

Testimony – SB554 (2021)

TO: Senate Judiciary Committee

Submitted: 02-17-2021

SB554 Summary: “Authorizes city, county, metropolitan service district, port operating commercial airport, school district, college or university to adopt ordinance or policy limiting or precluding affirmative defense for possession of firearms in public buildings by concealed handgun licensees. Modifies definition of "public building," for purposes of crime of possession of weapon in public building, to include certain airport areas, buildings owned or controlled by public bodies and real property owned by college or university. Punishes violation by maximum of five years' imprisonment, \$125,000 fine, or both. Increases fees payable to county sheriff for issuance and renewal of concealed handgun license. Takes effect on 91st day following adjournment sine die.”

SB 554 would amend ORS relating to firearms; creating new provisions; amending ORS 166.262, 166.291, 166.360 and 166.370; in the following ways:

NEW and Added:

PAGE 1: **“SECTION 1. (1) A city, a county, a metropolitan service district organized under ORS chapter 268, or a port operating a commercial service airport may adopt an ordinance limiting or precluding the use of the affirmative defense described in ORS 166.370 (3)(g) concerning the possession of firearms in public buildings, within each entity’s respective jurisdiction, by persons licensed to carry a concealed handgun under ORS 166.291 and 166.292. (2) A school district, college or university may adopt a policy limiting or precluding the use of the affirmative defense described in ORS 166.370 (3)(g) concerning the possession of firearms in public buildings within the control of the district, college or university by persons licensed to carry a concealed handgun under ORS 166.291 and 166.292. (3) An entity that adopts an ordinance or policy under this section shall post a sign, visible to the public, identifying all locations where the affirmative defense described in ORS 166.370 (3)(g) is limited or precluded. (4) As used in this section, “public building” has the meaning given that term in ORS 166.360.”**

PAGE 2: **“(G) A building owned by the state or by a city, a county or a metropolitan service district organized under ORS chapter 268; or (H) The [term also includes that] portion of any other building occupied or controlled by an agency of the state or a municipal corporation, as defined in ORS 297.405, other than a court facility[.]; (b) The grounds, other than a parking area, adjacent to a building described in paragraph (a) of this subsection; (c) Real property owned by a college or university; or (d) The passenger terminal, and grounds adjacent to the passenger terminal, of a commercial service airport.”**

PAGE 3: **“(g) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun, unless the person possesses a firearm in violation of an ordinance or policy adopted pursuant to section 1 of this 2021 Act.”**

PAGE 4: "Section 4. (1) A valid license to carry a firearm as provided in ORS 166.291 and 166.292, **unless the person possesses a firearm in violation of an ordinance or policy adopted pursuant to section 1 of this 2021 Act;**"

PAGE 8 & 9: "(B) [\$50] **\$100** to the sheriff for the **initial** issuance [or renewal] of a concealed handgun license. **(C) \$75 to the sheriff for the renewal of a concealed handgun license.**" And;

"SECTION 6. The amendments to ORS 166.291 by section 5 of this 2021 Act apply to ap- [8] SB 554 1 2 3 4 5 6 7 8 9 10 11 12 13 14 plications for new concealed handgun licenses and requests for license renewal submitted on or after the effective date of this 2021 Act."

Statement of Testimony:

This Bill is designed to harm and disarm the innocent and honest CHL-Concealed Handgun License holder. This Bill is a solution looking for a problem...because there is NO problem. CHL holders are some of the most patriotic, caring and honest of Oregon's Citizens. Point to us any statistics that shows that CHL holders are a danger, a menace, violate laws, have caused issues in public buildings/lands or have been nothing but honest citizens! They have gone through extensive training, background investigations and a licensing process in order to legally carry a firearm. Many are former law enforcement and Military personnel. "We" are the backup for law enforcement. We are at times the "hero" that steps into a situation and resolves a criminal act, saves the innocent and place our life before that of others. The only problem with CHL holders; THERE ARE NOT ENOUGH OF US. This Bill neuters our effectiveness and makes the CHL Card a useless license. This Bill would disarm us in the very areas where we may be needed the most. This Bill will limit the number of CHL holders and cause many that would otherwise obtain a CHL to not do so. But that is probably the real GOAL of this Bill. Criminals with guns (or other deadly weapons) will never bother to obtain a CHL...this Bill would not apply to criminals. They do not follow laws anyway. They do not adhere to "gun free zones", only honest citizens do. This Bill would disarm the honest CHL holder while leaving the environment open for Criminals to carry whatever weapon they so choose. This Bill makes the honest citizen, the disarmed CHL holder "sitting ducks" and prey to be victimized and/or killed by the criminal element. CRIMINALS DO NOT ADHERE TO LAWS.

