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Salem, Oregon 97302  
March 29, 2015

Senate Judiciary Committee  
Oregon State Capitol  
900 Court St. N.E.  
Office S-333  
Salem, Oregon 97301

RE: Senate Bill 941

Dear Members of the Senate Judiciary Committee:

I write in opposition to Senate Bill 941, the “universal background check” bill. I believe all of us, including the sponsors of SB 941, are appalled at the level of violence currently committed by criminals using firearms. We diverge on the means and methods to reduce and prevent that violence. I protest current efforts which keep attention away from the root cause—criminals with no regard for laws--and focus instead on law-abiding citizens. Senate Bill 941, while perhaps put forth with good intentions, will have zero impact on criminals obtaining firearms. It is instead another intolerable erosion of personal liberty and an unnecessary burden on law-abiding citizens.

I'd like to first briefly review a few school and workplace shootings for common elements regarding the shooters and how the shooters obtained their weapons. Shooters including Adam Lanza, Aaron Ybarra, John Zawahiri and Kip Kinkel all suffered from various degrees of mental illness. Many shooters stole weapons from friends or the family home and many based upon age or other factors were otherwise prohibited by law from purchasing or possessing the weapons they used. Some parents were negligent by purchasing weapons for their children or leaving them unsecured and these weapons were later used to kill family members and during the shooters' attacks in public schools and workplaces.

According to the ATF (Alcohol, Tobacco, Firearms and Explosives agency) one of the most common ways criminals get guns is through straw purchase sales (someone who can legally purchase a firearm does so for someone prohibited from this purchase). This activity is already prohibited by existing laws. Senate Bill 941 would simply add one more law to be yet again ignored by criminals.

The next largest source of guns for criminals are sales made by legally licensed but "corrupt" at-home and commercial gun dealers (deemed "rogue entrepreneurs" by one report). Senate Bill 941 would not alter or change this dynamic.

Another large source of guns for criminals is guns which are lost, “missing” or stolen including law enforcement weapons. Senate Bill 941 would not alter or change this dynamic.

There are those who "traffic" in firearms but they originally get their guns through illegal transactions with licensed dealers, straw purchases or gun thefts. Senate Bill 941 would not alter or change this dynamic.

A truism is criminals will not obey the law, either current or new ones. A recent study by the National Institute of Justice notes the "illegal market" is the most likely source for criminals to obtain guns. More than one half of those recently arrested with a firearm in their possession stated "it is easy to obtain guns illegally" (just like it is currently easy to obtain certain drugs illegally). Senate Bill 941 would not alter or change this dynamic. If simply enacting laws prevented crime, activities including prostitution, arson, rape, theft and driving drunk would be things of the past. Criminals have not been stopped or impeded by existing laws prohibiting their conduct including:

- unlawful carrying of a concealed weapon
- unlawful possession of a firearm (especially convicted felons)
- unlawful possession of a firearm on school property (i.e. "gun free zone").

My question to the committee is this: Given all of the laws already in place which should have stopped "criminals" from obtaining firearms but in fact did not stop them, how will one new law, Senate Bill 941, now magically stop or even reduce the number of criminals from obtaining firearms? All Senate Bill 941 will do is impose more restrictions on law-abiding citizens while continuing to keep the focus away from criminals and bad actors.

I can only conclude supporting new restrictions/limitations is in the emotional "we must do something" category. Regrettably some people immediately resort to legislative "solutions" rather than apply a thoughtful and reasoned approach to the problem being addressed. All too often this "we must do something" methodology ends up only trampling the inherent rights of law-abiding citizens with no impact on criminal behavior. This approach does not solve problems and is irresponsible and intolerable.

If the sponsors and supporters of Senate Bill 941 really want to have a positive impact and actually reduce the chances of criminal behavior with firearms, I recommend the following common sense strategies:

allocating more resources for building and supporting healthy relationships in families so children and adults can access support services they need and couples get the training they need to be good partners and parents;

allocating more resources for school and community mental health programs;

establishing a 211/411/911 type of system for parents who have disturbed children and don't know where to turn for help;

supporting a national campaign for responsible gun ownership (e.g. public safety announcements);

demanding severe penalties/sentences for crimes when firearms are used or are "present" during the commission of a crime;

insisting BATFE perform its job responsibilities and promptly and regularly inspect all federally licensed firearms dealers (only 50% inspected from 2008-2013);

insisting law enforcement officers arrest and local district attorneys and the federal Department of Justice perform their responsibilities and timely prosecute all those who are prohibited from possessing firearms but attempt to purchase firearms anyway or purchase them for someone else who was prohibited from purchasing them (e.g. in 2010 only 13 people (out of hundreds if not thousands) were incarcerated for illegally trying to purchase a gun from licensed dealers);

demanding police departments across the country promptly place names of fugitives into the National Incident Background Check System. For example, police agencies in Washington did not report more than 184,000 warrants to the FBI. Arizona failed to report 31,000 and Ohio failed to report 183,000 warrants; and

lobbying to declare gangs and gang members "domestic terrorists" earning them indefinite detention at the Gitmo facility after their arrest.

I urge your opposition to Senate Bill 941, ask you to reject the continued erosion of personal liberty and ask you to support proven methods over hollow and ineffective gestures. Thank you for your time.

Sincerely,

/s/David Turner  
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