

March 22nd, 2023

The Honorable Jason Kropf
Oregon State Senate
State Capitol Building
Salem, OR 97301

Position: Oppose

Location: Hearing Room D

Re: HB 2006

Dear Members of the House Committee on Judiciary:

As the trade association for America's firearms, ammunition, hunting, and recreational shooting sports industry, the National Shooting Sports Foundation ("NSSF") seeks to promote, protect, and preserve hunting and the shooting sports. NSSF has a membership of more than 12,000 manufacturers, distributors, firearms retailers, shooting ranges, and sportsmen's organizations. Our manufacturer members make the firearms used by law-abiding Oregon sportsmen, the U.S. military and law enforcement agencies throughout the state.

This letter is to express NSSF's opposition to HB 2006, a bill that discriminates against 18, 19 and 20 year old Oregonians.

NSSF's interest in this initiative derives principally from the fact its federally licensed firearms manufacturer, distributor and retail dealer members engage in lawful commerce in firearms and ammunition in Oregon and throughout the United States, which makes the exercise of an individual's constitutional right to keep and bear arms under the Second Amendment possible. The Second Amendment protects NSSF members and others from statutes and regulations seeking to ban, restrict or limit the exercise of Second Amendment rights. As such, the determination of whether a statute improperly infringes upon the exercise of Second Amendment rights by way of a complete ban on commonly owned firearms accessories is of great importance to NSSF and its members.

FIREARMS OWNERSHIP IS A CONSTITUTIONALLY PROTECTED RIGHT

The Second Amendment inclusion in the Bill of Rights establishes that an individual's right to keep and bear arms is a fundamental individual right, just as the right to exercise free speech, practice religion, or vote in elections are available to law-abiding American adults to freely exercise upon their choosing. Denial of the full ability to exercise these rights, or to relegate Second Amendment rights to a second-class status, is a right denied. This was affirmed in 2008 by the U.S. Supreme Court in its District of Columbia v. Heller decision. The majority decision affirmed the right of individuals to keep and possess firearms for lawful purposes, including the right to self-defense and stated that the bans on particular types of firearms, such as AR-15s, were tantamount to a prohibition on an entire class of "arms" Americans overwhelmingly choose for the lawful purpose of self-defense. Since 18 is the legal age of majority and persons under 21 can't legally purchase a handgun, raising the long gun purchase age to 21 effectively deprives persons age 18-21 of their Constitutionally protected rights by denying them the ability to legally acquire the means for self-defense.

18 YEAR OLDS ARE ADULTS UNDER U.S. LAW

At 18 years of age, an American may vote, enlist and may be drafted to serve in our military. If an 18 year old is old enough to defend our rights with an automatic, military firearm, and to die in service to our country, there is no reason to deny a qualified individual his or her Second Amendment right to own a semi-automatic firearm. A blanket prohibition on firearm ownership for those aged 18 to 20 is arbitrary and not supported by evidence that this will have an impact on criminal misuse of firearms. In fact, a review of mass shootings over the last 50 years found only one other instance of the use of a modern sporting rifle that was legally obtained by a shooter under the age of 21.^{vi} Consider the impact made by the unconstitutional ban on handgun purchases for those in this age bracket. Data clearly show that gun violence is often committed by prohibited young men involved in gang activity, with illegal handguns as the firearm of choice. The age-restriction does not stop criminals. It only stops those who follow the law, regardless of age.

Noted criminologist Gary Kleck performed a longitudinal analysis of the impact of the 1968 ban on 18-20 year olds purchasing handguns. After testing for an impact on the share of violent crime arrests for the adults in this age group, he concluded that the results, "indicate that there was no impact of these age restrictions on handgun purchases, on the 18-to-20 share of arrests for homicide, robbery or aggravated assault".

AGE-BANS CARRY UNINTENDED CONSEQUENCES

While age-based gun bans are not likely to have an impact on crime or on the misuse of firearms, there would be unintended consequences of such a law. The popularity of Modern Sporting Rifles has steadily grown over time, even as crimes with firearms have declined. In fact, the Colt AR-15 and Springfield M1A, both labeled "assault weapons," are the rifles most often used for marksmanship competitions in the United States. And their cartridges are standard hunting calibers, useful for game up to and including deer. Why does this matter? When a firearm or ammunition is purchased, a federal excise tax is paid by the manufacturer that funds wildlife conservation efforts in each state. Setting an arbitrary limit on the size of the legal market will only serve to shrink the conservation dollars that states depend on."

FIREARMS INDUSTRY SUPPORTS PRACTICAL SOLUTIONS

Effective solutions exist that will make our communities safer by ensuring unauthorized individuals do not have access to any firearm of any kind at any time. That includes criminals, those deemed mentally unfit, and children. As an industry, we support background checks requiring all federally licensed firearms retailers to conduct an FBI background check when they sell any firearm. However, our members know that a background check is only as good as the records in the database. That's why the NSSF launched the FixNICS® campaign in 2013 to encourage states to submit all disqualifying criminal and mental health records to the FBI's National Criminal Instant Background Check System (NICS). For more on NSSF's FixNICS® campaign, see www.FixNICS.org. Since its inception, 16 states have changed their policies and submission of disqualifying records increased 200 percent from 1.7 million in 2013 to nearly 5 million in 2017. NSSF supports U.S. Sen. John Cornyn's (R-Texas) S.2135, the Fix NICS Act of 2017, and its House companion measure introduced by U.S. Reps. John Culberson (R-Texas) and Henry Cuellar (D-Texas), which would provide financial grants to states to upload disqualifying records and compel federal agencies including the Defense Department, to submit all disqualifying records.

CONCLUSION

In the wake of any tragedy, it is all too easy to apply a band-aid policy change and claim a problem has been solved. However, the gaps that remain in the system would not be addressed by denying lawful

ownership to an entire class of citizens, just as existing unconstitutional age-restrictions on handguns have not solved gang-violence among inner-city youth. It is important to remember that the Parkland tragedy did not occur because of the age of the shooter. It occurred because of the mental state of the individual, just as we have seen with other recent tragedies that involved older individuals with mental health problems. The fact remains that in the United States you are an adult when you turn 18. Your constitutional rights are fully vested, including the right to vote and the right to keep and bear arms. Any age-based gun ban would deny young adults their Constitutional right to self-protection without evidence that this would prevent the unlawful misuse of firearms.

Due to the negative unintended consequences and unclear definitions the National Shooting Sports Foundation is opposed to HB2006, and we would urge the committee to vote no on the bill.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M Findlay', with a long, sweeping flourish extending to the right.

Michael Findlay
Director of Government Relations – State Affairs
National Shooting Sports Foundation

Cc:

Vice-Chair Representative Tom Andersen
Vice-Chair Representative Kim Wallan
Member Representative Janelle Bynum
Member Representative Farrah Chaichi
Member Representative Charlie Conrad
Member Representative Rick Lewis
Member Representative Lily Morgan
Member Representative Lisa Reynolds
Member Representative Thuy Tran