

Chair Prusak and members of the House Committee on Health Care,

I am writing to urge you to oppose Oregon House Bill 2510. The bill has dangerous flaws and should not become law.

I completely agree that firearms owners have a responsibility to store their firearms safely. However, mandating standards for firearms storage will not force people to be responsible. The best approach to reduce the misuse of firearms and the number of accidents involving firearms is education. Rather than take a punitive approach, I encourage the committee to consider the work done by Project Childsafe as well as Oregon's own Derek LeBlanc, who runs Kids S.A.F.E. Foundation. These organizations promote education regarding proper firearms storage and even provide trigger locks at no cost. In order for people to do better, they have to know better. Please, consider promoting safe firearms storage through education. Now that I have suggested an alternative approach, I will elaborate on some of HB 2510's flaws.

The bill does not describe where the burden of proof will lie when determining whether a firearm was transferred with a lock or locked container. If someone transfers a firearm with a lock, how does that person release himself from liability? Does the chain of liability extend to multiple transfers over a two-year period? If so, who bears the liability and in what amount? The same questions can be asked regarding a firearm that was transferred and later stolen.

Furthermore, current law can be used to hold someone accountable for gross negligence regarding the storage, transfer, or transport of firearms. Using current law to prosecute those who irresponsible store firearms makes the proposed bill unnecessary.

Perhaps supporters of this bill should pause and consider who this bill targets and how it will be enforced. The targets not those who misuse firearms, but people who own them legally. As for how the bill will be enforced, it's unlikely that someone in rural Oregon who stops at a restaurant and leaves a rifle in the rack attached to the back window of his pickup truck will be prosecuted. This bill will be enforced most against those who live in high crime neighborhoods who choose to keep a firearm for protection. Their firearms are at increased risk of theft. Many people in these neighborhoods have negative impressions about law enforcement and will be disinclined to comply with the reporting requirement if their firearm is stolen. The fines and strict liability requirements will disproportionately impact those that live in high crime neighborhoods since they will be least likely to report a theft, and least able to afford the fines and legal defense should a liability claim be brought against them. Please, do not support another bill whose consequences will fall hardest on those most disadvantaged in our state.

Finally, and most importantly, the strict liability imposed on firearms owners by this bill is immoral. Holding a person liable for the negligence or criminal acts of another is nonsense. If someone commits a crime with a gun, prosecute that person, not the person whose firearm was transferred or stolen. Replace the word, "gun" with the words "axe," "gasoline," or "automobile." If someone steals an axe and uses it to commit murder would the owner of the axe be liable? If an arsonist steals gasoline and uses it to burn down a building, would the

homeowner who left a gas can in an unsecured shed be liable? If a thief takes a car and uses it to commit drunken driving, does the car owner get charged with speeding and DUI and pay for the damages caused by the thief?

If you scrutinize HB 2510 you'll see why I oppose it and why you should as well.

Respectfully,

Earl C. Hixson, Ph.D.