

March 11, 2021

Penny Okamoto
Portland, Oregon

Chair Prusak
Oregon House of Representatives
Committee on Health Care
Re: Oppose HB 2510

Dear Chair Prusak and Members of the House Committee on Health Care,

I urge you to oppose HB 2510.

HB 2510 attempts to reduce firearm injury and death by requiring storage of firearms and reporting lost or stolen guns to stop gun traffickers. The bill lacks criminal penalties to help counteract racial injustices that disproportionately impact communities of color. Studies show, however, that storage laws without criminal penalties are not effective at reducing gunshot death and injury (Webster, et al., Hamilton, et al., Prickett, et al., Hepburn, et al.). Furthermore, penalties for failure to report lost and stolen firearms are a tool for law enforcement to stop people from trafficking guns.

The sponsors of HB 2510 had an opportunity to protect communities of color while still being able to disarm gun traffickers and reckless gun owners whose failure to secure guns resulted in the commission of at least two felonies. Ceasefire Oregon drafted amendments that would have balanced the concerns of systemic racism with the need to provide law enforcement with the necessary tools to stop traffickers and scofflaws. If an unsecured or unreported lost or stolen firearm had been used in the commission of two felonies, the penalty would have been the loss of the right to purchase or possess firearms. The amendments did not include criminal penalties.

Unfortunately, the amendments were rejected by the sponsors.

Although the sponsors have good intentions, effective public health policy must be based on peer-reviewed science. The bill is not evidence-based. No studies have been provided by the bill's sponsors or State of Safety to show that strict liability and violations alone are effective at increasing rates of gun storage or reducing rates of gunshot death and injury.

In 2018, Dr. Emma Hamilton, et al, found, **“Weak CAP [child access prevention] laws, which only impose liability for reckless endangerment, were associated with an increased risk of all pediatric firearm injuries.”** *Journal of Trauma and Acute Care Surgery (2018)*.

I personally spoke with firearm storage researcher Emma Hamilton of the University of Texas at Austin. Dr. Hamilton said the **increased rate of firearm pediatric injuries and deaths reflects a state's permissive attitude toward guns and sends a message that firearm storage is not a serious issue, therefore gun owners will not be seriously penalized by the state for irresponsible gun storage.** (Phone call with Dr. Emma Hamilton and Penny Okamoto on January 24, 2020)

The strict liability called for in HB 2510 expires only two years after the firearm loss or theft, yet the [ATF](#) states the **average "time to crime" for a gun recovered in Oregon is 9.79 years.** In Oregon in 2018, fewer than 28% of guns are recovered within the two-year time frame allowed in HB 2510. ([ATF](#)) The rate was even lower for the previous years.

Without a criminal penalty, gun traffickers will be cited with a violation, absorb the fine as the cost of business, and continue to traffick firearms.

Without amendments, HB 2510 will not be effective at reducing firearm injury and death. Enacting weak laws lulls people into a false sense of security and undermines support for future bills. In addition, enacting weak storage laws increases risks of unintentional shootings, homicides, and suicides.

Ceasefire Oregon's proposed amendment, studies related to gun storage, and a few frequently asked questions are below.

Thank you for the opportunity to submit testimony.

Penny Okamoto
Portland, Oregon

Amendments proposed by Ceasefire Oregon (all were rejected by HB 2510 sponsors):

- **The anti-trafficking amendment (specific language is below):**
 - In the absence of a felony penalty, gun owners might be more likely to secure their firearms if the gun owner risks forfeiture of the firearm or, if the gun owner commits a second offense, the loss of the right to purchase or possess firearms.
 - The amendment provided an affirmative defense if the straw purchaser was forced to make the purchases as a result of domestic abuse.
 - The proposed amendment did not change Section 3(3) of HB 2510 which holds the gun owner strictly liable.
- **The serial number amendment:**
 - The serial number amendment would have encouraged people to retain the serial numbers of their firearms but did not punish those who cannot locate the serial numbers due to loss of documents that were beyond the gun owner's control.

- Providing the serial numbers of lost or stolen guns gives law enforcement crucial information to identify the firearms.
- Gun owners whose firearms were lost or stolen should not fear punishment when reporting loss or theft because the serial numbers are not available to them.
- The gun owner would have been allowed to document why the serial number was not available.
- **The OSP report amendment** would have required the Oregon State Police to provide a report of the theft or loss of privately held firearms in Oregon and a report indicating the method of storage of firearms used in all unintentional shootings and shootings involving minors.

