

February 19, 2021

Senate Judiciary Committee:  
Chair Senator Floyd Prozanski  
Vice-Chair Senator Kim Thatcher  
Member Senator Michael Dembrow  
Member Senator Sarah Gelser  
Member Senator Dennis Linthicum  
Member Senator Dallas Heard  
Member Senator James Manning Jr.

## Subject: Opposition to SB 554

No vote is urged on behalf of myself, my family and the Yamhill County Sportsmen's Association.

### **Chair Prozanski, Vice Chair Thatcher,**

Members of the Senate Judiciary and Ballot Measure 110 Implementation.

I am a retired Law Enforcement Officer. I am also a Military Veteran of 13 years. I have been a firearms instructor, Department Range Master, Department Senior Firearms Instructor in Charge, Joint Agency Firearms Instructor and Range Master. I have instructed as both a Guest Firearms Instructor and Volunteer Instructor at the Oregon Police Academy. I was certified as a Police Firearms Instructor by the State of Oregon BPST – DPSST and the NRA.

We can probably safely say I know my way around firearms of all varieties and can authoritatively speak to the subject.

In addition to putting forth my own views, I sit on the Board of Directors of the Yamhill County Sportsman's Association. I have been authorized by the Executive Board to represent the nearly **300 members** and Associate members of our organization. The nearly 300 men, women and young adults of the Yamhill County Sportsmen's Association are overwhelmingly opposed to SB 554. We also are absolutely opposed to the amendments and feel this bill should not be voted out of committee.

This law is unwarranted, unjustified, unneeded, over bearing, of questionable constitutional quality and creates a problem looking for a place to happen.

The -2, it would appear, is an afterthought, invokes the Emergency Clause which is again an absolute abuse of the legislative process, citizens right to petition and of the intent of the Emergency Clause. Yes we understand the citizens still have a right to petition. However we also recognize and realize the elevation of and the increased requirements for that petition and the motives behind why a legislator or legislative body would use that clause in this particular or similar instances for non-emergency, non-financial reasons.

Our Political Leaders are supposedly calling for transparency in Government, showing respect to the Citizens of Oregon, Ethics in Government, chastising and removing members from committee assignments. The actions surrounding this bill, the emergency clause, the apparent lack of forethought and preparation (as evidenced by the number of amendments, to include the Emergency Clause), an apparent attempt to deny citizens the right to lawfully carry their firearms fly in the face of common sense legislative actions..

Oregon Law has the State Legislature regulating firearms laws for uniformity. Citizens know/ knew where they could carry firearms and where they can / could not. That was to prevent a patchwork of laws from block to block, city to city, county to county, building to building school district or private school zones. This legislation authorizes and enacts a patch work quilt of laws, rules and restrictions in Oregon surrounding government property, including city, county and state parks, that no citizen could ever possibly be expected to keep up with. A person could leave home in McMinnville, drive to Crater Lake and violate laws, ordinances, rules and policies a dozen times without even knowing it. Just by driving by 'adjacent to' a prohibited property. God help him if he is going to Portland to pick up his son or daughter who is arriving on Alaska Airlines, home for 2 weeks leave from the Military. The parent at the curb in the pickup area, waiting to pick up their son or daughter, arrested for having a fire arm in his car with him.

How about a Sunday drive and finding yourself adjacent to a small town City Hall, Real Estate School, Business School or a School District day care being conducted in a private business space that is unrecognizable as anything but a business? Oh yes, the signs. If you are standing in front of and are adjacent to the building where you CAN read the sign, well, that seems a little late.

(9) "Public building" means:

(a)(A) A hospital[.,];

(B) A capitol building[.,];

**(C) A public or private school**, as defined in ORS 339.315[.,];

(D) A college or university[.,];

(E) A city hall;

**(b) The grounds, other than a parking area, adjacent to a building described in paragraph (a) of this subsection:**

***Would any of the Senators or the State of Oregon care to buy my house and property?***

I can literally stand on my property line, reach out and touch a Public School District Classroom next door to me. (See Exhibits below.)The school district bought the property (in a residential district) next to mine a few years ago under the idea of a 'community orientated teaching concept'.

