

This is an argument in opposition to SB 941. Senator Prozanski and other proponents argue that this legislation will prevent "easy access to firearms" by felons. This is patently false! Under US Supreme Court decisions felons cannot be required to register their guns because it would violate their 5th amendment right against self incrimination! Because if you register a gun you are telling the police that you have it. This in my opinion would also apply to background checks. The felon or other prohibited person would be telling the State Police that they have it. So you may be able to charge these people with possession if you discover the possession, you would not be able to charge them for failing to do the background check. However law-abiding citizens could be charged for not doing the background check. Therefore the alleged target of this bill, the felon is exempt, but the alleged beneficiary isn't. This is clearly a gun registration bill!

The requirement to use the FFL dealer to do the background check assumes that the dealer is will to do so, and at what the bill says is a "reasonable" fee whatever that is. Requiring the dealer to treat the firearms as stock will bring him or her under federal law. The bill exempts dealers from liability for processing these transfers under state law, but cannot do so under federal law. So what is the dealers insurance company going to say about this and will dealers attorneys advise them to do transfers? What are sellers to do if dealers won't do the transfers? Proponents have not thought this through, because this is a gun registration bill not a background check bill.

The fees that a dealer could charge could be rather high, a form of tax if you will. This would make the firearm more expensive, and perhaps very expensive. An incentive to buy without the background check

There are always unintended consequences to everything in life. Proponents of alcohol prohibition did not envision the creation of criminal gangs, graft and corruption. Black Congressional leaders pushed for stiff criminal penalties for crack cocaine because of their belief that it would be sold in black communities. Little did they realize that it would be young black men in large numbers who would be effected by these penalties. Criminal gangs of gun traffickers selling full automatics from Mexico or other places could make firearms available without paperwork. After all this is a gun registration bill. If sellers cannot easily transfer a firearm with little cost they may opt to disregard the law. It is known as the Rosa Parks option. Senator Prozanski should be very careful, because he could be creating a monster that could never be destroyed.

Remember the British tried to take our guns too!

Gary Weis
774 SE Guy Ln
Dallas, Oregon 97338
971-322-6465