

Testimony in Opposition to H.B. 2510

Requiring the owner or possessor of a firearm to secure the firearm and imposing strict liability for injury due to a violation, and declaring an emergency

I am opposed to H.B. 2510.

The bill specifies that the Oregon Health Authority is to establish minimum standards for engaged trigger locks and cable locks. Those rules are to be promulgated no later than January 1, 2022. Yet the bill declares an emergency. The declaration of an emergency is solely to take the right of referendum away from the citizens of Oregon. With a realistic effective date of January 1, 2022, what is the emergency?

The bill also imposes 2 years of strict liability on a gun owner who sells a firearm without an engaged trigger lock or cable lock. Unless transferor of a firearm somehow creates a permanent record of the fact that a firearm was transferred with an engaged trigger lock or cable lock, he or she will be defenseless when the attorney for someone injured with a firearm comes looking for deep pockets. In any situation where there is a transfer of a firearm within the prior 2 years, the previous owner will be dragged into court in a he said/she said situation.

Frankly, it makes as much sense to impose strict liability for any damage or injury caused by the seller of an automobile, if sold without an alcohol lock out device. Or an automobile stolen because it was left with the keys in it, or merely left unlocked. Or if a bartender sells someone a drink who ends up in an accident. Oregon does not impose strict liability in those cases. Why in the case of firearm transfers?

If the standards drafted by Oregon Health Authority regarding a locked container include specifications requiring that the gun safe or cabinet be bolted to the floor, then virtually all non-home owning firearm owners will be unable to comply with that standard. Renters will be disenfranchised.

A firearm locked in a container, or equipped with a trigger lock, is not readily available for the purpose of self-defense. For example, if a firearm owner left his or her home, and left the firearm locked and the home locked, when they returned home the firearm would be unavailable until the process of unlocking were complete. If there were a "bad guy" in the house, the resident of the house would be unable to exercise their right of self-defense.

Finally, are there statistics that show that unauthorized use of a firearm is prevalent? What is this bill trying to do, other than discourage firearm ownership? If the intent is to prevent the impulsive use of a firearm, this bill would do nothing to prevent an adult who owns a firearm and has authorized other adult members of his or her household to access it. For example, these provisions would have done nothing to prevent or deter the shootings at Umpqua Community College.

I oppose H.B. 2510.