

Chair Prozanski, Vice-Chair Thatcher, my name is Hugh Simpson, and I oppose Senate Bill 554. It is a very bad bill and would do little or nothing to stop crime. It would, however, keep honest, decent citizens from defending the lives of themselves and their families.

By removing Oregon's Preemption Law regarding gun laws, it would basically set up "felony traps" all over the state, thus making it essentially useless for law abiding citizens to carry their lawfully concealed handgun! This is just plain wrong, totally unfair, and frankly smacks of being an "ex post facto law." Why? Because these law abiding citizens all passed background checks by the police, proving that they were not criminals, paid the fee for their concealed handgun permit, legally purchased a handgun, (passing another background check,) and would, if SB 554 is passed, now be essentially kept from carrying their gun because of the very real risk of being ensnared by one or more newly declared "anti-firearm" areas as they went about their lawful business! They would then be subject to arrest and would be charged with a felony!

Is this right? Is this fair? Is this going to affect criminals? NO to all three questions! Criminals don't obey the law. That is why they are criminals. But the people who obey the law by going through background checks and paying the fee to obtain a concealed carry license DO obey laws. They are among the most decent, most law abiding citizens of Oregon, and THEY are the ones that SB 554 would punish. This simply makes no sense!

Also, to make it even worse, SB 554 violates the US Constitution, as it clearly infringes upon the right to bear arms. And as the Constitution is the supreme law of the land, any statute that violates it is invalid.

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."--  
Miranda vs. Arizona, 384 US 436 p. 491.

And here is another citation that bears upon this matter. "The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose, since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. ...A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. ...No one is bound to obey an unconstitutional law, and no courts are bound to enforce it."--Sixteenth American Jurisprudence Second Edition, Sec. 256.

So, if SB 554 is erroneously passed, it will punish only the law abiding and create a chaotic situation within our state. And, even worse, good people may well be murdered by criminals because this unconstitutional statute, by threatening them with the chance of being arrested for a felony, will cause them to stop carrying their handgun because of the possibility of running into one of the "felony traps" that the statute would end up creating, thus causing them to be defenseless.

Therefore I ask that for the above reasons SB 554 should not be allowed to move out of this committee.

Thank you very much.

Sincerely,

Hugh Simpson