



Oregon Firearms Federation  
Oregonfirearms.org

Testimony on HB 2005  
Kevin Starrett Director

PLEASE NOTE. This testimony was prepared to be presented to the House Judiciary when OFF was invited to be part of a 3 member panel. At the time, the panel was given a total of 40 minutes to address 3 bills. HB 2005, 2006 and 2007.

That meant each organization was granted a total of 4.4 minutes per bill, which was not much given the complexity of the bills.

The day before the hearing, we were informed that we would each be given a total of 4 minutes to address ALL three bills.

I won't be addressing the "undetectable firearm" part of this bill because the language refers to items that, to the best of my knowledge, do not exist.

You can refer to testimony I uploaded including the article from the New York Police Union dated 1987. If nothing else, it's good for a laugh.

I will say this, if there are guns and ammo out there that are made entirely without metal, regulate away. Cause I sure won't be shooting them.

As for the requirements that personally made firearms be serialized, there are a number of issues.

First, a Federal Court in Texas as already declared in *US VS Randy Price* that requiring serial numbers on firearms is unconstitutional.

The same conclusion was reached in *Rigby VS Jennings* in US District Court in Delaware.

While circuits have split on other issues being discussed today, I know of no courts that have reached any other conclusion about serial numbers.

As you know, under the Bruen decision, gun control laws must have an historical analog, and, as this bill acknowledges, serial numbers on firearms were not even required until 1968. So good luck finding an historical analog for this bill.

Furthermore. Just this past Sunday, the US District court in Texas ruled in *Polymer 80 vs Garland* that ATF does NOT have the authority to regulate unfinished receivers.

The court stated:

*But Congress wanted to exclude antiques, so it explicitly said the "term does not include an antique firearm," once again demonstrating awareness of the scope of the language it chose. . .*

*In contrast, Congress did not choose to cover firearm parts that are "designed" to be frames or receivers— that is, incomplete, nonfunctional frames or receivers. "That omission is telling," particularly when Congress used that more expansive terminology in the same definition. ATF's new definition of "frame or receiver" is facially unlawful.*

*That which may become a receiver is not itself a receiver. Congress could have included firearm parts that "may readily be converted" to frames or receivers, as*

*it did with “weapons” that “may readily be converted” to fire a projectile. But it omitted that language when talking about frames and receivers.*

*Congress did not choose to cover firearm parts that are “designed” to be frames or receivers— that is, incomplete, nonfunctional frames or receivers.*

*This further highlights that the FinalRule’s expansion of authority c) to firearm parts that are not yet frames or receivers goes beyond Congress’s definition.*

*The Court ORDERS that Defendants and their officers, agents, servants, and employees are enjoined from implementing or enforcing, in any manner, the provisions in 27 C.F.R. § 478.11 and 478.12 that this Court has determined are likely unlawful.*

The State of Oregon has no regulatory authority to compel companies to comply with federal firearms regulations for items that are not firearms.

I suppose that Oregon COULD say a hoohka pipe is a firearm and try to regulate it, but saying something is a firearm does not make it a firearm.

But even putting aside the constitutional issues, the bill has some serious practical issues.

For anyone who has lawfully made a personal manufactured firearm, there is no way to comply with this law.

Under section 4 of this bill, anyone in possession of a personally manufactured firearm will instantly become a criminal, Even though it was legal when they made it. It will be unlawful for a person to put a serial number on a PMF themselves.

There is no grandfather clause.. While the bill allows a gunsmith to take a PMF into their inventory to be serialized, there is no similar provision for the owner of the firearm to deliver it. The gunsmith will then be faced with taking an illegal firearm into their possession.

I know of no gun dealer or gunsmith who will do this.

And that’s for a firearms assembled from what are currently legal parts.

While theoretically you could require new unfinished receivers, made by others, to have serial numbers, there is no way you can do the same thing for receivers that are manufactured by the person making a firearm. So a person who uses a three d printer to make his own receiver has no way of complying either. And as much as

you might like to regulate that, it's too late. The printers are legal and cheap and the files are everywhere. So like it or not, the toothpaste is out of the tube on that issue.

Until the requirements in this bill are declared unconstitutional, which they will be at great expense to your constituents, this bill will do nothing to impact criminals but will potentially entrap thousands of people who have no criminal intent.