

**From:** [Jeff](#)  
**To:** [SENR Exhibits](#)  
**Subject:** Testimony on Bill 4005  
**Date:** Sunday, February 9, 2020 1:51:39 PM

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Greetings Representatives of the House Judiciary Committee,

I totally concur and second the statement made by my colleague precinct committee person Robert Egner, and which I repeat below. Robert highlights in section two below the issue of holding innocent parties criminally liable for the use of property stolen from them. Are we now to hold householders liable for knives stolen from their houses? Are we to hold contractors liable for tools stolen from their job sites? Are we now to regard victims of a crime as responsible for crime? No, this is something that should remain in the civil courts and not in the criminal courts.

\*\*\*\*\* begin quote \*\*\*\*\*

Dear Representatives of the House Judiciary Committee

HB 4005 is a wrongly thought out bill that has so many problems that it is difficult to address every problem. So I will address three of them.

1. According to the United States Constitution Bill of Rights, Amendment 2, "'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 describe actions that the government may specifically NOT take. By not allowing legal firearms owners the right to keep and bears arms flies in the face of our constitutional right.

2. HB 4005 violates the Oregon Constitution, Article I, Section 27. "The people shall have the right to bear arms for the defence [sic] of themselves, and the State, but the Military shall be kept in strict subordination to the civil power." Because HB 4005 attempts to dictate how people will store their firearms, this undermines any attempt for defense. The firearm would be locked in a secure box with an "approved" guard. How would a person get to their firearm to protect themselves and their family if that person has to go through multiple layers of security that the state has imposed? Seconds count when facing a criminal who has just broken down the door of your home, gun or knife in hand, with the intentions of stealing your possessions and possibly harming you and your family. We all have heard and read numerous stories of how legal gun owners have stopped home invasions and bodily harm. Know that legal firearms owners know how to store their guns safely. We also teach our children the safe handling and use of firearms.

3) If the firearm is stolen and used illegally, even if it was safely stored, the owner of the firearm and not the criminal would be liable for any and all damages. The legal gun owner did nothing wrong. The only reason that I can think of for this regulation to even be included is to: 1. make it "allowable" to enter a person's private property without cause to "check" if firearms are safely stored. This is in direct violation of the United States Bill of Rights, Amendment 4. "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." The only way that a search would be feasible would be that every search warrant include "checking and searching for safely stored firearms". 2. to "scare" the general public into not wanting to possess firearms due to the "owner liability" aspect of this bill.

That is only three aspects of this bill that I wholly disagree with. There are others such as minor's use of a firearm, transfer of possession, and transportation of a firearm.

I encourage every member of the Oregon House of Representatives to vote NO on HB 4005.

Respectfully,

Robert Egner, Linn County PCP Pricinct 46 and LC III% Member. Sweet Home, OR

\*\*\*\*\* end quote \*\*\*\*\*

Also Respectfully,  
Jeffrey Owrey, Linn County PCP Precinct 003, Albany, OR