

Submitter: John Woods
On Behalf Of:
Committee: House Committee On Judiciary
Measure: HB2005

“A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”

The second amendment is pretty straight forward and does not have much wiggle room. But the amendment I believe that is, if not the strongest, it is in the top three is the Fourth Amendment Us Constitution Bill of Rights:

" The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Now let's look at HB 2005 in light of the language of the Fourth Amendment.

Here is the text copied from the OLIS website

HB2005

Bill Title: Relating to firearms; declaring an emergency.

Catchline/Summary: Defines "undetectable firearm." Punishes manufacturing, importing, offering for sale or transferring undetectable firearm by maximum of 10 years' imprisonment, \$250,000 fine, or both. Punishes possession of undetectable firearm by maximum of 364 days' imprisonment, \$6,250 fine, or both, and 10 years' imprisonment, \$250,000 fine, or both, upon second and subsequent convictions. Punishes possessing, offering for sale, selling or transferring firearm without serial number by maximum of \$1,000 fine upon first conviction, 364 days' imprisonment, \$6,250 fine, or both, upon second conviction, and 10 years' imprisonment, \$250,000 fine, or both

Let's take the First part of the Fourth Amendment and paste it here for clarity.

" The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause.

The very first statement in their bill “an undetectable firearm”. To find “an undetectable firearm” means you have to search for it. The right of the people against unreasonable searches or seizures puts the search for “an undetectable firearm” into the realm of unconstitutional searches. First the bill proponents need to prove that an “an undetectable firearm” even exists at a person home, car or any of the other effects, like gun cases or firearm safes. Since they cannot produce probable cause, no warrant will be issued. Suspicion does not reach the level or legal definition of probable cause Period!

HB2005 Snip “Punishes manufacturing, importing, offering for sale or transferring undetectable firearm by maximum of 10 years' imprisonment, \$250,000 fine, or both. Punishes possession of undetectable firearm by maximum of 364 days' imprisonment, \$6,250 fine, or both, and 10 years' imprisonment, \$250,000 fine, or both, upon second and subsequent convictions.”

Again the people have the right to be secure in their persons, houses and effects So how can your possession of a unserialized lower be a crime if there is no unlawful or criminal act? How far does this go? If Leftists, Communists, Democrats don't like that we drink Coffee can they make possession of a Coffee pot a criminal act? Or if they don't like that we drive can they make owning a car a criminal act? Where is the limit of powers? The peoples rights trump the gun grabbers legislation, always has, always will.

If we put the two documents HB2005 and the Fourth Amendment in a side by side comparison, we can see that HB2005 is in direct opposition to the Fourth Amendment of the Bill of Rights. And since the Oregon Legislature does not have the reach or the Power to Amend or Change the Constitution, this bill is a feel good fools bill, that will be struck down immediately.

I ask that you vote against this and stop wasting the people's time and money on chasing rainbows and unicorns. Let's this bill die on the intersection of Fourth and Madison where the road is blocked from through traffic.