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STATE & LOCAL AFFAIRS DIVISION  
DANIEL REID, OREGON STATE LIAISON

April 1, 2015

The Honorable Floyd Prozanski  
Chair, Senate Committee on Judiciary

Re: Senate Bill 941– OPPOSE

Dear Chairman Prozanski:

On behalf of the members of The National Rifle Association, I strongly oppose Senate Bill 941. Background checks are ineffective, unenforceable and have a disproportionate impact on law abiding citizens.

#### Ineffective

Background checks have not proven to be effective. Persons who are denied purchasing a firearm based on a check are rarely, if ever prosecuted. It's worth noting that submitting false information on a federal firearms form is a felony. Further, it is already illegal to transfer a firearm to a known prohibited person and for a prohibited person to possess a firearm.

According to a January 2013 report from the U.S. Department of Justice's National Institute of Justice, the effectiveness of "universal background checks" depends on requiring gun registration. In other words, the only way that the government could fully enforce such a requirement would be to mandate the registration of all firearms in private possession – a requirement that has been prohibited by federal law since 1986.

Even if accompanied by a change in federal law to require gun registration, most criminal possession of firearms would remain outside the system. The concept of expanding background checks therefore, would only incur massive cost and bureaucracy, would not work without a change in a long standing federal law to require gun registration and would unduly burden law-abiding citizens from exercising their fundamental Right to Keep and Bear Arms.

#### Enforcement

How is law enforcement to enforce this bill? The likely scenario would be after a firearm has been obtained or confiscated. If law enforcement has already confiscated the firearm the chance that the action sought to be prevented has already occurred.

If law enforcement is to confiscate a firearm that has been transferred “illegally” is prosecution likely? ORS 131.125 (6) provides that prosecution for a misdemeanor must be commenced within two years after the commission. Does this mean so long as the private party transfer is not discovered for two years it becomes a legal transfer? Further, what is to stop someone who made an “illegal” transfer from stating the transfer fits within one of the temporary provisions or that the transaction occurred years prior to avoid prosecution?

#### Impact on Law Abiding Citizens

This bill has a disproportionate impact on law abiding citizens. The denial rate is close to 1%, meaning that almost 99% of people who go through checks are law-abiding citizens. So whatever requirements the system includes disproportionately impacts good, honest people who are simply trying to exercise a constitutional right.

Currently if someone wants to conduct a private transfer for a sale, gift, loan or lease they can do so without government interference and fees. Under this bill, to transfer a firearm, a person will be subject to a background check and an undermined fee from a willing dealer. This could mean that an individual who prefers to store his or her firearms at a friend’s house while the family is on vacation would be forced to make at least two visits to a gun dealer and pay two separate transfer fees. One check and payment of fees would take place upon transferring to the friend for safe keeping and another when the person returns from the trip and wants to retake possession.

#### Outreach

This bill does not have any provisions or funding that provides for outreach to Oregonians of the new change in law. This is important so average citizens are not turned into criminals overnight for something that has long been legal. Imagine the neighbors who have sold and traded firearms with each other could now be engaging in an illegal activity unbeknownst to them.

#### Outpatient Treatment

SB 941 expands those who are potentially prohibited from purchasing or possessing a firearm during the period of assisted outpatient treatment. Those who are eligible for outpatient treatment have not been adjudicated as mentally ill nor committed as currently required under both Oregon and Federal law. With this temporary prohibition, a copy of the order will be entered into the Law Enforcement Data System without a clear path for removal once the treatment has been completed.

#### Conclusion

SB 941 will have little impact on public safety but will instead unduly burden law abiding citizens subjecting them to unspecified fees and inconvenience while criminals continue to circumvent the law.

Thank you for your attention and I ask that you oppose this bill.

Cordially,



Daniel S. Reid  
State Liaison

Cc: Members, Senate Committee on Judiciary