *American Journal of Public Health* (2014)

Findings: Firearm legislation and CAP laws interacted to predict ownership and storage behaviors, with unsafe storage least likely among families in states with both CAP laws and stronger firearm legislation.

[The Effect of Child Access Prevention Laws on Non-Fatal Gun Injuries](#)

Jeff DeSimone and Sara Markowitz, *National Bureau of Economic Research* (2005)

Key findings: Results from Poisson regressions that control for various hospital, county and state characteristics, including state-specific fixed effects and time trends, indicate that CAP laws substantially reduce non-fatal gun injuries among both children and adults (a unique point about this study is that it looked at non-fatal injuries, which are much more common than deaths).

When CAP laws are implemented, self-inflicted gun injuries fall by 64 percent for youth age 18 and under but do not decrease for adults.

[The Effect of Child Access Prevention Laws on Unintentional Child Firearm Fatalities, 1979-2000](#), Lisa Hepburn, PhD, MPH, Deborah Azrael, PhD, MS, Matthew Miller, MD, ScD, MPH, and David Hemenway, PhD, *Journal of Trauma and Acute Care Surgery* (2005)

Key findings: Most states that enacted CAP laws experienced greater subsequent declines in the rate of unintentional firearm deaths for children age 0 to 14 compared with states not enacting the laws; however when adjusted for firearm prevalence and state and national effects the laws were associated with statistically significant declines only in Florida and California. Florida's law, which is the oldest and one of the toughest (violation is a felony) resulted in a 51% reduction in accidental firearm deaths among children in that state over the eight years for which there was data.

[Association Between Youth-focused Firearm Laws and Youth Suicides](#) Daniel W. Webster, Jon S. Vernick, April M. Zeoli, Jennifer A. Manganello, *Journal of the American Medical Association* (2004)

Key findings: "We did find convincing evidence that the 18 CAP laws adopted during the study period led to an 8.3% reduction in suicide rates among youth aged 14 to 17 years. Firearms are used in approximately half of all youth suicides.

[State Gun Safe Storage Laws and Child Mortality Due to Firearms](#) Peter Cummings, David Grossman, Frederick Rivara, and Thomas Koepsell, *Journal of the American Medical Association* (1997)

Key findings: CAP laws associated with a 23% decrease in unintentional shootings among children under 15 years old.

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