

Members of the Judiciary Committee,

Regarding HB 4005

The 2nd Amendment states that “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.” Note that the 2nd Amendment, as well as the rest of the bill of rights, was written to specify actions that the government may specifically NOT take. In [*District of Columbia v. Heller*](#), the Supreme Court held that the “Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home.” HB 4005 is in direct conflict with the 2nd Amendment and the DC v Heller decision.

Constitutionality notwithstanding, there are any number of other issues with this Bill.

1. Section 3. (1)(a) states “A person who owns or possesses a firearm shall, at all times that the firearm is not carried by or under the control of the person or an authorized person, secure the firearm:...” What constitutes “...under the control of the person...”. Will this be defined by an unelected and unaccountable bureaucrat? My home and vehicles are my property and, as such, are under my control.

2. Later in In Section 3, (4) “The liability imposed by subsection (3) of this section does not apply if:....” “(b) The unsecured firearm was obtained:..” (F) “By a person as a result of the person entering or remaining unlawfully in a dwelling, as those terms are defined in ORS 164.205.”

In theory, part of the “need” for this Bill is to prevent firearms from being stolen and used in the commission of a crime. According to the above wording that is not the case.

3. Section 4 talks about the transfer of a firearm and the mandate that it be locked or in a locked container. No mention is made of the transportation of a firearm on the way to a “transfer” nor does this Bill reconcile the fact that the firearm would be under the “control” of the person transferring the firearm.

These are only a few of the inconsistencies contained on HB 4005. Another issue is enforcement. Should this bill become law, how would it be enforced? Would gun owners have to submit to “inspections”? Sorry but that would be a violation of the 4th Amendment to the Constitution that prohibits “..Unreasonable Searches and Seizures...”.

This bill not only mandates that you to lock up your firearms, it punishes you even if you do lock up your firearms and a criminal defeat the lock. A thief commits three crimes in the process of stealing my property; trespass, breaking and entering and theft. Then the criminal commits another crime using my property, that was stolen, and I will be held liable for damages? There is no mention of penalties for the criminal that committed 4 crimes. This is lunacy!

HB 4005 is unconstitutional, unnecessary and a complete overreach by this Legislature.

Respectfully,

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