Anti-Trafficking Amendment Text

Amendment to remove firearm for first violation and forfeiture of all firearms and right to own/possess firearms for subsequent violation:

- Section 3(3): If a person obtains an unsecured firearm as a result of the owner or possessor of a firearm violating subsection (1) of this section and the firearm is used to injure a person or property within two years of the violation, the owner or possessor of the firearm who violated subsection (1) of this section is strictly liable for injury.; and (a) Notwithstanding [ORS 166.279\(3\)](#) (Forfeiture of deadly weapons), if the unsecured firearm obtained as a result of the owner or possessor of a firearm violating subsection (1) of this section and the firearm is used in the commission of a felony, the owner or possessor forfeits the right to each firearm used in the commission of the felony; (b) Notwithstanding paragraph (a) of this subsection, if the owner or transferor fails to comply with subsection (1) and the owner or transferor has a previous violation under section (1) at the time of the offense, the owner or possessor forfeits all firearms owned and is prohibited from future purchase or possession of firearms.

Serial Number Amendment Text

Amendment to require reporting of firearm serial number, inability to provide serial number, exemption for certain firearms legally manufactured without serial numbers:

- Section 5(1)(c): A person shall include the serial number of the firearm in a report under this subsection.
- If the serial number is not immediately available for reporting, the gun owner or possessor must amend the report within ten business days with the serial number or a sworn statement indicating the reason the owner or possessor has not, through due diligence, been able to retrieve the number. It is not an affirmative defense that the owner or possessor failed to record the number.
- The serial number may be omitted if the firearm was manufactured in the United States before October 22, 1968; was manufactured by an importer in accordance with 18 U.S.C. 923(i) and all regulations issued under the authority of 18 U.S.C. 923(i) but not limited to 27 C.F.R. 478.92; or if the gun owner provides information that the records were destroyed during the commission of a crime or as a result of damage to property beyond the gun owner's control. Violation of this section can be punished by up to a \$100 fine.

OSP Report Amendment Text

Oregon State Police shall submit an annual report to the Oregon legislature detailing thefts and losses of privately held firearms in Oregon and a report indicating the method of storage of firearms used in all unintentional shootings and shootings involving minors.

Frequently Asked Questions

- Are safe storage laws supported by gun owners?
 - Yes. **National polling** shows that safe storage bills enjoy the support of 78% of voters—including 66% of gun owners.
- Is a criminal penalty necessary?
 - Yes. **Studies show that storage laws without criminal penalties are not effective at reducing gunshot death and injury.** Ceasefire Oregon calls for escalating penalties including a felony for failure to secure a firearm. Webster and Starnes stated in *Pediatrics*, “...the beneficial effects of CAP laws were limited to states that allow for felony prosecution of violators.” ([Pediatrics 2000;106;1466-1469](#)). In 2018, Dr. Emma Hamilton, et al, found, “**Weak CAP laws, which only impose liability for reckless endangerment, were associated with an increased risk of all pediatric firearm injuries.**” [Journal of Trauma and Acute Care Surgery \(2018\)](#).
- Yes. Safe storage laws in [Washington](#) and [Texas](#) include felony penalties.
 - From [Giffords.org](#):
 - States Imposing Criminal Liability for Allowing a Child to Gain Access: The broadest laws apply regardless of whether the child even gains possession of the firearm. California, Massachusetts, Minnesota, Nevada, and the District of Columbia impose criminal liability in circumstances where a child *may* (Massachusetts and Nevada) or *is likely to* (California, Minnesota, District of Columbia) gain access to a firearm. The laws in Hawaii,⁴¹ Maryland, New Jersey, and Texas apply whenever a child gains access to an improperly stored firearm. In these states, it is not necessary for the child to actually use the firearm or cause any injury.
 - States Imposing Criminal Liability When a Child “May” or “Is Likely To” Gain Access to the Firearm: California, District of Columbia, Massachusetts, Minnesota, Nevada, and New York
 - States Imposing Criminal Liability for Allowing a Child to Gain Access to the Firearm, Regardless of Whether the Child Uses the Firearm or Causes Injury: California, District of Columbia, Hawaii, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, and Texas.

