

Thank you for accepting my testimony on SB978, and extending the testimony deadline.

Senator's SB 978 has many faults but one important issue that needs to be raised is the fact that anyone owning an unserialized firearm will instantly be subject to a Class B Felony for the simple act of possessing a firearm that has been legal to own for generations. It was common for firearms made prior to 1968 to be manufactured without a serial number meeting the Federal requirements that SB 978 specifies or any serial number at all. There are tens of thousands of these firearms owned by residents of this State. Many of these have been passed down from relatives through multiple generations. SB 978 will make the owners of these firearms subject to a Class B Felony for each unserialized firearm they own. The Federal codes SB 978 specified do not list a path for an individual to serialize an already manufactured firearm from a potentially unknown manufacture.

I urge the Committee to vote no on SB 978 and spare many law abiding Oregonian's from being turned in to felons with the passage of this bill."

Deaths from mass shootings get all the headlines, but they are extremely rare compared to other violent crime, even now. There have been 1135 mass shooting deaths since 1966 (Washington Post, October 2018). This is an average of 21 victims per year.

That is tragic, but by comparison, we have much larger problems demanding our attention that do not harm Oregonians who already obey laws. Numbers do not lie. Let's examine some.

The US Government "national gang center" website shows the results of the National Youth Gang Survey of 2012. They show an average of 2000 gang-related murders per year. That is almost 100 times the annual average of mass shooting deaths.

The US Government [ice.gov](https://ice.dhs.gov) website contains annual "Enforcement and Removal Operations" (ERO) reports enumerating criminal convictions and charges against people whom they removed from the US.

The FY 2018 ERO enumerates 2028 homicides, 2085 kidnappings, 5350 sexual assaults, 8627 non-assault sexual offenses, 5562 robberies, 12,663 burglaries, 6261 stolen vehicles, 50,753 assaults, 11,766 weapons offenses, 20,340 larcenies, 76,585 drug offenses, and 80,730 DUI. This is ONE YEAR of deportees. The FY2017 report shows similar numbers for the 2017 deportees. Reports for previous years, also shown on the ICE website, contain similar numbers of criminal deportations with fewer details of the exact offenses.

We see that mass shooting homicides represent under 1/2 of 1% of homicides due to gang activity and crime from people illegally here. Accidental gun deaths are a similarly miniscule percentage. Again, numbers do not lie. Please do not spend most of your political efforts on a small percentage of the problem. For immediate school protection, it would be faster and more effective to add security staff in our schools.

For longer term protection, it would be more effective to focus on the larger sources of the violence. That is gang enforcement and background checks on people who enter our country before they arrive. People already violating laws will not be deterred by new gun laws.

I also feel that there are "root causes" of the isolation and anger in our society that allow disaffected youth to choose violence in any form. Addressing those issues will bear more fruit than gun laws.

Violence against "out of favor" groups like LGBTQ, racial minorities and other groups still happen in modern day Oregon. It has been like that in all of history. People who ignore laws against random violence are not inclined to obey gun laws. Only their intended victims obey gun laws. So I must ask what the real benefit of these laws you say will make us "safe".

If reducing crime is the reason for new gun legislation, how about consulting real experts? Ask street level police officers, not chiefs or political appointees who must "agree" with a mayor. I have. Every police officer I know or have asked since 1994 have said that more gun laws do little to affect crime. They affect people who obey the law, but not people who don't. Two popular police organizations recently polled their membership. These are the results:

In 2016, The National Association of Chiefs of Police polled 20,000 police officers and sheriffs. 76% said that armed citizens help law enforcement reduce violent crime. This links to their survey results

<https://crimeresearch.org/wp-content/uploads/2016/07/NACOP-surveyresults-2016.pdf>

PoliceOne, an organization of about 380,000 active and 70,000 retired officers, surveyed 16,000 members on gun control policies in 2013. 71% of respondents said that a ban on so-called "assault weapons" would have no effect on violent crime. 20% of the respondents said it would make crime worse. This is a link to their results

http://ddq74coujkv1i.cloudfront.net/p1_gunsurveysummary_2013.pdf

Police are the experts on guns and crime. These are the experts to believe. Law enforcement officers know more about crime and violence than any other group, and they overwhelmingly oppose these kinds of gun laws.

When professional organizations poll Americans, they poll 1000-2000 people and extrapolate to 320 Million. These two polls were 20,000 and 16,000 officers respectively. They extrapolate to around 900,000 sworn state, local and federal officers. So the confidence level is higher than any normal public polling data.

