Tim LeMaster SB698 Testimony

I oppose SB698.

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".

Included is an article from when recurring attacks took place on the Metro. Police are reactionary and the time it takes for response may be a determinant of life and death. The State constitution guarantees the right to self defense. This bill is literally preventing people from defending themselves when in proximity to government facilities and when using government funded transit.

Cities in Oregon have serious public safety concerns with drug abusers, homeless, mental health sufferers and more. The normal citizen is afforded the right to be considered innocent in their day to day actions. This includes any intentions as to their desire to carry firearms for self defense.

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 negarting 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:

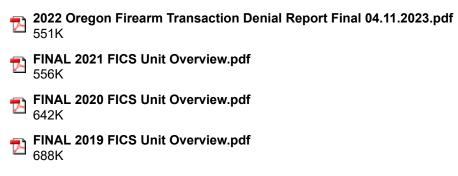
(C) The number of investigations arising from the reports made pursuant to paragraph (c) of this subsection, the number of investigations concluded and the number of investigations referred for prosecution, all arranged by category of prohibition; and

(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.

7 in Le Mitz

Tim LeMaster

#### 4 attachments



# Timothy LeMaster

Draft To: "Smith, Coral" < Coral.Smith@osp.oregon.gov>

Thu, Jun 22, 2023 at 5:20 AM

Thu, Jun 22, 2023 at 5:33 AM

[Quoted text hidden]



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

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/adjusication of those charges?

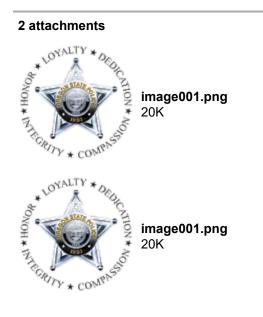
As I referenced in my information request this specific follow up data is required by law to be compiled and reported

annually by OSP.

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

Thank you, Tim LeMaster

On Tue, Jun 20, 2023, 13:22 Smith, Coral <Coral.Smith@osp.oregon.gov> wrote: [Quoted text hidden]



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

Thu, Jun 22, 2023 at 4:34 PM

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

The Oregon State Police will be a leader in delivering high-quality services that support and enhance public safety in the 21st Century.

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From: 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

CAUTION: This email originated from outside of OSP. Do not click links or open attachments unless you know the content is safe.

[Quoted text hidden]

REQUEST FOR OREGON STATE POLICE AND OR	EGON STATE FIRE N	MARSHAL RECORDS
Provide all information If there are fees associated with your request you will receive a fee 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. Questions? Call (503) 378-3725 extension 44444 or	e letter with information on on .oregon.gov	
Please select the option that best describes which requester type yo	ou represent:	
Private Citizen or Business Attorney Insurance Governm	nent Agency 🗌 Law Enforce	ement 🗌 Media 🗌 Other
Requester Information: (please enter your contact information)		
Name of Requester/Firm/Company: Tim LeMaster	Telepho	ne Number:
Mailing Address:	Contact Person: Tim LeMaster	
City: Portland	State/Zip:	
Contact Person e-mail address: (optional)		
State required FICS report data for annual information regarding illegal gun purchase attempts and disponsition of investigations and charges.	Date No ASAP	eeded by:
Requested Records: (please describe in detail the records you are requesting The disposition of investigations in 2020, 2021 and 2022 arise and disposition of charges arranged by category of prohibition Incident Information: (use this section to request records related to an in	sing, concluded, and re on. cident OSP investigated or a c	-
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Type of Incident/Crime/Description of events:	I	
Persons Involved (full and complete name known) – list additional know Name	wn persons in comments se DOB	ction
Name	DOB	
Vehicle Information: Make/Model/Year/Color/Style/etc.	License Plate #:	State:
<b>Comments:</b> SB 348 amendment pages 37-38 that is currently under considera "(D) The number of criminal charges arising from the reports made disposition of the charges, both arranged by category of prohibitio That information is not mentioned in the 2022 FICS report despite	e pursuant to paragraph (« n.	
Please allow <u>up to 30 days</u> for your request to be processed. All repor public record statutes. Records may contain exempt and non		

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A witness to the stabbing wound until paramedics	-	ner Good Sar	maritan appli	ed pi	AL	

**SEE ALSO |** Court docs expose apparent TriMet lifetime ban loopl predator has charge dropped on technicality

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## JasonSteph

4 September, 2023

For liberal state, they really do seem to drive home the importan

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