They moved my back fence after they commissioned a survey. One of the School Districts building eaves, as a result of that, now actually over hang my back fence. My property is now literally physically in contact with grounds adjacent to a school building and tennis courts on 2 sides of me. This building was supposed to have been removed, but the School District has failed to do so.

This school district has a no firearms policy. So, if you enact this, I become an instant criminal. I can assure you my home defense weapon is not going anywhere so I become a criminal for possessing a firearm on the grounds adjacent to 3 school buildings and a tennis court.

## Oregon State 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.*

I would respectfully submit that SB 554 in no way encompasses the definition of "...an individual right to possess a firearm and to use that arm for traditionally lawful purposes".

### Exhibit 1



### Exhibit 2

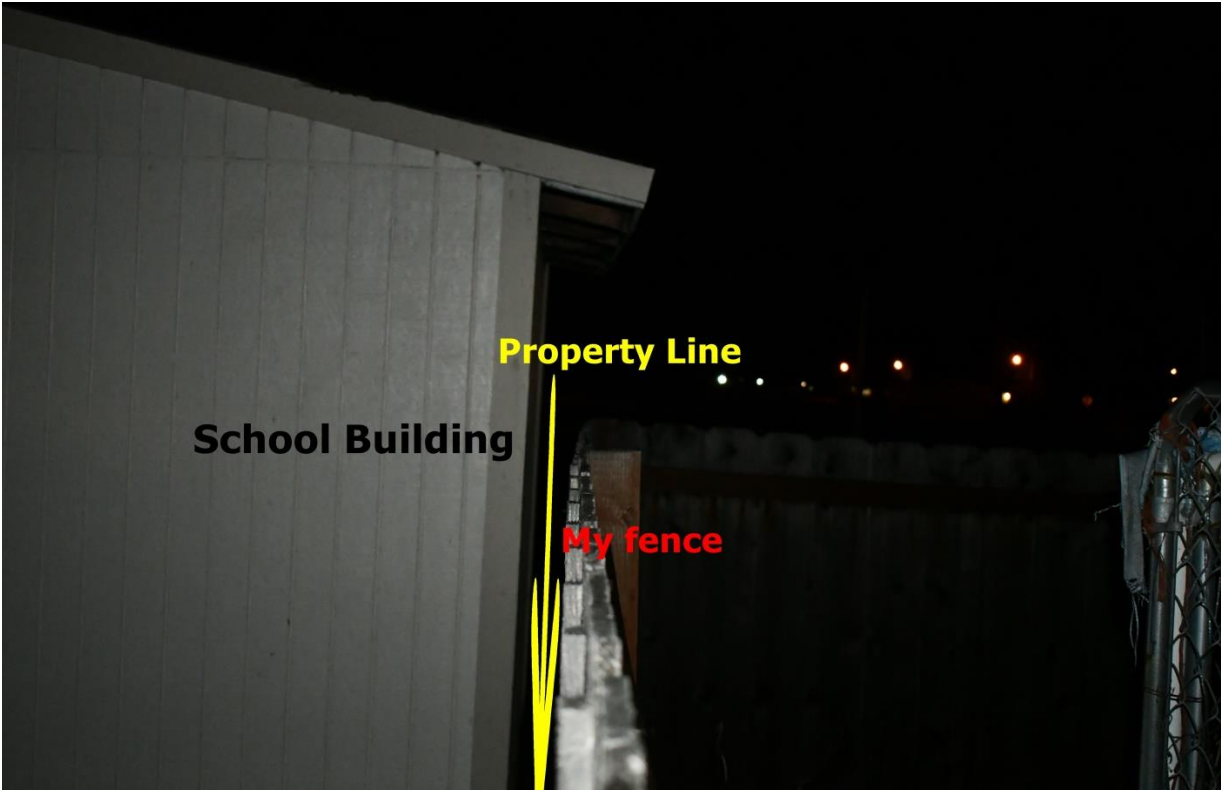
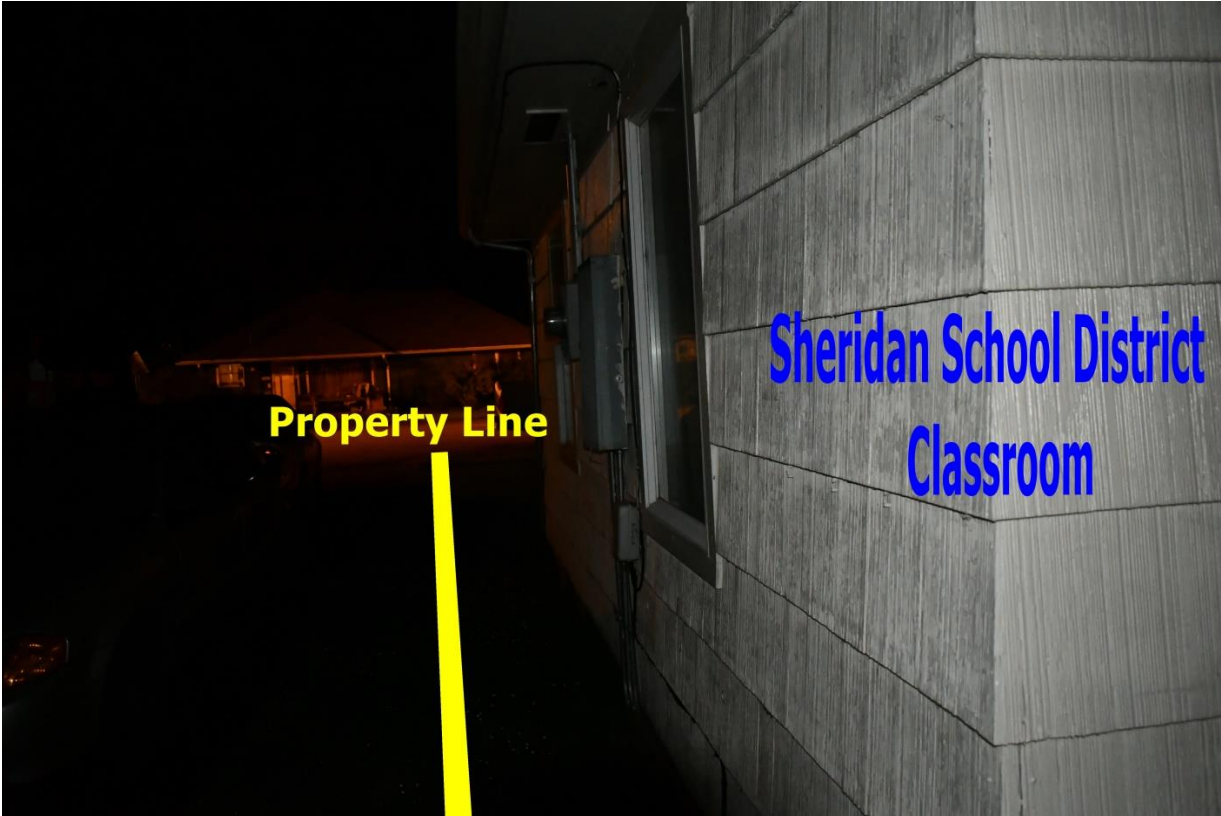


Exhibit 3



As can be clearly seen in these exhibits, The School District has buildings encroaching on my property line and actually breaking the plane onto my property. I would think that to allow any law to ban myself, my family, or anyone else, from possessing firearms on our property adjacent to school grounds and / or buildings will open up many more legal concerns..

Respectfully Submitted,  
Jim Mischel in Private Capacity  
and  
Board of Directors  
Yamhill County Sportsmen's Association