

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 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 "Tim LeMaster", with a stylized, cursive script.

Tim LeMaster

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**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

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**Timothy LeMaster** [REDACTED]

Thu, Jun 22, 2023 at 5:20 AM

Draft To: "Smith, Coral" &lt;Coral.Smith@osp.oregon.gov&gt;

[Quoted text hidden]

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

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**Timothy LeMaster** [REDACTED]

Thu, Jun 22, 2023 at 5:33 AM

To: "Smith, Coral" &lt;Coral.Smith@osp.oregon.gov&gt;

Cc: "Kanaeholo, Kyle K" &lt;Kyle.Kanaeholo@osp.oregon.gov&gt;

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](mailto:Coral.Smith@osp.oregon.gov)> wrote:

[Quoted text hidden]

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**2 attachments**



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20K



**image001.png**  
20K

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**Smith, Coral** <[Coral.Smith@osp.oregon.gov](mailto: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](mailto: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:** [REDACTED]  
**Sent:** Thursday, June 22, 2023 5:33 AM  
**To:** Smith, Coral <[Coral.Smith@osp.oregon.gov](mailto:Coral.Smith@osp.oregon.gov)>  
**Cc:** Kanaeholo, Kyle K <[Kyle.Kanaeholo@osp.oregon.gov](mailto: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.**

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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](mailto:central.records@osp.oregon.gov)**

Questions? Call (503) 378-3725 extension 44444 or email [central.records@osp.oregon.gov](mailto: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: Tim LeMaster		Telephone Number: [REDACTED]
Mailing Address: [REDACTED]		Contact Person: Tim LeMaster
City: Portland	State/Zip: [REDACTED]	
Contact Person e-mail address: (optional) [REDACTED]		
Reason for Request: (required) State required FICS report data for annual information regarding illegal gun purchase attempts and disposition of investigations and charges.		Date Needed by: ASAP

**Requested Records: (please describe in detail the records you are requesting)**  
The disposition of investigations in 2020, 2021 and 2022 arising, concluded, and referred for prosecution, and disposition of charges arranged by category of prohibition.

## **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	
<b>Vehicle Information:</b>	Make/Model/Year/Color/Style/etc.	License Plate #:	State:

**Comments:**  
SB 348 amendment pages 37-38 that is currently under consideration makes reference to:  
“(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.  
That information is not mentioned in the 2022 FICS report despite being required by statute.

**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.**

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## Victim has throat slashed in yet another Portland stabs 2nd victim same night

by Jeffrey Kirsch, KATU Staff

Mon, September 4th 2023 at 8:54 AM

Updated Tue, September 5th 2023 at 10:53 AM



TriMet MAX train. (KATU Photo)

**TOPICS:** [PORTLAND](#) [GARCIA](#) [VICTIM](#) [ATTACK](#) [STABBING](#) [MAX PLATFORM](#) [UNP](#)

PORTLAND, Ore. — Yet another person became a victim of violence Saturday - this time an unprovoked throat slashing near a MAX platform.

Moctezuma Garcia, 24, is charged with 2 counts of attempted murder after a series of unprovoked attacks in downtown Portland.

Garcia then allegedly walked up to the victim and slashed his thro  
attack,

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**PREVIOUSLY |** [Suspect arrested in Portland after two late-night s  
unreported attacks](#)

SPORTS

The victim walked away holding his neck "as blood poured out." T  
as a shirtless man in his 30s.

AMNW

AFTERNOON LIVE

A still image of the suspect was sent out to police, and an officer r  
suspect who had attacked an unknown victim with a skateboard i  
incident.

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**RELATED |** [Police: Two teens stabbed on MAX train in SE Portlan  
at knifepoint.](#)

TRAFFIC

Later that night, a man was stabbed in the chest outside Momo's  
Avenue. Again the suspect was described as a man in his thirties \

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A witness to the stabbing and another Good Samaritan applied pr  
wound until paramedics arrived.

LEGAL

**SEE ALSO |** [Court docs expose apparent TriMet lifetime ban loop  
predator has charge dropped on technicality](#)



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Garcia was booked into jail Friday afternoon and will be arraigned. Prosecutors have filed paperwork asking for a preventative detention that bail not be granted to Garcia.

 **READ THE COMMENTS (14)**

*UPDATE 9/5: The original copy of this article stated that the throat slash occurred on a platform at 720 SW Broadway. TriMet has stated that the attack happened on it, and was captured by TriMet cameras in the exact same area.*

Conversation 14 Comments

Commenting on this article has ended

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**PDXadumpsterfire**

4 September, 2023

Guns are banned on the Crime Line, and Crime Line property. Si

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**Podesta**

4 September, 2023

The focus is wrong. These attacks are sometimes occurring near factors tying them together are likely mental illness and people v

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 3 replies

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**SparklyBritches**

5 September, 2023

You got a shiner? Whoa, I'd almost be willing to c

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**GreshamCoff33Lady**

5 September, 2023

Riders on Max need to be searched for weapons. Maybe we need  
transportation. It's so sad that adults behave even worse than ig  
younger generation seems to be much wiser than a lot of the ad  
It also seems there are an...

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**ImaFrayedKnot**

4 September, 2023

7th & SW Broadway??? Holiday interns?

(Edited)

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**JasonSteph**

4 September, 2023

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

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eddaB

4 September, 2023

No "bias crime" charged for ol' Garcia??

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