Submitter: John F Woods

On Behalf Of:

Committee: House Committee On Judiciary

Measure: HB2005

HB2005 begins with this sentence "   Defines "undetectable firearm." Punishes manufacturing, importing, offering for sale or transferring undetectable firearm by maximum of 10 years' imprisonment, $250,000 fine, or both.

Dictionary definition of Detect or Detectable : to discover the existence of:

So when we add the prefix "Un" we have an object that cannot be proven to exist since it is undetectable.Nowhere in this bill is there a definition of a undetectable firearm there are references to a unserialized firearm farther down in the text of this bill but no definition that a unserialized firearm constitutes an undetectable firearm

So all these threats of punishment and fines mentioned rely on proving that something that is undetectable (cannot be proven to exist) can be found and be detected. Good luck getting a warrant for something that may not exist!

"Punishes possession of undetectable firearm by maximum of 364 days' imprisonment, $6,250 fine, or both, and 10 years' imprisonment, $250,000 fine, or both, upon second and subsequent convictions. Punishes possessing, offering for sale, selling or transferring firearm without serial number by maximum of $1,000 fine upon first conviction, 364 days' imprisonment, $6,250 fine, or both. "

Let's look at some inconvenient amendments standing in the way of this stupid attempt to reach higher than the offices in the Oregon Legislature have the power to allow.

First on the agenda is this:
Fourth Amendment Us Constitution Bill of Rights:
" The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Now there is a peculiar line of text that says " and particularly describing the place to be searched, and the persons or things to be seized."

Going back to the dictionary definition of detect and adding the prefix Un brings us to

an object that according the bills own words does not exist or cannot be found.

Threatening punishment while looking for an undetectable firearm, seems to this writer to be in direct violation of the Fourth amendment guarantee that " The right of the people to be secure in their persons, houses,papers and effects, against unreasonable searches and seizures shall not be violated."

Notice the strong assertive language used " The right of the people." This leaves no doubt who owns the right. "To be secure" means the people have the right to be secure, there is no room for interpretation of the right, the places, homes effects and papers are places where this right cannot be violated by unreasonable searches or seizures.

" And no warrant shall issue but upon probable cause"
Looking for undetectable firearms while threatening punishment and fines in direct violation of the Fourth Amendment guarantee to the people, means this bill is unconstitutional in scope and content. Suspicion does not equal probable cause, never has, never will.

The next amendment that stands in the way of this bill is the Fourteenth Amendment Section One:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law.
HB2005 is in direct violation of three Amendments in the Bill of Rights