Studies

[Variability of child access prevention laws and pediatric firearm injuries](#), Emma, C. Hamilton, MD; Charles C Miller, III, PhD; Charles S Cox, Jr., MD; Kevin P. Lally,, MD; Mary T. Austin, MD, MPH *Journal of Trauma and Acute Care Surgery* (2018)**Key Findings:** After adjusting for race, sex, age, and socioeconomic income quartile, strong child access prevention (CAP) laws were associated with a significant reduction in all, self-inflicted , and unintentional pediatric firearm injuries. Weak CAP laws, which only impose liability for reckless endangerment, were associated with an increased risk of all pediatric firearm injuries. The association of CAP laws on hospitalizations for pediatric firearm injuries differed greatly depending on whether a state had adopted a strong CAP law or a weak CAP law. Implementation of strong CAP laws by each state, which require safe storage of firearms, has the potential to significantly reduce pediatric firearm injuries.

[State Firearm Laws, Firearm Ownership, and Safety Practices Among Families of Preschool-Aged Children](#), Kate C. Prickett, MPAff, Alexa Martin-Storey, PhD, and Robert Crosnoe, PhD *American Journal of Public Health* (2014)

Findings: Firearm legislation and CAP laws interacted to predict ownership and storage behaviors, with unsafe storage least likely among families in states with both CAP laws and stronger firearm legislation.

[The Effect of Child Access Prevention Laws on Non-Fatal Gun Injuries](#)

Jeff DeSimone and Sara Markowitz, *National Bureau of Economic Research* (2005)

Key findings: Results from Poisson regressions that control for various hospital, county and state characteristics, including state-specific fixed effects and time trends, **indicate that CAP laws substantially reduce non-fatal gun injuries among both children and adults** (a unique point about this study is that it looked at non-fatal injuries, which are much more common than deaths).

When CAP laws are implemented, self-inflicted gun injuries fall by 64 percent for youth age 18 and under but do not decrease for adults.

[The Effect of Child Access Prevention Laws on Unintentional Child Firearm Fatalities, 1979-2000](#)

Lisa Hepburn, PhD, MPH, Deborah Azrael, PhD, MS, Matthew Miller, MD, ScD, MPH, and David Hemenway, PhD, *Journal of Trauma and Acute Care Surgery* (2005)

Key findings: Most states that enacted CAP laws experienced greater subsequent declines in the rate of unintentional firearm deaths for children age 0 to 14 compared with states not enacting the laws; however when adjusted for firearm prevalence and state and national effects the laws were associated with statistically significant declines only in Florida and California.

Florida's law, which is the oldest and one of the toughest (violation is a felony) resulted in a 51% reduction in accidental firearm deaths among children in that state over the eight years for which there was data.

[Association Between Youth-focused Firearm Laws and Youth Suicides](#) Daniel W. Webster, Jon S. Vernick, April M. Zeoli, Jennifer A. Manganello, *Journal of the American Medical Association* (2004)

Key findings: "We did find convincing evidence that **the 18 CAP laws adopted during the study period led to an 8.3% reduction in suicide rates among youth aged 14 to 17 years. Firearms are used in approximately half of all youth suicides.**

[State Gun Safe Storage Laws and Child Mortality Due to Firearms](#) Peter Cummings, David Grossman, Frederick Rivara, and Thomas Koepsell, *Journal of the American Medical Association* (1997)

Key findings: CAP laws associated with a **23% decrease in unintentional shootings among children under 15 years old.**

Children and Safe Gun Storage:

Children in the United States are more likely to die from gun suicides and unintentional shootings than children in other high-income countries. A [2011 study](#)² found that US children between five and fourteen years of age were eight times more likely to die from firearm suicide and ten times more likely to die from unintentional firearm injuries than children in other high-income countries. Reducing child access to firearms with safe storage policies such as a Federal Child Access Prevention (CAP) law with a felony penalty could prevent many of these tragedies.

Approximately 4.6 million US children live in homes where at least one firearm is stored loaded and unlocked. A [survey conducted in 2015](#)³ and published in 2018 found that three in ten gun owners in households with children store all guns unloaded and locked, while two in ten store at least one gun loaded and unlocked.

