

03-09-21

Chair	Representative Rachel Prusak
Vice-Chair	Representative Cedric Hayden
Vice-Chair	Representative Andrea Salinas
Member	Representative Teresa Alonso Leon
Member	Representative Wlnsvey Campos
Member	Representative Maxine Dexter
Member	House Republican Leader Christine Drazan
Member	Representative Raquel Moore-Green
Member	Representative Ron Noble
Member	Representative Sheri Schouten

Subject: **Opposition to HB2510 No vote urged.**

Chair Prusak, Vice-Chair Hayden, Vice-Chair Salinas

I am adamantly opposed to this bill.

In 1981 while on Patrol as a Law Enforcement Officer, unbeknownst to us, my family had been the prey of a stalker.

In the early morning hours, this stalker had parked his car down the road, around the corner from my residence. The stalker had alcoholic beverages for courage and a Police Scanner to listen to the police radio chatter and keep track of where I was at. Yes, he even knew what my call sign was.

At about 0400 hrs. this stalker heard two other Officers and myself and check out for "Code 7" at the only eatery open.. The only food establishment in Yamhill County that food and coffee could be obtained in those days at that hour of the morning.

The stalker, hearing us check out for Code 7, and hearing that on this particular morning I was not coming home for my lunch break, chose this moment to cross the line and make his move.

Armed with a portable scanner to keep track of Police, he approached the back of my house. A house in which my wife and my 3 and 4 year old boy were sleeping. He forced his way through the sliding glass door. He did not leave the house until he heard myself and the other Law Enforcement Officers clear our meal break, when he fled.

Normally, I left a pistol in the night stand for my wife. She was trained how to use it, and in fact went with me to competition Pistol matches and had just recently won first place in a match. On this one night, the pistol was in a locked gun box in the drawer on the night stand. I had not unlocked the box although her key was in the drawer next to the gun box.

Upon realizing there was an intruder in the house when he knocked over a magazine stand and woke her up. She went into the hallway to investigate and saw she was cut off from the phone. Seeing the intruder and seeing he was armed in light provided by a night light in the hallway, she retreated to the bedroom. She was unable to get the box unlocked and the pistol out before he got into the bedroom and threatened her with his gun.

She has never recovered. This night was in part a leading factor in my seeking and obtaining a lateral transfer a year later to a different Department in another part of the state, many miles away. We sold our house, moving and eventually losing contact with many long term and some life long friends. This was pre internet when long distance phone calls still cost a lot of money.

I HAVE NOT LOCKED UP MY “READY ALERT” FIREARMS SINCE THAT NIGHT, AND I WILL NOT START NOW!

Lightening does in fact strike twice!

When I took the transfer, we rented a house while waiting for our old home to sell, determine if we wanted to truly stay in a strange area and then find a house to buy.

Again I was working the graveyard shift. Wife and boys were in bed at home. It was earlier, around midnight. Then the call came in to the 911 center.

My wife had just turned the lights off and gone to bed. The boys were in the bedrooms at the far end of the house. She heard noise at the sliding glass door into the living room off of the back patio.

She got on the phone in near panic and called 911. This time, no one was at lunch and we later determined that the suspect had no idea whose house he was breaking into. Using a long shank strait slot screw driver the suspect pried the lock on the sliding glass door.

This time he had a problem. **As he entered through the sliding glass door, he was confronted by my wife who was armed with a Colt 1911 .45ACP pistol leveled right at his abdomen. The suspect dropped the screwdriver and fled through the back yard.**

The man had a second problem. Right after he took off on the run, my now almost 6 year old son opened his bed room door to see what his mom had been screaming at and Chief, (our German Shepard who was not on Patrol with me that night), shot through the bedroom door, down the hall right past my wife, out the sliding glass door and across the back yard. My wife could not call him back.

Between City, County and State Law Enforcement we had 6 cars on the scene, the first car, which was not me, arriving in 4 minutes and the last car at 7 minutes. Chief had not returned yet.

We started following dog and people tracks in the wet grass outside the gate of our back yard. Two houses away we found pieces of clothing and some blood to follow as well. Two blocks and 1 street over as well as more blood and several more pieces of clothing, we found Chief laying on the back deck of a house staring intently at a back door. He had some scrapes and cuts, but was in good shape.

