

Tim LeMaster
SB243 Testimony

I oppose SB997.

The Oregon bill of rights Article 1 Section 27 says” The people shall have the right to bear arms for the defence [sic] of themselves”.

Oregon ORS **109.510 Age of majority** recognizes adults at the age of 18 as having all the rights and liabilities of a citizen. The right to defense is one of those rights. Taking this away is unconstitutional in the plainest sense.

If legislators want to push this issue then there should be a revision to the age of majority combined with a constitutional amendment addressing and negating the right to self defense.

As the state is considering more laws to burden the various enforcement agencies it should be known Oregon State Police (OSP) are failing to follow the law regarding failed firearms transfer background checks.

I have notified legislators and 2 years ago I testified to the judiciary committee on the OSP procedure failure.

ORS 166.412 requires notifications to various state, federal, and local law enforcement agencies that have purview over persons who are discovered through background checks to be illegally purchasing firearms. Subsequently the OSP is required by the same statute to provide an annual reporting of those notifications and disposition of the referred investigations.

They do not track that information.

I submitted an information request March 28, 2023 to OSP for the information regarding what illegal gun purchases were referred for investigation and the disposition of those referrals.

Ultimately, I did receive a published annual report on gun purchases, but that report did not contain the investigation referral and disposition data. When I followed for that specific information the OSP replied they “considered the matter closed” refusing to provide the data. I think it is safe to presume OSP does not have that data because they do not follow the law in this matter.

This legislators should put a focus on ensuring that the laws on the books are actually being enforced before coming up with new laws to lay upon an already burdened enforcement system.

ORS 166.412.7.i.C-D

166.412 Definitions; firearms transaction record; criminal history record check; prohibited transfer report; liability; rules.

(i) The department shall annually publish a written report, based on any information received under paragraph (h) of this subsection, detailing the following information for the previous year:

(C) The number of investigations arising from the reports made pursuant to paragraph (c) of this subsection, the number of investigations concluded and the number of investigations referred for prosecution, all arranged by category of prohibition; and

(D) The number of criminal charges arising from the reports made pursuant to paragraph (c) of this subsection and the disposition of the charges, both arranged by category of prohibition.

A handwritten signature in black ink, appearing to read "Jim LeMutz". The signature is written in a cursive, flowing style with a large initial "J" and a stylized "L".

4 attachments**2022 Oregon Firearm Transaction Denial Report Final 04.11.2023.pdf**
551K**FINAL 2021 FICS Unit Overview.pdf**
556K**FINAL 2020 FICS Unit Overview.pdf**
642K**FINAL 2019 FICS Unit Overview.pdf**
688K

Timothy LeMaster [REDACTED]
Draft To: "Smith, Coral" <Coral.Smith@osp.oregon.gov>

Thu, Jun 22, 2023 at 5:20 AM

[Quoted text hidden]

2 attachments**image001.png**
20K**image001.png**
20K

Timothy LeMaster [REDACTED]
To: "Smith, Coral" <Coral.Smith@osp.oregon.gov>
Cc: "Kanaeholo, Kyle K" <Kyle.Kanaeholo@osp.oregon.gov>

Thu, Jun 22, 2023 at 5:33 AM

Good morning,
I appreciate your response

This information does not fulfill my request.

I already had two of these reports.

The information request is specifically for the details of the statutorily required report on the follow up investigations, charges, and disposition of those charges of illegal purchase attempts referenced in these reports.

For example,

In 2022 there were more than 2,300 illegal purchase gun attempts denied.

The cited statute requires reporting of those attempts how many were investigated? How many were charged for the illegal attempt and connected crimes? And what was the final disposition/adjudication of those charges?

As I referenced in my information request this specific follow up data is required by law to be compiled and reported

annually by OSP.

I would like a copy of the report of that data that follows up as exempld above.

Thank you,
Tim LeMaster

On Tue, Jun 20, 2023, 13:22 Smith, Coral <Coral.Smith@osp.oregon.gov> wrote:

[Quoted text hidden]

2 attachments



image001.png
20K



image001.png
20K

Smith, Coral <Coral.Smith@osp.oregon.gov>

Thu, Jun 22, 2023 at 4:34 PM

To [REDACTED]

Mr. LeMaster –

OSP has provided the only responsive records to your request. The only report that contains the requested information was created with the 2022 data, and has been provided. The department did not write reports for 2020 and 2021, therefore those reports do not exist.

We will consider your public records request closed at this time. Thank you!



Coral Smith

Director | Central Records Section

Oregon State Police

3565 Trelstad Ave SE

Salem, OR 97317

Email: coral.smith@osp.oregon.gov

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From: [REDACTED]
Sent: Thursday, June 22, 2023 5:33 AM
To: Smith, Coral <Coral.Smith@osp.oregon.gov>
Cc: Kanaeholo, Kyle K <Kyle.Kanaeholo@osp.oregon.gov>
Subject: Re: PR68555 - information enclosed

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REQUEST FOR OREGON STATE POLICE AND OREGON STATE FIRE MARSHAL RECORDS

Provide all information available.

If there are fees associated with your request you will receive a fee letter with information on how to submit payment.

Mail, fax or email to: **Oregon State Police**
Attn: Central Records Section
3565 Trelstad Ave. SE
Salem, OR 97317
Fax: (503) 378-6300
Email: central.records@osp.oregon.gov

Questions? Call (503) 378-3725 extension 44444 or email central.records@osp.oregon.gov

Please select the option that best describes which requester type you represent:

☐ Private Citizen or Business ☐ Attorney ☐ Insurance ☐ Government Agency ☐ Law Enforcement ☐ Media ☐ Other

Requester Information: (please enter your contact information)

| | | |
|--|------------|-------------------|
| Name of Requester/Firm/Company: | | Telephone Number: |
| Mailing Address: | | Contact Person: |
| City: | State/Zip: | |
| Contact Person e-mail address: <i>(optional)</i> | | |
| Reason for Request: <i>(required)</i> | | Date Needed by: |

Requested Records: (please describe in detail the records you are requesting)

Incident Information: (use this section to request records related to an incident OSP investigated or a citation issued by OSP)

| | | | |
|---|----------------------------------|---------------------|---|
| Case # or Citation #: (if known) | | Officer: (if known) | |
| Date of Incident: | Time: | | <input type="checkbox"/> AM <input type="checkbox"/> PM |
| Location of Incident/Street Address: | City: | County: | |
| Type of Incident/Crime/Description of events: | | | |
| Persons Involved (full and complete name known) – list additional known persons in comments section | | | |
| Name | | DOB | |
| Name | | DOB | |
| Vehicle Information: | Make/Model/Year/Color/Style/etc. | License Plate #: | State: |

Comments:

Please allow up to 30 days for your request to be processed. All reports requested are subject to release per state and federal public record statutes. Records may contain exempt and non-exempt materials and are subject to redaction.