

House Judiciary Committee – SUPPORT HB 2510
Hearing March 11, 2021 3:15 pm

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

The proliferation of firearm ownership and usage in America makes the use and storage of guns a subject that should be high on the list of every state legislator and member of Congress. While the second amendment guarantees some rights, those, like every other constitutional right, do not absolve our lawmakers of their duty to recognize the dangers presented. Nor does it prevent lawmakers from enacting measures that are necessary for the preservation and enhancement of public safety. Justice Scalia said it clearly: “the right secured by the Second Amendment is not unlimited.” *District of Columbia v. Heller*, 554 U.S. 570, 595 (2008) [07-290.pdf \(supremecourt.gov\)](#) Virtually every right under the Constitution, including speech, religion and association, is subject to some regulation in order to balance other duties, such as preserving peace and individual rights. Responsible and safe storage of firearms as provided for in HB2510 is both critical and permissible under the Constitution.¹

I have had personal experience with a firearm not being safely stored. I was retrieving a piece of jewelry from a friend’s home, with full permission but not a clearly accurate description of where it was located. As I was searching for a box on a closet shelf, well above my line of sight, I pulled down that looked like a container in which I thought it might be stored. But to my surprise, on top of the box was a firearm that wobbled and almost fell to the floor, as I pulled the box down. I was stunned and too afraid to even determine, at the time, if it was loaded. In fact, it was loaded and also not secured by a lock.

My friends have changed their gun storage practices, but it shouldn’t take a scary event or near miss to bring about these changes. The time to be concerned about having loaded, unlocked weapons in a home is **before** they harm or even scare someone! A safe storage bill will encourage, and possibly compel, owners to lock their firearms. While the studies vary, one recent study by APM Resource Lab² indicated that 57% of gun owners or those who live in a home with guns always safely store their guns and another 12% safely store them most of the time. On the other end of the spectrum, 19% say they never store them locked up. The remaining 10% indicated they sometimes store their guns safely. There is no study that says passage of a safe storage bill has caused or is likely to cause owners who safely store their guns to change that practice. A key focus of this bill should be 12% who store them safely most of the time and also the 10% who sometimes store them safely. It may not bring about major changes in the practices of the 19% who have refused to lock them at any time, though the steep fines and strict liability for violations should have some impact. If the law is determined over the next two years to not be strong enough, the legislature will need to take stronger

¹The provisions of HB2510 are not impacted by the *Heller* ruling, which turned solely on the language of the District of Columbia statute and is not applicable here. *Heller*, 554 U.S. at 630.

² APM Research Lab, “APM Survey: Americans’ Views on Key Gun Policies” (Oct. 2019), [APM Gun Survey, Part Three: Mandating that guns be locked when stored — APM Research Lab](#)

measures. But at least some tragedies will have been avoided. **Every gun stored safely reduces the potential for an accidental injury or death.**

While some would argue that this bill should have stronger penalties, and I don't disagree that stronger penalties may "persuade" some owners to safely lock their weapons, HB2510 will bring the need to safely secure weapons to the immediate attention of many more gun owners. It will allow for education of the gun-owner population as a whole. And, each gun locked as a result of 2510, will reduce the potential for it being misused. It may avoid a suicide. It may deter a shooting in a neighborhood. And, it may even prevent a mass shooting in a parking lot, a school, or a place of worship. There is no easy way to conduct a study or precisely count all the lives saved and injuries avoided because a gun was safely locked. Researchers cannot conduct an accurate poll by asking every individual "Were you tempted to misuse a gun, but did not do so because it was locked?" However, **common sense tells us, and tells you as legislators, that failing to take any action will almost certainly result in more injuries and deaths.** Every gun locked substantially reduces the potential for misuse and tragedy with that gun.

Thus, I urge you to pass HB2510 out of committee with a "do-pass" recommendation to the House.

Thank you for taking this very important step toward creating a safer Oregon.

Elizabeth McKanna
Oregon Resident