The last minute gut and stuff of SB978 with 44 pages of very complicated and far reaching legislation pertaining to guns is very disappointing. Until today, SB978 was a few paragraphs dealing with a single minor issue. Opponents now will have only two business days to analyze, develop arguments, and respond to these major changes. It is obvious that the lengthy, numerous, and far reaching new contents of this bill have been planned and ready to insert for a long time, and that the proponents have been waiting to spring this new language on their opponents for quite a while. The ethics displayed by the proponents of this bill are sadly lacking.

There are several problems with the various areas this bill attempts to address in its present form:

1) Transfers involving a temporary loan between friends or family members on a hunting trip require that the transferor apply a cable lock, trigger lock, or place the firearm in a locked box before handing it to the transferee? How would that work and what possible benefit would accrue? I can see it now, a friend hands his unloaded shotgun (safe firearm practices already require that it be unloaded in such a situation) to me so he can cross a barbed wire fence, and he has to apply a trigger lock first, where it resides for 30 seconds before I hand it back to him? Then I do likewise with mine?

2) We make instant criminals out of people who previously owned 80% AR-15 lower receivers which remain unmodified, because they have never applied a serial number to them? The ATF has drawn a line at 80% finished, at or below which the lower receiver is not considered to be a firearm, but Oregon knows better than the federal agency tasked with regulating firearms nationwide, putting Oregon out of step with the federal government and every other state in the nation? At what point is a simple block of aluminum a firearm and when is it not? Is a piece of pipe a shotgun? This provision is so vague that it is probably unconstitutional on its face.

3) I actually do, by choice and out of prudence, adhere to most of the safe storage provisions in this bill. I have small children in my house and if a firearm is not on my physical person it is locked in a safe. My home defense handguns are in pistol safes that can be opened by touch, only by me, in the dark, in a matter of a couple of seconds. I have no quarrel with promoting that idea. However, I have a huge issue with laying strict liability and criminal penalties on firearms owners due to the illegal actions of others. When I was in law school I learned that for hundreds of years, in both American law and British common law, a basic premise of justice was that citizens could not be held responsible for foreseeing the illegal acts of others, and that no liability could be assigned in such a case. This bill proposes to change that ages-old basic premise of Anglo-Saxon law. It is unjust, and unfair. It unduly burdens a firearm owner with a liability due to circumstances over which he has no control. It chills the exercise of a constitutional right. I believe that this too would be unconstitutional under any level of scrutiny.

How much better and more palatable to those who love the law would it be if we used a carrot instead of a stick? Why not grant firearm owners who satisfy reasonable storage requirements strict immunity from any liability if their guns are stolen or misused by unauthorized persons? Anyone who does not adhere to those standards would be vulnerable to being liable in a lawsuit or, in cases of gross negligence, criminal

prosecution.

And why is the definition of "safe storage" left up to the discretion of the Oregon Health Authority, which would presumably have the power to change that definition at any time, even after gun owners have spent thousands of dollars complying with a previous ruling? And why is such a responsibility assigned to an organization that on its face has no expertise or experience in regulating firearms?

4) And finally, where is the rash of unlawful or accidental shootings on college campuses and in other public government buildings by CHL holders that requires that we create a hopelessly complicated maze through which CHL holders must navigate when they try to legally carry a concealed firearm? Any trip or errand that merely passes through any of these buildings or their grounds would require that no firearm be carried throughout the totality of the trip in order not to run afoul of this statute. Must a CHL holder consult a lawyer, a title company, and a surveyor when planning any such trip? I can say from experience that it is not obvious to the average person exactly when one is on PSU or U of O property. And how does one ascertain what policy an institution has in place when driving down the street at the posted speed limit?

There is a good reason that previous legislatures thought the firearms pre-emption law was a good idea. It made for uniform, understandable, consistently applied laws throughout the state, laws that the average person could understand and follow. Indeed, the USSC has from time to time reiterated that in order to be constitutional, laws must be fair, easily understandable, and consistently applied.

This part of the proposed statute is a solution in search of a problem. Again I ask, where is the rash of unlawful or accidental shootings on college campuses and in other public government buildings by CHL holders? Far from being trigger happy vigilantes or criminals, as a class CHL holders are 6 times less likely to break the law than are police officers. I can only conclude that this part of the bill is intended as punishment for being willing to be responsible for one's own protection and that of others from violent crime. It is a fact that a licensed CHL holder stopped the mass shooting at Clackamas Town Mall. It is a fact that several mass shootings have been ended or prevented by CHL holders. Is that the behavior we wish to discourage?

This bill is a bad bill that does nothing to increase the safety of our citizens from criminals and insane people with guns, while putting new burdens on people who obey the law. I urge you to vote NO on SB978