

Date: April 22, 2021

To: Chair, Representative Barbara Smith Warner Vice Chair Representative Christine Drazen House Rules Committee

Addressing the bill and all of its amendments – having major issues as witnessed by the fact that there are 28 registered amendments only underscore the poorly conceived and crafted bill. In addition to this we are now looking at a **'GUT AND STUFF'**.

This bill started out as being focused on (labeling by insinuation, criminals), all Oregon CHL holders. It is not focused on criminals, there are a great many laws on the books doing that. Enforce those!

I am on the Board of Directors for the Yamhill County Sportsmen's Association (nearly 300 members) and I am now the President Elect.

I am a retired Law Enforcement Officer. I am also a Military Veteran of 13 years. I have been a firearms instructor, Department Range Master, Department Senior Firearms Instructor in Charge, Joint Agency Firearms Instructor and Range Master. I have instructed as both a Guest Firearms Instructor and Volunteer Instructor at the Oregon Police Academy. I was certified as a Police Firearms Instructor by the State of Oregon BPST – DPSST and the NRA. I have been involved in and represented the State of Oregon in local, regional and National level Competition.

We can probably safely say I know my way around firearms of all varieties and can authoritatively speak to the subject.

This law is unwarranted and the amendment's being considered is unjustified, unneeded, over bearing, of questionable constitutional quality and creates a problem looking for a place to happen.

Now it invokes the Emergency Clause which is again an absolute abuse of the legislative process, citizens right to petition and of the intent of the Emergency Clause. Yes we understand the citizens still have a right to petition. However we also recognize and realize the elevation of and the increased requirements for that petition and the motives behind why a legislator or legislative body would use that clause in this particular or similar instances for non-emergency, non-financial reasons.

Our Political Leaders are supposedly calling for transparency in Government, showing respect to the Citizens of Oregon, Ethics in Government, chastising and removing members from committee assignments. The actions surrounding this bill, the emergency clause, the apparent lack of aforethought and preparation (as evidenced by the number of amendments, to include the Emergency Clause), an apparent attempt to deny citizens the right to lawfully carry their firearms fly in the face of common sense legislative actions..

Oregon Law has the State Legislature regulating firearms laws for uniformity. Citizens know/ knew where they could carry firearms and where they can / could not. That was to prevent a patchwork of laws from block to block, city to city, county to county, building to building school district or private school zones. This legislation authorizes and enacts a patch work quilt of laws, rules and restrictions in Oregon surrounding government property, including city, county and state parks, that no citizen could ever possibly be expected to keep up with. A person could leave home in McMinnville, drive to Crater Lake and violate laws, ordinances, rules and policies a dozen times without even knowing it. Just by driving by 'adjacent to' a prohibited property. God help him if he is going to Portland to pick up his son or daughter who is arriving on Alaska Airlines, home for 2 weeks leave from the Military.

The parent at the curb in the pickup area, waiting to pick up their son or daughter, arrested for having a fire arm in his car with him.

How about a Sunday drive and finding yourself adjacent to a small town City Hall, Real Estate School, Business School or a School District day care being conducted in a private business space that is unrecognizable as anything but a business? Oh yes, the signs. If you are standing in front of and are adjacent to the building where you CAN read the sign, well, that seems a little late.

(9) "Public building" means:

(a)(A) A hospital[.,,];

(B) A capitol building[.,,];

(C) **A public or private school**, as defined in ORS 339.315[.,,];

(D) A college or university[.,,];

(E) A city hall;

**(b) The grounds, other than a parking area, adjacent to a building described in paragraph (a) of this subsection;**

***Would any of the Senators or the State of Oregon care to buy my house and property?***

I can literally stand on my property line, reach out and touch a Public School District Classroom next door to me. (See Exhibits below.)The school district bought the property (in a residential district) next to mine a few years ago under the idea of a 'community orientated teaching concept'.

They moved my back fence after they commissioned a survey. One of the School Districts building eves, as a result of that, now actually over hang my back fence. My property is now literally physically in contact with grounds adjacent to a school building and tennis courts on 2 sides of me. This building was supposed to have been removed, but the School District has failed to do so.

This school district has a no firearms policy. So, if you enact this, I become an instant criminal. I can assure you my home defense weapon is not going anywhere so I become a criminal for possessing a firearm on the grounds adjacent to 3 school buildings and a tennis court.

### **Oregon State Constitution**

**Section 27. Right to bear arms; military subordinate to civil power. The people shall have the right to bear arms** for the defence [sic] of themselves, and the State, but the Military shall be kept in strict subordination to the civil power[.]

