

## HB 4005 -1, -4, -5, -6, -7, -8 STAFF MEASURE SUMMARY

### House Committee On Judiciary

---

**Prepared By:** Gillian Fischer, Counsel

**Meeting Dates:** 2/7, 2/10, 2/12

---

#### WHAT THE MEASURE DOES:

Requires a person who owns or possesses a firearm, while not carried or under the control of the person, to secure the firearm with an engaged trigger or cable lock, or be stored in a locked container as defined by the measure. Provides that violation of this requirement is a Class C violation for each firearm found in violation. Provides that it is a Class A violation if a minor obtains an unsecured firearm stored in violation of this Act and the owner of the firearm knew or should have known that a minor could gain unauthorized access of the firearm. Applies strict liability for injury caused by a firearm stored unsecured in violation of this Act within two years of the violation. Requires a firearm to have an engaged trigger or cable lock or be stored in a locked container when being transferred from one individual to another. Makes a Class C violation offense for each violation of transfer provision. Applies strict liability for injury that occurs within two years as a result of a transfer made in violation of this section. Requires the Oregon Health Authority to establish by rule minimum specifications for trigger locks, cable locks, and containers equipped with tamper-resistant locks. Requires a person who owns, possesses or controls a firearm to report a loss or theft of the firearm to law enforcement as soon as practicable, but not later than 72 hours from the time the person knew or reasonably should have known of the loss or theft. Allows for exception to 72 hours if no means of reporting reasonably available. Makes a Class B violation for each firearm an individual fails to report lost or stolen. Applies strict liability for injury caused by a stolen firearm that occurs within two years as a result of a failure to report a firearm in violation of this section. Requires a law enforcement agency to create a record concerning a lost or stolen firearm in the Law Enforcement Data System within 24 hours of receiving a report of a lost or stolen firearm. Requires a person who transfers a firearm to a minor to directly supervise the minor's use of the firearm. Applies strict liability for injury to a person or property caused by a minor's use of a firearm transferred in violation of this section. Provides exceptions for transfers to a minor for unsupervised hunting-related activities by youth with appropriate licensure and permission from a parent or guardian. Requires a gun dealer to post notice at place of business that firearm owners have an obligation to store firearms in a safe manner to prevent unsupervised access by a minor.

#### ISSUES DISCUSSED:

- Liability does not attach if stolen firearm and is reported as required
- Access to firearms can increase risk of suicide
- Effect of measure on reduction of risks relating to firearm crime and suicide
- Investigation and burden of proof for violation citations

#### EFFECT OF AMENDMENT:

-1 Amends the definition of container. Amends the definition of transfer and adds exceptions to the transfer requirements to align with exceptions to background check requirements in ORS 166.435. Exempts law enforcement from requirements if law enforcement an agency policy applies to storage of certain firearms possessed by a police officer. Removes certain provisions relating to supervision of minors that conflict with ORS 166.250 and 166.470.

-4 States that the provisions in the measure do not apply to members of law enforcement. States that the provisions in the measure do not apply if a person who owns or possesses a firearm within the person's home and

*This summary has not been adopted or officially endorsed by action of the committee.*

## HB 4005 -1, -4, -5, -6, -7, -8 STAFF MEASURE SUMMARY

no minors reside or are present in the residence; no persons prohibited by state or federal law from possessing a firearm are present in or currently residing in the residence; and no person who are unauthorized to possess the firearm are present in or currently residing in the residence.

-5 Replaces the measure. Requires a person who owns or possesses a firearm, while not carried or under the control of the person, to secure the firearm unless the firearm is within the person's own home and the person reasonably believes that the firearm must be readily accessible for the protection of self or others, and therefore cannot be secured. Defines locking firearm container and qualifying gun safe. Creates a tax credit for the purchase of one or more qualifying gun safes or locking firearm containers or a tax credit of \$250, which ever is the lesser. Requires a person who owns or possesses a firearm to report the loss or theft of the firearm to a law enforcement agency as soon as practicable.

-6 Replaces the measure. Requires a person who owns, possesses or controls a firearm to report a loss or theft of the firearm to law enforcement as soon as practicable, but not later than 72 hours from the time the person knew or reasonably should have known of the loss or theft. Allows for exception to 72 hours if no means of reporting reasonably available. Makes a Class B violation for each firearm an individual fails to report lost or stolen. Applies strict liability for injury caused by a stolen firearm that occurs within two years as a result of a failure to report a firearm in violation of this section. Requires a law enforcement agency to create a record concerning a lost or stolen firearm in the Law Enforcement Data System within 24 hours of receiving a report of a lost or stolen firearm unless the agency is unable to create a record due to insufficient information.

-7 States that a firearm is under a person's control if the person is alone in the person's residence with the firearm and the windows and doors of the residence are locked.

-8 Replaces the measure. Requires a person who owns or possesses a firearm, while not carried or under the control of the person, to take reasonable steps to secure the firearm to prevent unauthorized access, unless the firearm is within the person's own home and the person reasonably believes that the firearm must be readily accessible for the protection of self or others. Defines locking firearm container and qualifying gun safe. Creates a tax credit for the purchase of one or more qualifying gun safes or locking firearm containers or a tax credit of \$250, which ever is the lesser. Requires a person who owns or possesses a firearm to report the loss or theft of the firearm to a law enforcement agency as soon as practicable.

### **BACKGROUND:**

According to the National Center for Health Statistics and the Centers for Disease Control and Prevention, in 2017, 486 people in the United States died of unintentional gun injuries. 23,854 people committed suicide with a gun and 14,542 people were intentionally killed by gun injuries. About 10 percent of these deaths were children.

Among U.S. adolescents and young adults 10-24 years old, gun homicides are the third leading cause of death; gun suicides are the second. In 2010, 15,576 children were treated for gun injuries in U.S. emergency departments, and 1,970 of them died. The medical cost of treating gun injuries in children alone was over \$330 million in 2010. Studies have found that adolescents' risk for suicide increases as their access to firearms increases. Suicide attempts in children are more likely to be successful when they have access to lethal weapons: 90 percent of suicide attempts with guns are successful, compared to less than 5 percent of suicide attempts using less lethal means, like medications or sharp objects. The risk for unintentional injury and suicide in children is reduced by 73 percent when guns are kept locked, and by 70 percent when they are kept unloaded.

More than 237,000 guns nationwide were reported stolen to the National Crime Information Center in 2016, a database maintained by the FBI. That represents a 68 percent increase in stolen weapons reported to the FBI since 2005. In addition, the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives has estimated that 500,000 guns are stolen annually from residences, many of which are never reported. A 2010 study by Mayors

**HB 4005 -1, -4, -5, -6, -7, -8 STAFF MEASURE SUMMARY**

Against Illegal Guns found that, per capita, states without lost or stolen reporting laws are the source of more than 2.5 times as many crime guns recovered in other states as states with a lost or stolen reporting requirement.

House Bill 4005 establishes standards for the transfer, storage, and reporting loss or theft of firearms.

PRELIMINARY