

Chair Bynum, Vice-Chairs Noble and Power and Members of the Committee,

For the record, my name is Maria Faria, I am a volunteer with Moms Demand Action, and I am submitting this testimony in **full support** of **HB 2543**. This bill proposes a commonsense approach to closing a dangerous loophole that can, and has, been exploited to acquire firearms by individuals who, had a complete background check been performed, would be prohibited from purchasing a gun.

The loophole came to be known as the “**Charleston loophole**” in reference to a heinous and heavily publicized hate crime committed in the city of Charleston, SC, by a white supremacist.

Had a law like HB 2543 been in place at the time, this violent extremist would not have passed a background check and would not have been able to purchase the Glock 45 he used to brutally murder 9 worshippers at Mother Emanuel Church, a historically Black church.

Prohibiting the transfer of the firearm until the background check is complete and reported to the seller could have saved lives that day. And while the 9 lives lost at Mother Emanuel Church may be the most memorable, they were not the first. And if we do nothing to close this loophole, they will not be the last.

Loopholes that circumvent a background check are the easiest way for guns to fall into the wrong hands. Although frequently repeated, there is no evidence to support the statement that criminals only buy guns in the black market. Moreover, when background checks can be bypassed, it becomes easy to flood any market, including the black market, with guns legally purchased by those who should never have had access to them.

**The argument that background checks and ensuring a background check is complete punish law-abiding citizens is false.** It’s clear and simple: if the buyer has a clean background check, nothing will preclude the purchase, and the transaction between the seller to the buyer will be final. The only individuals prevented from walking away with the gun are precisely the citizens who do not abide by the law. And this is one of the reasons why 90% of gun owners and non-gun owners support background checks<sup>1,2</sup> and want Congress to act on it.<sup>3</sup> In fact 83% of gun owners nationwide support background checks on all sales of firearms.<sup>4</sup>

But the system that separates law-abiding citizens from those with dangerous backgrounds only works if the background check can be completed before the transfer of the firearm. Otherwise guns will continue being transferred to the hands of those not qualified to receive a firearm. Thus, the State Police must be given the needed time to verify the eligibility of the buyer.

In Oregon, a background check is typically completed within 30 minutes. A complex background check is understandably longer and background checks that take longer than three business days are 4 times more likely to result in a justified denial due ineligibility.<sup>5</sup>

In June 2020, the number of background checks increased nearly 72% compared to June 2019.<sup>6</sup> Statewide, background checks for gun sales are surging. In 2020, the Oregon State Police completed 400,831 background checks through November, according to the state website. That compares to 309,674 checks in all of 2019.<sup>7</sup> When the demand for background checks increases, it is understandable that processing and results will take longer.

According to ORS 166.412 section (3) paragraph (c) if the department fails to notify the gun dealer that the purchaser is disqualified before the close of the gun dealer’s next business day following the request by the dealer for a criminal history record check, the dealer may deliver the

*handgun to the purchaser.*<sup>8</sup> Federal law currently extends to three business days, but after that a dealer is free to transfer a gun even if a background check is not yet complete.

This is the loophole that can result in persons unqualified to buy a gun legally acquiring one. There are multiple foreseeable circumstances in which the department of police may not be able to determine the qualification of the buyer in such a short period of time. I strongly believe that communities have the right to be protected from guns falling into the wrong hands. Hence, **the police department must be given the necessary time to complete the verification of eligibility before a gun is transferred.**

**Closing the Charleston loophole does not infringe on the constitutional rights secured by the second Amendment.**

We as a society already preclude those who pose a risk to society from bearing arms, and background checks ensure that guns are not being purchased by individuals that cannot legally own them, while ensuring that law abiding citizens can. A background check does not strip law abiding citizens of their Second Amendment Rights.

Equally, **ensuring law enforcement has enough time to complete a background check does not preclude the exercise of the right to bear arms secured by the second amendment**, nor is it a punishment. The time period to complete a background check is a safeguard to protect the community from violence. The argument that a longer period is harmful has no merit.

I present these arguments to **urge the committee** to join me and other concerned citizens in **supporting HB 2543** and sending it to the floor with a **do pass recommendation**.

Thank you for your time and consideration.

Respectfully,

Maria Faria

-----  
(1) Suffolk University, *90% of registered voters want firearms background check.* <https://www.suffolk.edu/news-features/news/2019/09/09/12/58/suffolk-university-usa-today-poll-guns-sept-2019#>

(2) Johns Hopkins Bloomberg School of Public Health, *Majority of Americans, including gun owners, support a variety of gun policies.*, <https://www.jhsph.edu/news/news-releases/2019/majority-of-americans-including-gun-owners-support-a-variety-of-gun-policies>,

(3) PBS report; *Most Americans support these 4 types of gun legislation* <https://www.pbs.org/newshour/politics/most-americans-support-strict-gun-laws-new-poll-says>

(4) CDN Public Policy polling Gun owners overwhelming support background checks, [https://cdn.americanprogress.org/wp-content/uploads/2015/11/17054452/PPP-GunOwnersPollResults-11.17.15.pdf?\\_ga=2.47668647.1668707418.1613336779-933181955.1613198952](https://cdn.americanprogress.org/wp-content/uploads/2015/11/17054452/PPP-GunOwnersPollResults-11.17.15.pdf?_ga=2.47668647.1668707418.1613336779-933181955.1613198952)

(5) Everytown for Gun Safety, *Undeniable: How Long-Standing Loopholes in the Background Check System Have Been Exacerbated by COVID-19* <https://everytownresearch.org/report/background-check-loopholes/>

(5) PBS, *Background checks, a metric for gun sales hits an all-time high*, July 2020 <https://www.pbs.org/newshour/nation/background-checks-a-metric-for-gun-sales-hits-an-all-time-high>

(6) KATU news, *Gun sales surge in Oregon amid pandemic, election* <https://katu.com/news/on-your-side/gun-sales-surge-in-oregon-amid-pandemic-election>

(7) <https://www.oregonlaws.org/ors/166.412>

(8) Luca M, Malhotra D, Poliquin C. Handgun waiting periods reduce gun deaths. *Proc Natl Acad Sci U S A.* 2017;114(46):12162-12165. doi:10.1073/pnas.1619896114 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5699026/>