We got our suspect out of that house. As it turned out, Detectives determined that this suspect was the serial burglar they had been looking for for about six months. His M.O. was to break into people's houses late at night, while they were sleeping, and steal female underwear. He had no age restriction on how old the female was. His fetish was that the female be sleeping in the room. This was the end of a 23 count (reported) burglary spree.

I have lost a brother to gun fire. I have lost one of the very best friends I have ever had to a camp robbing car thief armed with a lever action rifle and have spent the last 16 years watching his wife struggle with her wounds and to raise her family. He was killed while trying to get to the pistol he had locked up in camp.

To those who have lost friends and family, I do know just exactly how they feel. The loss of my brother caused me to dedicate myself to a life in Public Safety – Law Enforcement and teaching firearms handling, shooting and safety. The loss of my “adopted brother” and injuries to his wife have caused to re-dedicate myself to teaching firearms and firearms safety. Not to taking guns away from lawful and legal owners nor to impede or impair the use of those firearms in self defense or in the defense of another person.

The rifle used in the Clackamas Town Center shooting was stolen. No argument there. However, anyone who thinks a cable lock would have stopped it, in my humble opinion is deluding themselves. A cable lock does not normally make the rifle or pistol immobile. Just like the locked up bicycle, locks are easily defeated and the property stolen.

Like anything else, it can be defeated and a set of cable cutters or a bolt cutter will make fast work out of it. Think about this. The suspect had possession of the rifle for a sufficient amount of time to have defeated any type of cable or trigger lock that would have been put on that rifle, or any other gun.

Glossed over and not mentioned is the fact that Roberts had just smoked marijuana and had cocaine in his system.

In August 2003, my daughter had spent nearly 2 months touring from Oregon to the Dakota's with our very best friends. We were so close that everyone referred to us as brothers and sisters.

After they returned home in August, they came to our place and dropped off our daughter. We spent a couple of days visiting and fishing out of Newport. They then departed to go to our Elk Camp at Briggs Camp off of Hwy 138 / Big Camas Road, about 12 miles from Diamond Lake. They set up a tent in our traditional elk camp of many years. We were not able to go with them as my wife was scheduled for surgery.

They left camp and went 'down the mountain to their home. They were sending their younger daughter to a church camp and doing some laundry. When they got back to camp they found a man in the tent. They chased him off and they then went to the Toketee Ranger Station to report the incident complete with description of the perp and his pickup.

The suspect from earlier in the day had returned that night. Using a .357 Marlin Lever Action Rifle stolen from a **locked** gun case he had broken into in his parents' house (they were truck drivers on a trip), he shot her through the side of the camp trailer and then shot him as he tried to get to where his pistol was locked up.

He always had his pistol with him, but on this one occasion did not. After his wife was shot, he was trying to get to his pistol that he had left locked up. Had that pistol not been locked up, there is every chance that he would still be alive.

Trigger locks, cable locks, gun boxes and gun safes do not work for ready alert self-defense firearms. Biometric safes with single thumb or finger release still takes a second or two to get into. They are not instant by any means, regardless of the pitch you get from salesmen and biased presenters.

Holding a gun owner liable for having his firearm stolen makes as much sense as to hold an automobile owner liable for having their car stolen or holding a homeowner liable because the burglar broke his foot kicking the front door in.

As to suicides, I have investigated more than my fair share of suicides. 99% of them were, poisoning, drug overdoses or hanging. A lot of these had attempted suicide several times. Some of these folks had been brought in for evaluation under a Peace Officers Mental Hold. County Mental Health and the doctors released them within 12 hours, and in some cases beat us out the door of the hospital.

How about the people we talked down, removed guns from the house, just to have them released and they went home, hanged themselves, poisoned themselves, shut themselves in the garage with the car or pickup running. One person even went out into their camp trailer, turned the gas on, laid down and went to sleep, actually most likely passed out drunk.

Imagine this scenario under this bill...