A [2018 study](#)⁴ of parents who own guns found that only one in three households safely store all firearms, regardless of whether a child in the home has a history of depression, ADHD, or other mental health conditions.

Four-fifths of [adolescent gun suicides](#)⁵ take place in the young person's home.

In a study of suicides among youth (under 21 years of age) in California, authors found that 65% happened in the decedent's home, and about 57% of the firearms used were owned by a family member. In 17% of the cases, the firearm used to belonged to the victim.⁶

A [2019 study](#)⁷ found that 30% of children in Washington State lived in firearm-owning households, an estimated 55% of whom lived with an unsafely stored firearm. Firearms were 20% more likely to be stored unsafely in homes with an adult who misuses alcohol.

School Shooters:

According to a [2004 study](#)⁸ by the US Secret Service and Department of Education, 68% of school shooters acquire the gun used in their attacks from their own home or the home of a relative.

A [Washington Post](#)⁹ investigation found that 80% of school shooting perpetrators between 1999 and 2018 obtained the gun from their own home or the home of a friend or relative. In the time period, there were 145 school shootings. Four adults have been convicted of failing to safely secure the guns used in a school shooting attack.

Child Access Prevention Laws:

Strong CAP laws are associated with a significant reduction in [pediatric firearm injuries](#)¹⁰, including self-inflicted and unintentional shootings. Weak CAP laws that only impose liability for reckless endangerment when a child uses an unsecured firearm are associated with an increase in risk of hospitalization for pediatric firearm injuries⁹.

Suicide Prevention:

Safe storage of firearms prevents firearm suicides in men and women, especially among young people. A [2010 study](#)¹¹ of the effects of the 1992 Canadian Firearms Act, which required safe storage of firearms, found decreases in firearm suicide rates among men and women, with the greatest reductions for the under-25 age group.

A [2004 study](#)¹² found that firearm owners who kept their firearms locked or unloaded were at least 60% less likely to die from gun suicide than those who store their firearms unlocked and/or loaded.

A [2015 study](#)¹³ found that laws requiring handguns to be locked when not in use are associated with a lower suicide rate.

Storage Practices:

According to a [2005 study](#)¹⁴ of homes with children and teenagers, keeping a gun locked and unloaded while storing ammunition in a separate locked location is associated with reduction in firearm injuries.

According to a [2018 survey](#)¹⁵, 46% of gun owners safely store all of their guns. Households with a child and handguns but not long guns were more likely to report safely storing firearms. Gun owners said the most effective messengers for promoting safe storage were law enforcement, sportsmen groups, active-duty military, and the NRA.

A [2018 evaluation](#)¹⁶ of an intervention that included a free trigger lock or firearm lock box locking device improved safe firearm storage practices among participants.

A [2019 study](#)¹⁷ found that a hypothetical safe storage intervention with a straightforward message telling parents to lock all guns in their home could prevent between 6% and 32% of youth firearm deaths, depending on the intervention's success in changing parental behavior. It is worth noting that safe storage initiatives and CAP laws must be properly implemented and evenly enforced to achieve maximum violence reduction benefits.

Gun owners are less likely to store firearms unsafely (loaded and unlocked) when they own more than one firearm, have a handgun, keep them primarily for protection, or carry a loaded gun. A [2019 survey](#)¹⁸ of gun owners in *Injury Prevention* found that firearms training did not impact safe storage practices.

Access to firearms by older adults with cognitive impairment such as dementia poses additional dangers. A [2019 survey](#)¹⁹ of adults aged 65 and older found that 32.5% of firearm-owning households stored all firearms locked and unloaded while 23.5% stored at least one firearm unlocked and loaded. Respondents who did not store firearms safely were more likely to be a veteran, male, and live in a rural area. Households with an older person exhibiting risk factors for suicide and memory loss were just as likely to own firearms or safely store firearms.

Thirty-one percent of unintentional gun deaths in 1988 and 1989 could have been prevented with a safety lock or loading indicator device according to a 1991 study by the [U.S. General Accounting Office](#)²⁰.

Gun Theft and Trafficking:

An estimated 250,000 [gun theft](#)²¹ incidents occur every year, with approximately 380,000 guns stolen annually. Two-thirds of gun thefts occur in the South, which is the U.S. region with the highest percentage of households with firearms and the least safe storage practices