

Ladies and Gentleman,

I attended the hearing this morning, but was not able to testify due to time. I am a federally licensed gun dealer, certified NRA Instructor, Juris Doctor (1999), and Oregon business owner. I have considerable experience with the Oregon background check system and laws. My testimony on this bill is as follows:

1. As all public officials swear an oath to the Constitution of the United States and to the State of Oregon, consider the Federal Constitution's wording of "shall not infringe". There is no exception to this mandate to government officials. It is not overridden by safety or other concerns. Any law, including the changes and additions proposed by SB941 violate the provisions of the 2nd Amendment and infringe upon this very necessary right, one which secures a free state for the people (not securing the State). Proposing, supporting and voting for this bill is violating the oath of office.
2. SB941, as proposed, will demonstrably have NO effect on reducing availability of guns to the criminal element. The public was told and promised murders would drop should we enact background checks on firearms transfers through dealers. Last anyone checked, murders and violent crimes involving guns are still occurring in the State of Oregon. Just like the war on drugs, there has been NO effect on availability (one can even purchase drugs right inside a good many schools in Oregon).

The effect of SB941 will be to cause to be criminals regular citizens who are just transacting a private business deal in which both customers are happy at the conclusion of business, and otherwise where no other laws are broken. The criminal element will continue to obtain arms outside universal background checks as well as in violation of the underlying laws prohibiting possession of the gun.

3. SB941 will put more burden on the State Police background check system, and coupled with a new mandate to investigate every denial, OSP will be required to allocate their already thin resources on more fruitless rabbit hunts. Denials more often than not, usually are mistaken and spurious. A vote for SB941 borders on criminal misuse of State funds.
4. Completely unprosecutable offense. Reasonable and necessary exceptions within the law for transfers to family members and for certain lawful purposes render the prosecutor's case one in which he will have to prove the exact lineage of the gun in question and, absent a confession, true violators will not be convicted whilst ignorant people who are transferring otherwise lawfully can be convicted because of their confession in ignorance of the law.
5. SB941 is not like the regular background check system through dealers in that two people would have no reason to believe or know they were in violation of a law. The dealer system naturally puts the buyer on notice of the law through the dealer, but SB941 has no such natural contact with legal requirements. This is disingenuous and also a bad idea from a legislative perspective of trying to modify people's behavior. How would they naturally know to modify their behavior?
6. The purposes of SB941 would be better served by a public service campaign informing the public that they can be liable for transferring to a felon or other prohibited person and can utilize a dealer or other means to voluntarily request a background check be done on the prospective buyer. This process, without any change in law is available right now. This is the honest solution should the proponents of SB941 desire to be honest about their motives.

7. SB941 continues to open up state workers (personally sued) and the State of Oregon to expensive Federal civil rights lawsuits due to infringement upon civil rights guaranteed by the U.S. Constitution. Enacting SB941 will give citizens of Oregon even more legitimacy to an argument of infringement due to delays, wrongful denials, and general cooling of the rights as issue.

I urge you not to continue putting the citizens of Oregon at odds with their legislature. Until now, they like to trade guns with other owners, gift to their friends, or watch over friends' collections without involvement and harassment by the State of Oregon. If you make them criminals or feel like criminals, you should not be surprised when they start to scoff at all laws you try to enact while ignoring higher laws yourself. Soon, I suppose they'll not want to pay your salary anymore, or fund any more of your pet projects (or any State funding).

I am open to answering questions or clarifying any statement I have made above. Please feel free to contact me.

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