

Members of the House Judiciary Committee:

We implore you to reject HB2543 and insure that it does not pass out of Committee, as it is a clear infringement on the constitutional rights of Oregonians. The ownership of firearms is a natural right protected by the United States and Oregon Constitutions, which all of you have sworn to defend and uphold. To support this bill would be – in our opinion - an abrogation of your oath of office.

The bill Summary – “Prohibits transfer of firearm by gun dealer or private party if Department of State Police is unable to determine whether recipient is qualified to receive firearm” – seems intentionally vague, and the text of the bill does nothing to resolve this lack of clarity.

From what we understand, there is no evidence that the current Oregon State Police Firearms Instant Check System (FICS) program has allowed someone to purchase a firearm when they were not legally allowed to do so. Therefore, this bill seems to be a “solution” in search of a problem.

Departments within the government of the State of Oregon are notoriously inefficient and inept – examples of this are legion. Some departments, such as the Oregon Employment Department have received national attention for their ineptitude. It’s evident that the current COVID “pandemic” is being leveraged to mask these inefficiencies, and the Oregon Department of State Police (OSP) is certainly no exception to this.

We are very concerned that the current level of inefficiency and delay in completing the background check process will, through this bill, be utilized as a means to circumvent the Constitutional rights of law-abiding citizens. This could be accomplished by allowing the Oregon State Police to indefinitely delay the transfer of firearms to qualified purchasers without cause. HB2543 if enacted, would allow the individual(s) in the FICS program to process - or perhaps choose not to process - applications for firearms transfer. This will reduce what is currently a rule of law to capricious and arbitrary rule by state employees. What recourse then does the average citizen have to penalize a government agency for inefficiency or dereliction? It is our opinion that standards relating to natural rights should be defined within the law, and not left to the purview of an unelected bureaucracy.

The current FICS program, under ORS 166.412 requires that if a background check cannot be completed within 30 minutes, the OSP must notify the gun dealer and provide an estimate of time when the check will be completed. State and federal laws allow a gun dealer to deliver a firearm to a purchaser after three business days **(by the next business day under ORS 166.412 (3) (c))** if the OSP does not provide notice that the purchaser has been approved or denied. In practice, a transfer without this approval typically does not happen, due to liability concerns by firearms dealers. **HB2543 completely removes this clearly defined time limit from the law, and allows for extended, perhaps indefinite delays in the purchase of firearms by law-abiding citizens due to the inability of the OSP to fulfill their legislatively mandated responsibilities.**

HB 2543 will do nothing to enhance public safety, despite the claims from supporters that it will “close the Charleston loophole.” The State of Oregon already has a system in place to insure that firearms are not transferred to persons who are not qualified to possess them. It’s up to the OSP to make sure that the required background checks are conducted according to the law. Rather than burden law-abiding

firearms purchasers with potentially indefinite delays in completing their purchases, wouldn't it make more sense to:

a) Mandate that the OSP fulfill its responsibilities as required by law; providing additional resources if necessary, and;

b) Focus on real source of gun crime - criminals?

Lastly – it seems that the State of Oregon is flush with cash despite the COVID “response.” There also seems to be no end to the extortionate levels of taxation being proposed in the near future. If the OSP is short-staffed in FICS program, it seems that it would be very easy to provide the Department with the resources it needs to complete its mission – without the need for additional law.

Thank you for your consideration.

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