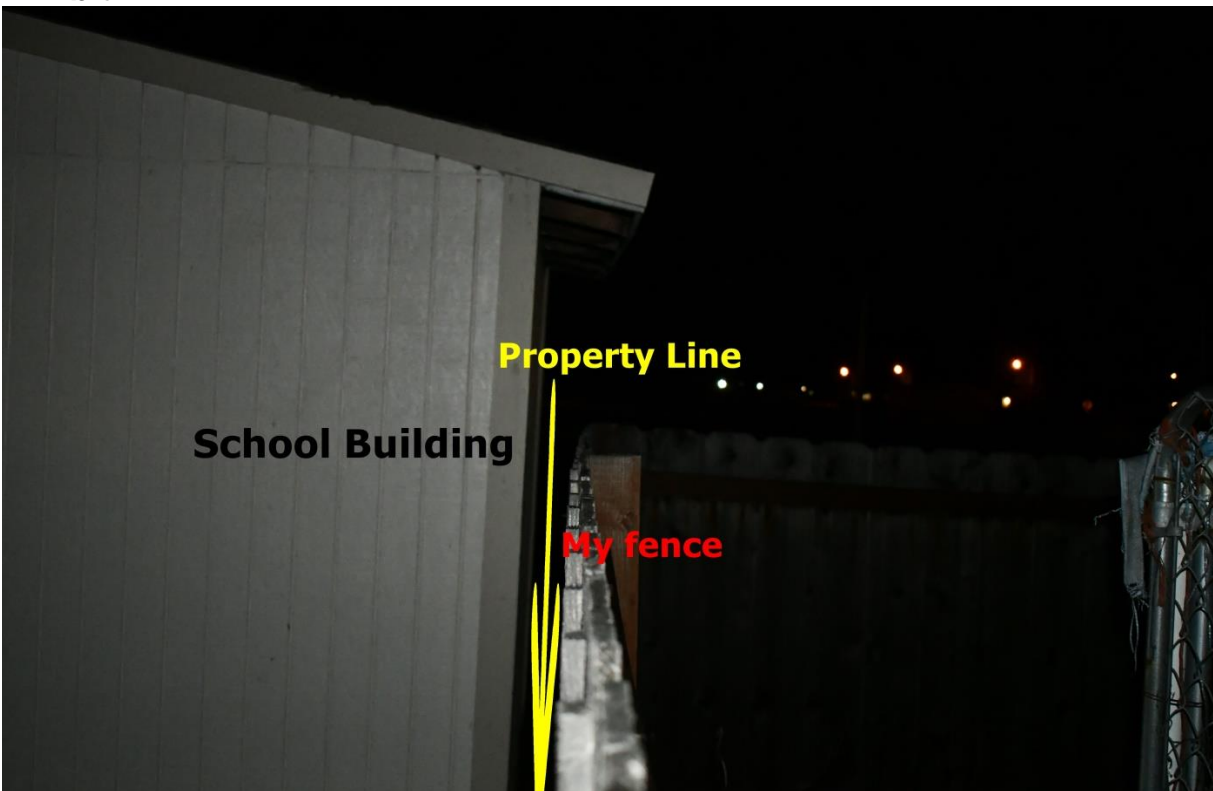
*In the 2008 case [District of Columbia v. Heller](#), the Supreme Court held that the "Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes.*

I would respectfully submit that SB 554A in no way encompasses the definition of "...an individual right to possess a firearm and to use that arm for traditionally lawful purposes".

