

HB 2510 Supporting written testimony – Thursday, March 11th, 2021

House Health Committee Hearing

By Paul Kemp

Thank you Chair Prusak, Vice Chair's Hayden and Salinas along with the other members of the Health Committee for this HB2510 hearing.

Before I go into the reasons why I support HB 2510, I want to highlight the faces of some of the gun violence victims in our community. I have testified at many hearings over the last eight years, met with many state and federal legislators and their staffs. I have told the story about my brother-in-law Steve Forsyth's murder at the Clackamas Towne Center Mall shooting on Tuesday, December 11th, 2012 too many times to count now. I will state my reasons why I advocate for stricter, more comprehensive gun violence prevention legislation with the goal of reducing incidents of future shootings.

However, rarely does anyone ask me personal questions about Steve or ask to see any photos of Steve. I understand why people are hesitant to ask personal questions or to see photos. But as a legislator or staffer you need to ask, and you should ask. No one wants their loved one to be forgotten. We want to share a good memory of our loved one. These moments will elicit strong emotions for all. But these emotional reactions are part of life. One person who comes to mind with the strength and courage to confront and acknowledge these despairing moments in life is President Joe Biden. President Biden has lost a wife and a child in a car accident and a son to cancer. Whether you like his politics or not, he shows compassion for others and has walked the path of grief as our family has, and thousands of other families impacted by gun violence and suicide every year.

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In 2012 there were approximately 90-gun violence deaths/day in our country. Today, our country's average daily gun violence death toll has climbed to over 100 victims/day. Clearly, we have not done enough as a state or a country to reduce these numbers.

Below are photos of my brother-in-law Steve Forsyth, who was a father, husband, son, brother, friend, coach, neighbor, and businessman. Along with Steve's photos are those Cindy Yuille, who was a wife, mother, daughter, friend, neighbor, and hospice nurse. Both Steve and Cindy were shot and killed on Tuesday afternoon December 11, 2012, because an irresponsible gun owner did not unload and lock up his firearms.

These are faces of gun violence victims and their families in Oregon.

Steve Forsyth and his son Alex less than a month before the shooting in 2012. Alex plays football for U of O now.



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**Steve Forsyth, Feb 13th, 1967
to Dec 11th, 2012.**

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Cindy Yuille at her daughter Jenna's U of O graduation.

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Cindy Yuille loved gardening and hiking.

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I picked up my sister and niece just to the left of the firetruck in the photo above. This photo was taken not long after Steve and Cindy were killed.



News photos outside the mall on Tuesday, 12/11/12

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This photo was taken near where Steve was shot and killed. The food court is shown in the upper portion of this photo.



The food court across from the shooting with overturned chairs as people ran for their lives.

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This was a candlelight vigil held outside the mall days after the shooting.

If you have read this far, what follows is my written testimony.

I have been an Oregon resident since 1985. I have been a gun owner most of my life. I grew up in Michigan where our family went deer hunting. Safe storage of firearms was ingrained in as a kid. I've passed on the same safe firearm storage lessons to my son. I still enjoy target shooting & hunting with family and friends.

The circumstances that allowed for the tragedy at the end of 2012 will finally be addressed by the 2021 legislature. Just over eight years ago, an angry young man spent the night at a friend's house with the intention of taking some of his guns that were left **unattended, unlocked, and fully loaded**, in order to commit a mass shooting. With premeditation, the shooter bought four 30 round high-capacity magazines and ammunition to

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fill those magazines in the days ahead of December 11, 2012 shooting. The gun owner (a young man in his early 20's) saw the news reports of the Clackamas Town Center Mall shooting and realized his friend had taken some of his firearms to carry out the shooting. I want to emphasize that there was **no burglary** or **break-in** at the gun owners' residence. According to police reports all the gun owner's firearms were out in **plain sight, unlocked, and loaded**.

Those **loaded and unsecured** firearms are the weapons that were used to murder my brother-in-law Steve Forsyth, hospice nurse Cindy Yuille and severely wound teenager Kristina Shevchenko. Also, do not forget the gunman committed suicide with one of those firearms that afternoon. The shooter's suicide added to Oregon's already high percentage of firearm suicides versus other suicide methods.

My sister and I learned on Wednesday morning Dec 12th, 2012 the owner of those guns had **no obligation whatsoever** under Oregon law to report them as stolen. In fact, the legal gun owner did not call the police until the mall shooting was national news that afternoon. Oregon would join 13 other states and the District of Columbia with laws requiring the reporting of lost or stolen firearms within a specified time frame of discovery.

I will never forget the screams I heard when we had to tell my teenage nephew that his father had been killed at the mall. Or, when I called Steve's brother to let him know that Steve had been shot to death. I was also making calls to update family around the country that night as they watched

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live TV news coverage of the mall shooting. The worst calls were those to family when I had to tell them that Steve had been killed in the shooting.

