

## SB 554

### Written Testimony Submitted to the Judiciary Committee

Chair Prozanski, Vide-Chair Thatcher, members of the Judiciary committee; for the record, my name is Douglas Baily, and I am a resident of Linn County, I come before you today in opposition to SB 554 and the emergency clause amendment which prevents a vote of the people should this move out of committee.

*Members of the Judiciary Committee. This is the full text of my planned testimony for today's hearing. In the interest of time, I abbreviated my comments out of respect for the committee members and our proximity to the scheduled end of the meeting.*

I am a retired Oregon Public Safety Professional and have had the opportunity to work on a wide variety of local, regional, and statewide emergency planning projects during my career. After studying SB 554, it is a concerted effort to undo much the good work completed by then Speaker of the House Vera Katz with the passage of HB 3470 which went into effect January 1<sup>st</sup>, 1990. This is especially true when it comes to preemption, which HB 3470 soundly and effectively addressed. I understand the desire to create a safe environment. The impact of this law will not address criminal behavior only law-abiding citizens.

In Oregon, it is illegal to manufacture or sell drugs within 1000' of a school, yet criminals are frequently arrested for violating this law, Why? Because they are criminals and do not respect the law. SB 554 will only have an impact on law abiding citizens, not criminals.

Section 2, subsection (9) "Public building" means (F) the residence of any state official elected by the state at large [and the grounds adjacent to such building]. Does this include only the primary residence, a place where the elected official is residing such as one of many resort communities in our state? If I happen to be staying in the same resort with my family and am adjacent to the official's unit or house; am I now in violation? Again, this is rather loosely defined creating ambiguity.

Section 3 amends ORS 166.370...creating a situation where it does not apply until it does apply...which is also ambiguous.

Subsection 3 (1) of this section does not apply to (d) a person summoned by an officer to assist in making an arrest or preserving the peace, while the summoned person is engaged in assisting the officer.

Subsection 3 (g) Exempts a person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun unless the person possesses a firearm in violation of an ordinance or policy adopted pursuant to section 1 of the Act.

An Example: My office is in downtown Corvallis across the street from the Benton County Courthouse...if a Corrections Deputy is struggling with a out of control person and yelling for help which I hear. I am legally armed and chose to respond to the deputy's assistance, once the situation is under

control, I am now guilty of a felony because I am standing on the courthouse lawn and my assistance is no longer needed?

The best analogy I have come up with is an atypical checkerboard. If I am standing on a dark square in the middle of the board (permitted location to be legally armed) and surrounded by 8 light squares (in violation of an ordinance or policy adopted pursuant to section 1 of this act) then I would become a felon by moving through a light square to get to another dark square (allowed space).

Picking up a family member at an airport, while legally armed, can place me in violation for entering terminal, not just the TSA controlled areas to meet said family member(s). Amendments have been filed allowing access to the grounds, parking structures, and passenger pick up area. There were several lawsuits after HB 3470 passed and became law which addressed violations where staff preempted a legal and allowed behavior in the terminal.

I fail to see how SB 554 will improve public safety. I strongly oppose SB 554 and ask that you do not allow SB 554 to move out of committee.

Thank you all for your time, your service to the State of Oregon, and your consideration of my testimony.

Respectfully submitted,

Douglas Baily