

HB 4005 A STAFF MEASURE SUMMARY**House Committee On Judiciary****Action Date:** 02/12/20**Action:** Without recommendation as to passage, with amendments, and be referred to Rules.
(Printed A-Eng.)**Vote:** 7-4-0-0**Yeas:** 7 - Barker, Bynum, Greenlick, Lawrence Spence, Piluso, Power, Sanchez**Nays:** 4 - Lewis, Moore-Green, Noble, Sprenger**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Gillian Fischer, Counsel**Meeting Dates:** 2/7, 2/10, 2/12**WHAT THE MEASURE DOES:**

Requires a person who owns or possesses a firearm, while not carried or under the control of the person, to secure the firearm with an engaged trigger or cable lock, or be stored in a locked container as defined by the measure. Provides that violation of this requirement is a Class C violation for each firearm found in violation. Provides that it is a Class A violation if a minor obtains an unsecured firearm stored in violation of this Act and the owner of the firearm knew or should have known that a minor could gain unauthorized access to the firearm. Applies strict liability for injury caused by a firearm stored unsecured in violation of this Act within two years of the violation. States that a firearm is under a person's control if the person is alone in the person's residence with the firearm and the windows and doors of the residence are locked. Requires a firearm to have an engaged trigger or cable lock or be stored in a locked container when being transferred from one individual to another. Makes a Class C violation offense for each violation of transfer provision. Applies strict liability for injury that occurs within two years as a result of a transfer made in violation of this section. Requires the Oregon Health Authority to establish by rule minimum specifications for trigger locks, cable locks, and containers equipped with tamper-resistant locks. Requires a person who owns, possesses, or controls a firearm to report a loss or theft of the firearm to law enforcement as soon as practicable, but not later than 72 hours from the time the person knew or reasonably should have known of the loss or theft. Allows for exception to 72 hours if no means of reporting is reasonably available. Makes a Class B violation for each firearm an individual fails to report lost or stolen. Applies strict liability for injury caused by a stolen firearm that occurs within two years as a result of a failure to report a firearm in violation of this section. Requires a law enforcement agency to create a record concerning a lost or stolen firearm in the Law Enforcement Data System within 24 hours of receiving a report of a lost or stolen firearm. Requires a person who transfers a firearm to a minor to directly supervise the minor's use of the firearm. Applies strict liability for injury to a person or property caused by a minor's unsupervised use of a firearm in violation of this section. Provides exceptions for transfers to a minor for unsupervised hunting-related activities by youth with appropriate licensure and permission from a parent or guardian. Exempts law enforcement officers from requirements if law enforcement agency policy applies to storage of certain firearms possessed by officers. Requires a gun dealer to post notice at place of business that firearm owners have an obligation to store firearms in a safe manner to prevent unsupervised access by a minor.

ISSUES DISCUSSED:

- Liability does not attach if stolen firearm and is reported as required
- Access to firearms can increase risk of suicide
- Effect of measure on reduction of risks relating to firearm crime and suicide
- Investigation and burden of proof for violation citations

EFFECT OF AMENDMENT:

Modifies definition of "container" and "transfer." Adds exceptions to the transfer requirements to align with exceptions to background check requirements in ORS 166.435. Exempts law enforcement officers from requirements if law enforcement agency policy applies to storage of certain firearms possessed by officers. Removes certain provisions relating to supervision of minors that conflict with ORS 166.250 and 166.470. Specifies that a firearm is under a person's control if the person is alone in the person's residence with the firearm and the windows and doors of the residence are locked.

BACKGROUND:

According to the National Center for Health Statistics and the Centers for Disease Control and Prevention, in 2017, 486 people in the United States died of unintentional gun injuries. 23,854 people committed suicide with a gun and 14,542 people were intentionally killed by gun injuries. About 10 percent of these deaths were children.

Among U.S. adolescents and young adults 10-24 years old, gun homicides are the third leading cause of death; gun suicides are the second. In 2010, 15,576 children were treated for gun injuries in U.S. emergency departments, and 1,970 of them died. The medical cost of treating gun injuries in children alone was over \$330 million in 2010. Studies have found that adolescents' risk for suicide increases as their access to firearms increases. Suicide attempts in children are more likely to be successful when they have access to lethal weapons; 90 percent of suicide attempts with guns are successful, compared to less than 5 percent of suicide attempts using less lethal means, like medications or sharp objects. The risk for unintentional injury and suicide in children is reduced by 73 percent when guns are kept locked, and by 70 percent when they are kept unloaded.

More than 237,000 guns nationwide were reported stolen to the National Crime Information Center in 2016, a database maintained by the FBI. That represents a 68 percent increase in stolen weapons reported to the FBI since 2005. In addition, the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives has estimated that 500,000 guns are stolen annually from residences, many of which are never reported. A 2010 study by Mayors Against Illegal Guns found that, per capita, states without lost or stolen reporting laws are the source of more than 2.5 times as many guns used in crimes recovered in other states as states with a lost or stolen reporting requirement.

House Bill 4005-A establishes standards for the transfer, storage, and reporting the loss or theft of firearms.