The CHL holder is already responsible to understand many Oregon statutes regarding firearms, use of force laws, criminal code as well as gun safety protocols. Oregon has a pre-emption law for a reason; to give Gun Law making authority to the Legislature NOT to local jurisdictions. One reason for this is to not cause confusion and the inability for citizens to understand the law and comply. But that is what this Bill will do; create confusion, the inability to know/understand/and comply with a multitude of varying and confusing local laws and ordinances. Allowing other Governmental Jurisdictions to regulate where CHL holders can carry

in specific buildings, lands and adjacent properties will do NOTHING for “safety” and our current status has been a non-issue. It will be IMPOSSIBLE for the individual CHL holder to know the laws, the nuances of each law in every jurisdiction in which they pass through, travel and/or visit in Oregon. It would be no different then allowing every Governmental Jurisdiction to write their own Motor Vehicle Code. Codes that vary, create confusion and conflict with each other. In one Jurisdiction the CHL holder would be in compliance, in another an infraction violation, another guilty of a Misdemeanor and yet in another...a felon. As an example:

A person (a CHL holder) traveling from Eugene to Portland for pleasure or business, depending on their route and where they stopped...would pass through/by/upon numerous Governmental Jurisdictions. 3-5 Cities, 4 Counties and depending upon their route and “stops”, potentially near or upon; parks, transit district properties, library, city buildings, county buildings and so on. If this Bill passed and those jurisdictions enacted their own limitations to CHL carry in specific locations; it would be IMPOSSIBLE for the CHL holder to know all of these laws and be in compliance with these laws. On any given trip, a CHL holder could honestly and mistakenly violate multiple and very serious laws.

The section regarding adjacent properties; It could be illegal for a CHL holder to carry a firearm on properties (including private property and property not owned by a Government or even under a Government’s control) adjacent to a Government building/property. I am not even sure this is legal. How can a local jurisdiction regulate what someone carries on private property just because it is adjacent to Government owned property? My residence shares the property line with City owned land with several City owned buildings. If that City banned CHL firearms carry on their property by which this Bill would/could include adjacent properties; they could ban the carry of a firearm on my own property. Since my residence is on my property, adjacent to the City’s, would this not also ban CHL/gun carry even in my own home?

The point here is that this Bill will cause great confusion, the inability for the individual to know all local laws, the inability for the individual to comply and will turn the honest CHL holder into a criminal and render them unable to defend themselves and others in the event their intervention was necessary to stop a violent criminal act. You are giving the criminals more power to be successful at their criminal deeds while limiting the ability of the CHL holder to protect themselves and others. To even consider such a Bill when CHL holders have NOT been a problem is ludicrous to say the least.

The doubling of fees to obtain and renew CHL’s is also unnecessary. Add to this the cost of training/classes, continued training, the cost of the firearm and accessories, ammunition costs; you are causing hardships for those that would want to obtain a CHL that are lower in income and cannot afford to do so.

While CHL carry in itself is not a “right” there very well could be Constitutional violations here as well. Gun Ownership in Oregon and the United States is a RIGHT it is not a mere privilege.

The Second Amendment of the US Constitution and Article 1 Section 27 of the Oregon Constitution are very clear:

Second Amendment, “A well regulated Militia, being necessary to the security of a free State, the right of the PEOPLE to keep and bear arms, SHALL NOT BE INFRINGED.” Over one third of all States in the USA no longer require a CHL and have gone to “Constitutional Carry”.

Article 1, Section 27 of the Oregon Constitution states: “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[.]” If the CHL holder is disarmed in these various jurisdictions, we are in fact no longer in “defence of themselves”.

As Legislators you swore an oath to uphold these Constitutions. To pass this Bill into Law or the other clearly Un-Constitutional anti-gun measures that are being considered in this Legislative Session into law would be a violation of your Oath of Office. This Bill should NOT be moved forward on Constitutional grounds alone.

To summarize; This Bill will do nothing for public safety. It does not keep guns out of the hands of criminals. The current process of only the STATE LEGISLATURE regulating CHL “carry” in Oregon works! This is a solution for a problem that does not exist. This Bill will only harm the honest CHL holder, restrict the ability of self protection, cause great confusion and will turn the CHL holder into a criminal. I urge you to NOT MOVE THIS BILL OUT OF COMMITTEE and if it does go for a floor vote, Vote NO for this Bill’s passage.

Respectfully,

Craig Ziegenhagel Albany, OR

Former Police Officer-Deputy Sheriff, EMT, 2A Advocate