I heard there were an estimated 10,000 people working and shopping in the mall when the shooting occurred. My sister and my niece had just visited Steve at his kiosk, then they stepped into Macy's when the shooting started. My sister and niece heard the shot that killed Steve, fortunately they did not see it. Steve was shot in the back of head from less than 20 feet away. The coroner said Steve died instantly.

This was not an isolated incidence of gun violence. There were hundreds of first responders at the mall, along with all those in the mall who heard, witnessed, and ran for their lives as the shooting occurred. This shooting had a broad impact outside of the families of those directly affected by the shooting.

It is time for Oregon to enact a measure to prevent this type of senseless tragedy in the future.

It is also worth noting for all those who have never purchased a new firearm that new handguns purchased at a retail outlet come with a locking device from the manufacturer. Many long guns are also supplied with a locking device from the manufacturer too. So, there is no excuse to not use a locking device on a firearm, you have already bought it in most cases. It is a conscious choice to leave firearms **unsecured**, this careless act can lead to tragic results as our family knows all too well.

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Here in Oregon, 82 percent of the annual gun deaths are suicides. The Oregon gun suicide rate is 20 points higher than the national average. One Oregon resident dies by gun suicide every day. The US firearm suicide rate has increased 19 percent in the past 10 years. Even more tragic in the last 10 years there has been a 61 percent increase in children and teens using a firearm to complete suicide. Access to a firearm increases the risk of death by suicide by 3 times. When a firearm is used for suicide, death occurs in over 85 percent of those attempts. While using other means of suicide, less than 5 percent of those attempts result in death. The majority of those that survive a suicide attempt get the help they need, or the temporary crisis is over, and they do not die by suicide. For several years I was a volunteer for an organization here in Oregon that responds to traumatic events when we are called out by police and fire. During this volunteer work I have responded to 7 suicide deaths. 5 of those suicide deaths involved a firearm. While all the suicide deaths are tragic and traumatizing for the family and friends of the victim, the firearm suicides are by far the most traumatizing for all involved. Someone may have been considering suicide for weeks or months, but once they make the decision to carry out the suicide act, studies have determined that it is less than 10 minutes before they have completed the act. Studies have also shown that placing some roadblocks or hurdles in the way of accessing a firearm, can reduce suicides. A roadblock lasting 10-30 seconds, such as safe firearm storage can give someone time to be interrupted or give them time to think about the consequences before following through with a suicide.

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Most gun owners already safely secure their firearms, but gun owners who have careless and reckless storage practices need to face consequences when others are injured or killed because of their reckless actions.

Consequences for reckless firearm storage habits will lead to improved safe firearm storage practices. Consequences for reckless firearm storage will change behavior, just as have stiffer consequences for DUI citations. Improved anti-drunk driving enforcement have changed behaviors of restaurant servers, parents, teens, adults, brewers, wine makers and distillers.

In recent polling 65% of Oregonians support safe storage requirements. Over the last 10 years here in Oregon, (2005 to 2016) over 24,000 firearms have been reported stolen, and this is likely a very conservative number too. In 2016 alone, there were 2,734 firearms reported stolen. These numbers are from the National Crime Information Center. Adding to stolen firearm data there are an estimated 50,000 Oregon children living in homes with loaded guns. Over half (26,000) of those guns are not stored in a locked container or with a trigger lock. Kids' access to firearms is one of the factors examined in a study of school shootings by the US Secret Service National Threat Assessment Center (NTAC). According to the survey, two-thirds of the 41 students involved in 37 school-shooting incidents since 1974 got their guns from their own home or that of a relative. Here in Oregon, we have shootings at Thurston and Reynolds High School where the shooter got those firearms from home.

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By passing HB2510 Oregon will not be alone as there are 11 other states with laws requiring safe firearm storage or a gun lock, plus there are 28 states with some form of child access firearm prevention law on the books. GOP controlled legislatures in states such as Pennsylvania and Ohio have a safe firearm storage law on the books. GOP legislatively controlled states with child access prevention laws include Wisconsin, Georgia, Kentucky, Iowa, Indiana, Missouri, Oklahoma, Texas, Utah, and Florida.

The safe storage practices advocated for in this bill are also recommended by the NRA, gun safety instructors and firearm manufacturers to keep children and unauthorized persons from gaining access to a firearm.

Here is an excerpt from the 10 commandments of firearm safety on Remington's website:

2ND COMMANDMENT OF FIREARM SAFETY

Firearms should be unloaded when not actually in use.

