

Updated Testimony from Gary Haycox, OR Citizen

Date: April 1, 2015

RE: Senate Bill 941 - Requires private person to complete transfer of firearm by appearing with transferee before gun dealer to request criminal background check.

Chair Prozanski and members of the committee:

***** Updated Testimony:

I was in the hearing room during the public testimony, I did not observe any cogent arguments or supporting testimony that would substantiate any effectiveness of SB941 on reduction of gun crime nor preventing criminals from obtaining firearms. To the contrary the star witness, Mayor Charlie Hales, provided multiple anecdotal stories from Portland Police enforcement activity. Each and every case the Mayor used did not forward the case for SB941, but more importantly his testimony illustrated why SB941 should be abandoned and more emphasis and resource applied to criminal enforcement.

Mayor Hales examples:

1. A 16 year old, presumable gang member, pulled a gun and randomly shot at a crowd.
** In Oregon it is already illegal for someone under the age of 21 to purchase or possess a handgun.
2. 14 year old gang members in possession of semi-automatic handguns.
** In Oregon it is already illegal for someone under the age of 21 to purchase or possess a handgun.
3. A convicted felon in possession of and threatening a family member with a handgun.
** It is illegal for a felon to purchase or possess a firearm.
4. A person caught with drugs, methamphetamine, cocaine in possession of handguns and a shotgun.
** Does anyone really think that drug dealers / users will be conducting background checks when obtaining firearms and/or exchanging firearms amongst the criminal element.

Senator Prozanski, in his opening comments, affirmed the problem statement which law abiding gun owners agree with - "Guns don't kill people, people kill people". Although I would modify the statement to say "Guns don't kill people, criminals kill people". Since this is the Senator's foundational rationale for introducing SB 941 to provide background checks on the person purchasing or obtaining a firearm. Thereby removing the gun from the problem statement. Then one has to ask why SB941 requires that the **make, model, caliber and serial number of the firearm** to be presented during a background check. More egregious is that this information is retained (stored) by the State Police, effectively a gun registration process.

A reasonable person could address this issue, as suggested during testimony, by maintaining a "No Buy List". Then ensure the purchaser is not on the list. If not on the list, then there is no need for a background check. Or, even better, mark the

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government issued ID (ODL) with a "Can not purchase" indicator. If a person is clean, but then is convicted of a crime, the court would invalidate (punch) the clean ID and require the convicted criminal to obtain a new ID with the "Can not purchase" indicator. This would allow anyone, gun shop or private transaction, to quickly ascertain if the purchaser / transferee is legally qualified for receiving the firearm. No background check, no fee, no burden, no trip, no delay to the FFL merchant. Just a simple solution to the "Guns don't kill people, criminals kill people" problem.

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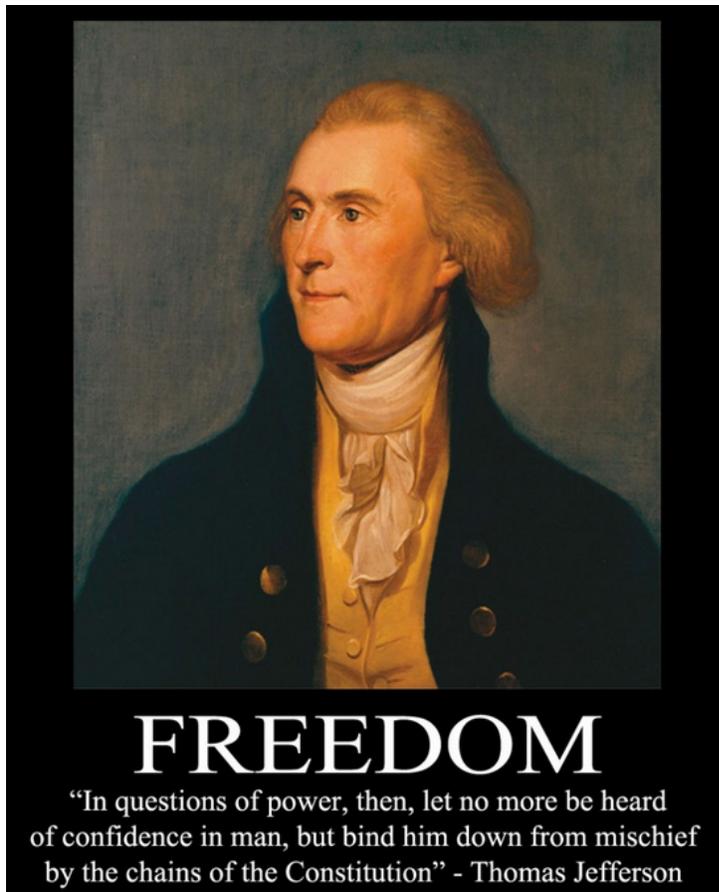
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***** **Original Testimony:**

I believe it is important to first, restate the simple 27 words of the 2nd Amendment

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed



I firmly believe that Americans are not ready to abandon the Constitutional principles of limited government, nor are they ready to allow the government to continue to overstep those principles. We have achieved the greatest freedom of any people on earth and history has not provided another prospect for bettering mankind. What it has shown us is that government must be bound from mischief by the chains of the Constitution.

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The last statement within the 2nd Amendment “Shall not be infringed” is perhaps the most important statement here, because SB 941 is an infringement to the Constitutional and our rights of Liberty.

Many folks will be testifying before your committee today providing broad and deep information, statistics and concerns regarding SB 941, so I do not need to repeat or compete with that thoughtful testimony. However, I do want to support everyone who oppose SB 941.

I am deeply concerned that this bill and other gun control measures violate the “presumption of innocence” foundation for law abiding citizens.

Additionally, although not exhaustive, I have enumerated some of my concerns below. These align with the OR Sheriff's Association and with those in law enforcement who take seriously their duty and oath of office:

- 1 I am concerned criminals will get around any new laws by accessing firearms in other ways.
- 2 I am concerned the law will be onerous for law abiding citizens with layers of new requirements. Many Oregonians are serious sport shooters, hunters and collectors. Frequently and with great care, they buy, sell and trade firearms with each other. I am concerned this law could ***create crimes and criminals out of otherwise law abiding people.***
- 3 I am concerned that much of this law will be ***unenforceable.*** It's unclear how law enforcement will learn of unauthorized transfers, and in many cases it will be very challenging to disprove a claim that a transfer was temporary in nature and therefore authorized. ***Laws that are largely unenforceable diminish respect for the law in general, which we do not need in today's environment.***
- 4 I am concerned how the State plans to address the current background system that is fraught with problems that more often than not create heavy burdens and delays for law abiding citizens.

I urge the committee to reaffirm their oath of office in preserving, protecting and defending the Constitution by opposing SB 941 and to stop all further action towards passing this legislation.

Thank you
Gary Haycox
Beaverton, OR