

## **HB 2543 Testimony – *Support*** **State of Safety**

Chair Bynum and Members of the Committee:

My name is Henry Wessinger. I am the President of State of Safety Action, an organization founded to reduce gun violence in Oregon using research and community-based policymaking. I am a resident of Multnomah County.

America's background check system for transfers of firearms has been forged through decades of research and debate, in an attempt to balance the need for public safety with the preservation of individual liberties. Regardless of our politics or ideology, Americans agree that we as a society ought to prevent so-called "bad guys" from getting their hands on firearms. Although we may disagree over what specific characteristics disqualify a person from possessing a firearm, a system that monitors the transfer of firearms among people is in the public's interest. And when that system fails, it becomes an issue of public health, not politics.

At a federal level, this system has the capacity to process millions of firearm transfer requests each year—often responding to requests in a matter of hours. However, not all system requests are straightforward, and depending on the criminal and legal history of the prospective firearm recipient, these requests may take days, weeks, or months to process. Lawmakers who created this system through the Brady Bill of 1993 included something of a pressure relief valve, providing licensed firearm dealers with the discretion to release a firearm to a purchaser after a 72-hour holding period—*even if the background check has not been completed.*

Lawmakers and interest groups who crafted this 72-hour exemption may have legitimately been concerned that prospective gun buyers, who would eventually *pass* the background check, may have to wait for an unreasonable amount of time before their request clears. They may also claim that this wait time is an infringement on a person's individual right to own a firearm. Though these concerns are understandable, the alternative has generated abhorrent tragedies of human lives lost—chief among them the race-motivated 2015 massacre of nine Black worshippers in Charleston, South Carolina.

The past year has brought us a global pandemic, widespread social unrest, an extremely polarizing presidential election, and domestic terrorism. With these currents of uncertainty, firearm purchases have seen an unprecedented surge: nationally, the FBI reported a 40% increase in background check requests for 2020 (compared to 2019), and in Oregon, the State Police reported a 39% increase. With these record-breaking request volumes, state and federal systems have faced a tremendous strain, increasing the likelihood that background checks take longer than 72 hours to process, and thereby increasing the chances that a transfer occurs in opposition to the widely accepted notion that firearm purchasers be screened before ownership.

Though data on these transfers via the “Charleston loophole” are scarce, estimates have pointed to an alarming number of firearms falling into the hands of persons prohibited from their possession every year. ATF data obtained by the nonprofit organization Everytown for Gun Safety revealed that nationally almost 600,000 background checks took longer than 72 hours to process in 2020, doubling the amount in a typical year. Of these, about 5.3% of delayed requests that took less than 90 days resulted in a transfer to a prohibited person—or *7,785 firearms in the wrong hands*. In Oregon, the State Police processes background check requests, but does not count how many denied requests still result in a transfer after 72 hours. OSP returns requests within 72 hours about 45% of the time, meaning that *55% of the time* a firearm could pass through the “Charleston loophole” in Oregon. In 2020 OSP received a record-breaking 434,155 requests. By comparing these data to federal proportions, **we estimate that 68 firearms were acquired by prohibited persons in Oregon in 2020** because of the “Charleston loophole”.

Each firearm purchase by a prohibited person creates another possibility for a Charleston like mass shooting to occur in our state. Clearly, giving firearm dealers the discretion to complete a transfer after 72 hours does not prevent some firearms from reaching the hands of people who our state has determined should not possess them. This threat to the public, to family members, colleagues, or spouses of these persons, and to law enforcement officers sent to retrieve these firearms can be stopped with the passage of HB 2543.

I urge the Members of the Committee to vote for passage of HB 2543. Thank you for the opportunity to testify.

**Sources:**

[https://www.fbi.gov/file-repository/nics\\_firearm\\_checks\\_-\\_month\\_year.pdf/view](https://www.fbi.gov/file-repository/nics_firearm_checks_-_month_year.pdf/view)

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