Load your firearm only when you are in the field or on the target range and ready to fire. Never let a loaded gun out of your sight or out of your hands. Unload it as soon as you are finished shooting - before you bring it into your car, camp, or home. Remember, unloading your firearm means unloading it completely, so there is no ammunition in the chamber or in the magazine.

Before handling a firearm or passing it to someone else, visually check the chamber, receiver and magazine to be certain they do not contain ammunition. Always keep the gun's action open when not in use. Never assume a gun is

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unloaded even if you were the last person to use it. Always check for yourself. Let common sense rule when you carry a loaded gun. If you are in any situation that could risk accidental discharge - such as crossing a fence, wading through a stream, or climbing a tree - always unload your gun. Never pull or push a loaded firearm toward yourself or another person. And never carry a loaded gun in a scabbard, detached holster, or gun case.

Safe storage of firearms is just as critical as safe handling. Never store guns loaded and be sure to keep your firearms in a secure place where no one can get their hands on them without your knowledge.

Take special care if there are children around. Kids are fascinated by guns. It's a natural curiosity that can have tragic consequences when not properly supervised. Store your firearms in a locked gun safe or some other location that physically bars a child from gaining access. Ammunition should be stored and locked in a location separate from your firearms. Never leave an unsecured firearm or ammunition in a closet, dresser drawer or under the bed. Remember, it is your responsibility to make sure that children and others unfamiliar with firearms cannot get access to your firearms and ammunition.

Below is wording from Smith & Wesson's website regarding product safety information:

Safe and secure storage of your firearm is one of your most important responsibilities. It is a full-time responsibility. You must always secure your firearm

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and ammunition separately so that they are not accessible to children or other unauthorized persons.

Whenever your firearm is not in use, keep it unloaded and locked. Your safety and the safety of others requires that you always secure and store your firearm in a manner that will prevent unauthorized access. Never leave a firearm unattended unless it is unloaded, locked, and secured.

Below is wording from National Shooting Sports Foundation website regarding 10 rules for safe gun handling:

2. FIREARMS SHOULD BE UNLOADED WHEN NOT ACTUALLY IN USE

Firearms should be loaded only when you are in the field or on the target range or shooting area, ready to shoot. When not in use, firearms and ammunition should be secured in a safe place, separate from each other. It is your responsibility to prevent children and unauthorized adults from gaining access to firearms or ammunition.

Unload your gun as soon as you are finished. A loaded gun has no place in or near a car, truck, or building. Unload your gun immediately when you have finished shooting, well before you bring it into a car, camp, or home.

Whenever you handle a firearm or hand it to someone, always open the action immediately, and visually check the chamber, receiver, and magazine to be certain they do not contain any ammunition. Always keep actions open when not in use.

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Never assume a gun is unloaded — check for yourself! This is considered a mark of an experienced gun handler!

For those not familiar with trigger locks, cable locks and secure firearm storage devices below are photos for your reference:



Keyed trigger lock on hunting rifle. This trigger lock costs less than \$10.



Keyed manufacturers lock provided with rifle from retailer.

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Keyed trigger lock on 9mm handgun



Opposite side of keyed trigger lock



Cable lock on 9mm handgun. Using a cable lock this way, you know that the handgun is completely unloaded and can't be fired.

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Combination trigger lock on 9mm handgun. This avoids having to securely store a key for the trigger lock. The user sets the 3 digit combination.



Portable keyed handgun safe.

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Electronic user set number coded handgun vault. This vault also has a red light inside so you can see the firearm when it's dark.

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Portable biometric fingerprint reader handgun vault with key backup. This vault also has a red light inside so you can see the firearm when it's dark. There is also an AC adaptor to use in place of a battery.

If you can afford a firearm you can certainly afford a secure storage system. Options to securely store firearms come in all price ranges. For those that want quick access to a firearm for protection, you must practice opening the safes, trigger & cable locks. Gun owners must practice at the gun range to ensure they can hit their target. Hunters practice at target

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ranges before hunting season, many target shoot year-round to keep their skills sharp and for fun.

Some people acquire a firearm that is passed on from one family member to another. It may not be passed on with a locking device, but there is little cost for cable or trigger locks often costing less than \$10 each. These locking devices are available at many retailers such as Cabela's, Sportsman's Warehouse, Walmart, and local gun dealers. Check with your police or sheriff department, as they may have locking devices available for free. There are organizations here in Oregon that also distribute free firearm locking devices. A handgun lock box may be as simple as toolbox with a pad lock.

Check to be sure the locking method you use is approved by the state.

I am a gun owner and have been for most of my life. Responsible gun owners always safely secure their weapons when not being carried or used. It is time that all gun owners do that. **There must be consequences for those reckless and careless gun owners who do not secure their firearms when it leads to injury and death of others.**