

TESTIMONY FOR SB978

A Firearms act amending ORS 166.210, 166.250, 166.262, 166.274, 166.291, 166.360, 166.370, 166.412, 166.435, 166.470 and 659A.403; and declaring an emergency

TO: Senate Judiciary Committee

[sjud.exhibits@oregonlegislature.gov](mailto:sjud.exhibits@oregonlegislature.gov)

FROM: Adam AufderHeide

DATE: 3/31/19

Please accept this letter as my formal testimony for SB978

I am unable to attend the public hearing on SB 978-1 because of work commitments. I am heavily opposed to this broad-sweeping, ill-advised, infringement on the 2nd Amendment and other rights imposed by this piece of legislation.

I am a law abiding, tax paying, voting, citizen in Oregon. I support truly common sense laws to reduce violence and suicide. SB 978 does not fall into that category.

There are many problems with this bill, but I will choose to highlight a few that are extremely ridiculous.

#1 Section 6 (C) (b)" For purposes of paragraph (a) of this subsection, a firearm is not secured if a key, combination or other means of opening a lock or container is readily available to a person the owner or possessor has not authorized to carry or control the firearm."

"Other means" would include things like -pry bars, drills, or other tools that burglars use every day when breaking into people's homes. You would be penalizing law abiding citizens for what the criminals have readily available to them- not the actions of the gun owner.

#2 "(3) If a person obtains an unsecured firearm as a result of the owner or possessor of a firearm violating subsection (1) of this section and the firearm is used to injure a person or property within two years of the violation, the owner or possessor of the firearm who violated subsection (1) of this section is strictly liable for the injury."

In what other situation would you further victimize a crime victim for the actions of a criminal offender?

Using this exact same logic, would it be reasonable to penalize the following victims for the actions of these criminals? If your car was stolen and used in a crime, should you be held responsible? If your alcohol is stolen and used by a drunk driver, should you be held responsible? If a hammer is stolen from your tool kit and used in an assault, should you be held responsible? This is absurd. There is not any other similar ORS that would create criminal and civil liability based on this kind of culpability. There's a reason for that-it makes no sense. The burden of proof that the guns were stored properly falls to the crime victim, not the State. That is not how our Justice System is supposed to work.

#3 Section 19 (l) A person would commit a crime of unlawful possession of a firearm if under :

“(l) Has two or more convictions of unlawful storage of a firearm under section 12 of this 2019 Act; or”

The Bill would functionally strip someone of their Constitutional right to keep and bear arms, if they are convicted two or more times of a VIOLATION! As the above mentions, these are both crimes where the VICTIM has to prove their innocence rather than the state prove they acted negligently. As each firearm involved would count as a separate offense, this would later be used to as “two or more times” if a gun owner had three guns stolen during one burglary. The standard of proof for conviction of a violation is preponderance of the evidence, a much lower standard than the criminal burden of beyond a reasonable doubt. Removal of a Constitutionally guaranteed Right, on this basis is a clear and illegal overreach.

#4 Section 20 (j) does functionally the same thing, but with only one conviction of a possible violation of unlawful storage within the preceding 5-years. This is not due process.

#5 The gun storage requirements are not even completely addressed in this Bill, lending to potentially unreasonable great and excessive recommendations later by the Oregon Health Authority. Are they experts in gun safety and storage? Much in the same way that the people that wrote this abomination are “gun safety experts,” OHA could later decide to create arbitrary and impossible requirements for storage without any legislative or public input. Likewise, if a gun was stolen, that’s the only proof needed that it was stored irresponsibly.

#6 The increased burden on responsible CHL (Concealed handgun licensees) citizens is unnecessary. CHL holders have undergone a background check, fingerprinting, additional training compared to the general population. In multiple national studies, it’s been found that CHL holders commit crimes at a rate far below off duty police officers. The new restrictions on CHL holders are unnecessary and strike of bigotry towards gun owners. This will affect single mothers protecting their children and other law abiding citizens that are just trying to be safe.

#7 It’s particularly galling to hear on one hand an attempt to lower the voting age to 16 because children are mature enough to vote and determine the direction in which the country should move but then try to raise the age at which one may own the means to effectively protect themselves to 21 because they’re too immature to make wise decisions. I think the age to be an adult should be continuous across the board. If it’s 18 to vote and join the military, that seems like a good age to be an adult. Likewise, if it’s too immature for those things, then they should all be 21.

#8 Treating unmilled blocks of aluminum as firearms. It is not illegal to make your own firearm for personal use. If you sell it, there are already laws that cover this. This is an unenforceable law which, to my knowledge, is not a problem and is in no way a danger now. Taken to the logical conclusion, this law would make it illegal to transfer a pipe, because these can be converted into the receiver of a zip gun.

It is your duty as legislators to protect the Rights of citizens over the whims and scare tactics of those who would infringe upon them. It is not acceptable to virtue signal about how precious life is by passing

anti-gun laws intended only to harm law-abiding citizens , and bully people out of gun ownership by imposing impossible, unreasonable requirements for ownership, while at the same time doing nothing to stop real crime.

You want to save lives-focus on the real issues that cause death and destruction. More kids are hurt or killed while texting and driving, than from firearms related events. You want to criminalize something that kills? Make that a crime-the first offense. How about making drunk driver's (including marijuana impaired) face real consequences? ORS allows for diversion for a 1st offense of DUII, and only makes it a felony after multiple convictions of a crime? Instead of infringing on law-abiding citizens' rights, make it a Class A felony to use a firearm during the commission of a violent crime. Finally, if you want to improve safe storage of firearms, give citizens a tax credit to buy a large, sturdy gun safe. They're expensive.

I do support realistic gun safety requirements, however this bill does not do that. This Bill, with its last minute amendment, that in and of itself is an underhanded attempt to keep people uninformed about its true nature, is not such a realistic proposal. I urge you all too really reflect on this, and due your duty-not based on fear mongering, falsehoods, and distorted reality promoted by those looking to disarm the citizens of Oregon.

Respectfully, Adam AufderHeide