



February 7, 2020

RE: Opposing HB 4005

Dear Chair Sanchez, Vice-Chair Bynum, Vice-Chair Sprenger, and Members of the Committee,

I am writing on behalf of Oregon Gun Owners, a nonprofit association that has advocated to protect gun owners' rights for more than 43 years. Our supporters are individuals and families from communities throughout Oregon. We urge you to oppose HB 4005 as introduced.

OGO has always, and will always, support responsible gun ownership. That includes securing firearms and ammunition in a way that makes sense in the context of each gun owner's circumstances. HB 4005 is a one-size-fits-all approach that would impose real barriers to the rights of Oregonians to own and use guns for legitimate purposes.

The strict liability provision of the bill would create a monumental risk for gun owners, including and especially the law-abiding gun owners of our state. A risk-averse person will imagine the worst-case scenario: her gun is stolen—of course she locked it, but a burglar broke into her home and compromised the locking device or safe.

HB 4005 makes it impossible for a risk-averse person to protect herself:

- The gun owner swears she locked the gun appropriately, but a prosecutor disagrees. How does she prove she stored the gun correctly?
- The gun owner reports within 72 hours of knowing the gun was stolen, but a prosecutor says she *should have* known sooner under the standard of “knew or *reasonably should have known*” contained in this bill.

What then? Supposedly, the burden of proof is on the accuser. But what if a politically appointed judge does not agree? I am under strict liability for something outside my control; could I lose my house? Would owning a gun responsibly threaten to destroy the life my partner and I have built?

Some will tell you the inability of a prosecutor to prove whether and how a gun was safely stored makes the law unenforceable and therefore we simply should not worry about it. But why would the state enact a law that is unenforceable? How can law-abiding gun owners be asked to risk everything and simply “not worry” about it?

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Some will tell you that if a person simply does not report the theft, there will be no way to trace a gun back to its owner. But why should the state enact a law that creates a perverse incentive to do the wrong thing, in order to avoid losing everything?

Strict liability is a serious threat. We can think of no other area of state law that treats victims as criminals. Why would this be any different? The strict liability provision presents an intolerable legal and financial risk for those wishing to be responsible gun owners.

OGO would be happy to work on legislation to address the real issues at hand. Unfortunately, this bill does not address those issues.

In closing, I want to share the comments of one OGO supporter, a Law Enforcement Sergeant at an agency in the Metro area. He has been a sworn Law Enforcement Officer since 2012.

This Sergeant wrote to us and said that HB 4005 is punitive toward people like him: trained, certified, skilled members of society who vocationally use firearms to keep our communities safe. He has firearms in his house in part because he has a marked patrol car parked in the driveway (not to mention, a simple Google search reveals his address). He knows that acts against law enforcement are only increasing with time, so it is neither unreasonable or inconceivable that a criminal act could happen to him or his family while at home. This Sergeant is a responsible, trained, experienced gun owner, yet this bill restricts his freedoms and right to protect himself and his family.

The Sergeant has trained his wife and minor children in the safe and responsible use of firearms. He expects them to, in accordance with their training and experience, reasonably consider firearms as a means for defense in their home. He writes, "This bill will hamstring such an endeavor and render my family less safe yet does nothing of consequence to restrain a criminal from committing an act."

In summary, we urge you to vote no on HB 4005.

Sincerely,



Dan Cushing
Executive Director