I'm sitting in my front room and have the front door kicked open. Two people force their way in and attack us with baseball bats before I can get a pistol out of the gun safe or trigger lock off of my pistol that is on the coffee end table. The bad guys cause injury with the baseball bat and take the gun lock box. Then **they force us to give up the key and / or the combination to the gun safe.** We call 911 and file a burglary and robbery report.

Two nights later, the same two bad guys break into a house a couple of blocks away. Using one of our guns they shoot one of the occupants.

A week after that **WE, the crime victims**, are charged with unsecured firearms charges and later are sued by the second victims.

In the meantime, the Multnomah County District Attorney is declining to file charges against hundreds and hundred of criminals including violent protestors and the Federal government is giving convicted felons \$1400 to buy black market weapons.

HB 2510 is ridiculous. It is "out to lunch" and some of the most terrible legislation I have ever seen.

In order for a suspect to get to my firearms, he has to commit Burg 1, Crim Tres 1, Criminal Mischief and probably a lot of other law violations. But, he gets away with these crimes and we receive a more severe punishment because we didn't have Fort Knox on the property.

I'm still trying to figure out how or why anyone would deliberately ignore case law in Heller to come up with this stuff.

My ready alert firearms will remain unlocked and I will keep them on my property and I will carry them anywhere on my property that I so desire. Whether or not I have a CHL

The keenest observation in the history of politics is that of English historian Lord John Acton: "Power tends to corrupt, and absolute power corrupts absolutely." Nowhere is that truth on fuller display than in this effort by Oregon Democrats pushing this legislation.

This bill encroaches on very fabric of both the Federal and State Constitutional Rights of the citizens of Oregon and flies in the face of State and Federal Case Law. Heller, Miller, Delgado, Kessler, Blocker all deal with a weapon of one type or another in the home, on the person and at other locations. The right is affirmed. Heller specifically discusses the unconstitutionality of Trigger locks, disassembly, or other methods of preventing the firearm from immediate use. And yet the legislators writing this bill are deliberately violating case law in Heller in putting this bill forward.

Oregon Constitution, Section 27. Right to bear arms; military subordinate to civil power. The people shall have the right to bear arms for the defence [sic] of themselves, and the State, but the Military shall be kept in strict subordination to the civil power[.]

In the 2008 case [District of Columbia v. Heller](#), the Supreme Court held that the "Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home."

Syllabus

DISTRICT OF COLUMBIA ET AL. v. HELLER

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 07–290. Argued March 18, 2008—Decided June 26, 2008

District of Columbia law bans handgun possession by making it a crime to carry an unregistered firearm and prohibiting the registration of handguns; provides separately that no person may carry an unlicensed handgun, but authorizes the police chief to issue 1-year licenses; and requires residents to keep lawfully owned firearms unloaded and disassembled or bound by a trigger lock or similar device. Respondent Heller, a D. C. special policeman, applied to register a handgun he wished to keep at home, but the District refused. He filed this suit seeking, on Second Amendment grounds, to enjoin the city from enforcing the ban on handgun registration, the licensing requirement insofar as it prohibits carrying an unlicensed firearm in the home, and the trigger-lock requirement insofar as it prohibits the use of functional firearms in the home. The District Court dismissed the suit, but the D. C. Circuit reversed, **holding that the Second Amendment protects an individual's right to possess firearms and that the city's total ban on handguns, as well as its requirement that firearms in the home be kept nonfunctional even when necessary for self-defense, violated that right.**

Held:

3. The handgun ban and the trigger-lock requirement (as applied to self-defense) violate the Second Amendment. The District's total ban on handgun possession in the home amounts to a prohibition on an entire class of "arms" that Americans overwhelmingly choose for the lawful purpose of self-defense. Under any of the standards of scrutiny the Court has applied to enumerated constitutional rights, this prohibition—in the place where the importance of the lawful defense of self, family, and property is most acute—would fail constitutional muster. **Similarly, the requirement that any lawful firearm in the home be disassembled or bound by a trigger lock makes it impossible for citizens to use arms for the core lawful purpose of self-defense and is hence unconstitutional.**

DUNCAN, et al.,
Plaintiffs,

v.

XAVIER BECERRA, in his official
capacity as Attorney General of the State
of California,

I respectfully request this bill be killed in committee.

Respectfully Submitted

Jim Mischel

Sheridan Oregon