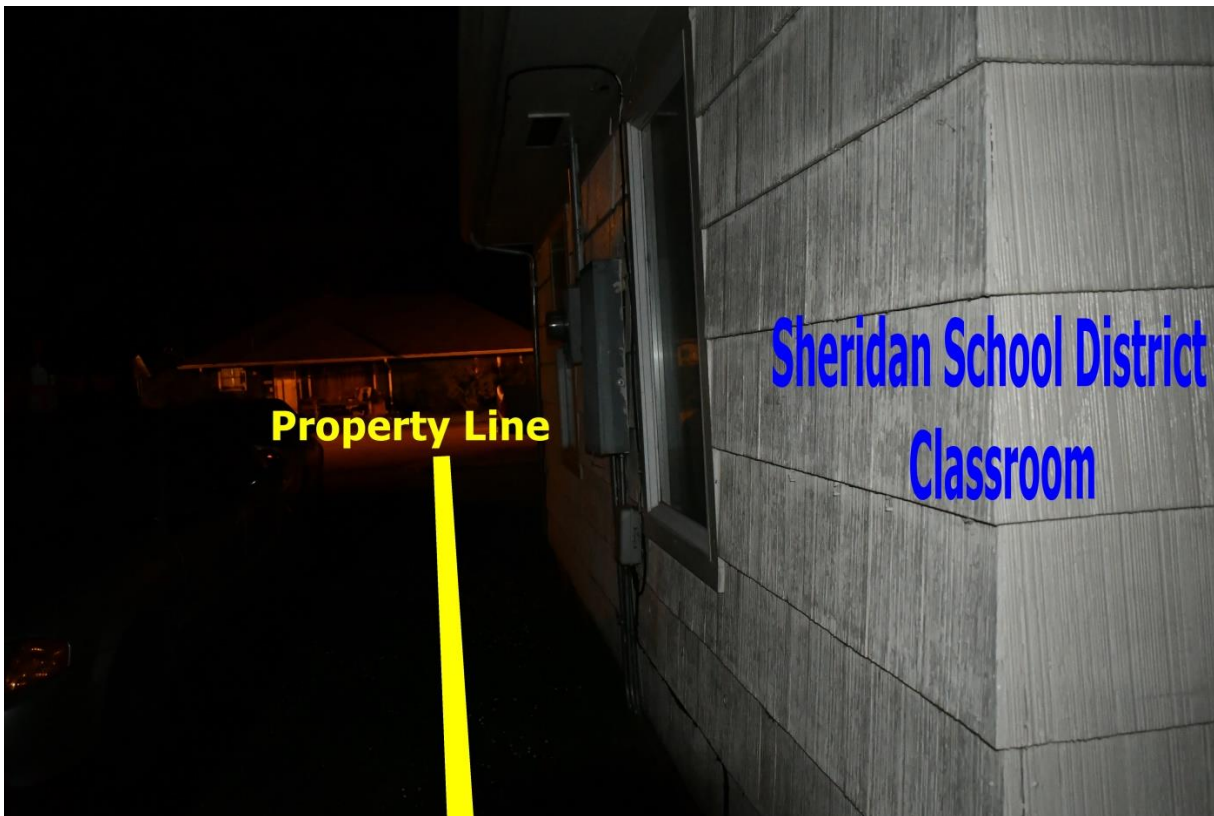
**Exhibit 1**



**Exhibit 2**



**Exhibit 3**



As can be clearly seen in these exhibits, The School District has buildings encroaching on my property line and actually breaking the plane onto my property. I would think that to allow any law to ban myself, my family, or anyone else, from possessing firearms on our property adjacent to school grounds and / or buildings will open up many more legal concerns..

As Kerry Spurgin put it so well, I will copy and reiterate what he has stated below.

- SB554A will create a patchwork of inconsistent ordinances that will inadvertently make felons of law abiding citizens as they pass through a region, state, or town. In addition, the amendment repealing state firearms preemption will create a maze that will entrap well meaning law-abiding citizens.
- SB554A enables municipalities and port authorities (airports) to make it illegal to travel with firearms for lawful hunting and sporting purposes. An amendment has been proposed but does not account for the fact that the hard-sided case must be unlocked in the passenger terminal, as per federal law and procedure.
- SB554A now incorporates HB2510 but omits the provision for a gun room. Unfortunately, the clarification offered in the 4/21/21 session where gun rooms were excluded is not acceptable. Gun rooms are essential to enable such activities as cleaning, maintenance, and adjustment to be completed, many of which take more time than one session. A gun room is, after all, effectively, a large, locked box in a house.
- As noted by amendment-27 of SB554A, locking of firearms used for personal defense within the home renders the owner unable to “keep and bear arms” as per the 2nd amendment.
- Holding one accountable for unlawful actions of another is not how a responsible judicial system should function.

As noted above, the maze of restrictions will entrap out citizens. Imagine a grandfather is taking his

granddaughter or grandson to the range for target practice or traveling across the state to their favorite hunting spot. Only to have car trouble in an unfamiliar city or town and be required to park and work out repairs. Unknowingly, the grandfather missed the random sign imposing SB554s restrictions and suddenly finds himself as a Class C Felon!

Law-abiding hunters and sportsmen would be prevented (infringed) from traveling through the cities and towns and even through airports on their way to their family farm for a hunt, a local range to compete, or to travel into or out of the state to hunt or compete in shooting sports.

Unfortunately, SB554 has become a laundry list of 'solutions' leveled on law-abiding citizens to account for unlawful actions of others. For example, during public testimony the incidents in Salem were cited, numerous times, where individuals were recklessly open carrying and intimidated residents. OSSA does not condone unsafe practices with firearms in any way. The problem is 1) such reckless actions with firearms constitute 'assault' and the individuals committing the acts should have been detained and charged, or 2) as a part of peaceable assembly the requirement of being truly peaceable be required and enforced. Instead SB554A seeks to remove rights from individuals not involved in the event. These laws will have no effect on criminal use of firearms.

SB554 will have NO impact on criminal use of firearms, SB554 will only impact and infringe upon the 2<sup>nd</sup> amendment rights of law-abiding citizens of Oregon and travelers that come to Oregon. Let's focus on solutions that address the real problems, hold individuals accountable for unsafe acts or criminal acts with firearms. Example: Open carry does not mean you can point a weapon at someone. Hold criminals accountable for theft of firearms.

Most importantly, let's amp up the support for crisis and mental health resources to prevent unwanted use of firearms. Repeatedly, we have heard of "we knew he was at risk" but no action was taken. OSSA is engaging with Oregon Firearms Safety Council to drive awareness, education, and resources to help Oregon gun owners, and their families, be safe.

Respectfully Submitted,  
Jim Mischel in Private Capacity