

Dear House Committee on Rules,

There are two alternatives to SB 941 that have been recently put forward. Each would create a safe guard against the wrong element purchasing a firearm, without having to expand the current background check system.

Rep. Bill Post offers HB 3528 as his alternative to SB 941. Per his statement, “makes it illegal to knowingly or unknowingly transfer a firearm to someone who is not eligible to possess one under state law”. To proceed with a transfer without running afoul of the law, just voluntarily use a NICS background check.

Then there is Sen. Kim Thatcher’s proposal that she tried to present to the Judiciary Committee earlier this week. Ultimate liability for the firearm will rest with the seller/transferer unless a background check is performed.

Both of these proposals accomplish what SB 941 is intended, but no expansion of the background check system required. Though the NICS system has been in place since 1998 it is fraught with problems, mandating an expansion would merely add to the problems. There are problems arising from an incomplete data base, sluggish input of data, at times inaccurate, and an often slow performance. Perhaps the most troubling to me is the incomplete data. Many of the terrible mass murder/suicides are perpetrated by the mentally ill, often having received prior therapy. Unfortunately the mental healthcare professionals often fail to report these dangerous individuals to the NICS database. The first that comes to mind is Rep. Gifford’s assailant and murderer of six people. Jared Loughner passed a NICS background check when purchasing his weapon. A clear failure of the NICS system. To my understanding many of the loopholes are bureaucratic in nature, not necessarily a result of the firearms market place.

I urge you to adopt one of the simpler alternatives to SB 941 proposed by Sen. Thatcher or Rep .Post. Then put your efforts into sorting out the systemic problems in the current background check process.

Thank you for your consideration in this matter.

Sincerely,

Harry W Wallace

Sheridan, Polk Cty

Dear House Committee on Rules,

There was a proposed amendment to SB941 that would have expanded an existing Oregon law and have the same result as expanding the NICS. It makes anyone who privately sells a firearm ultimately liable for that firearm unless they perform due diligence in the sale. The liability being relieved only if the seller has the buyer perform a voluntary NICS background check through a FFL holder. This elegantly simple loophole closure was rejected along party lines by the Judiciary Committee without due consideration.

I certainly do not wish for firearms to fall into the hands of felons, or violent mentally ill individuals. I think Sen. Thatcher's amendment would accomplish this without the need of further burdening the NICS system with a mandatory expansion of the background check law. The assumption of ultimate liability is a constituent friendly way to solve the problem of the private firearms sale loophole.

The NICS system has been in place since 1998, and has proven to be troubled with keeping data current, accurate, and performing in a timely manner. Your efforts would be better served by fixing the systemic troubles in the NICS background check. Since most of the high profile mass murder/suicides are done by the insane perhaps the faulty mental healthcare in this country should be your primary concern. Firstly why aren't these dangerous individuals finding their way into the NICS database? Then since many of these mass murder/suicide crazed killers steal their weapons, or acquire in some other shady manner, what is being done about the firearms black market? Background checks have no influence in the black market except maybe on pricing, but it certainly doesn't interdict the supply. As for the professional criminal who prefers homicide as his modus operandi, they should be removed from society permanently, whether by capital punishment, or life imprisonment. With close to 80% recidivism there is not much hope that Jesus, or psychiatry is going to reform the career violent offender. The best thing is to keep them off the streets.

Heaping more and more regulations on the law abiding citizen does absolutely nothing to alleviate our society's woes. It's appealing politically, but it really just sets the stage for creating more potential victims for criminals, and the criminally insane. Please vote no on SB941.

Thank you.

Sincerely,

Harry W Wallace

Sheridan, Polk Cty

Dear House Committee on Rules,

Yesterday I saw Retired Portland Police Chief Mike Reese throw his support behind SB 941 in a lengthy TV ad. He stated that 30,000 felons have been denied firearms by the current background check. The viewer is left to determine if that's per year or since 1998 when the NICS system first began. From the yearly totals of the Oregon State Police that figure must be for the entire history of the NICS here in Oregon. Vague victory dance for simpler minds to digest.

Assuming Mr. Reese's figure of felon denials is accurate, I would like to know how many of those denials were apprehended, prosecuted, and incarcerated? I ask this because a significant part of the law requires those actions by authorities. If you look at the denial statistics from the OSP (Oregon State Police) for the time period Dec. 2014 to August 2015. eight month's worth, there were 1,063 denials. Of that number 97 persons were actually wanted

by the police at time of the denial. Of that total number of 1,063 denials only 17 felons were arrested for their attempt at a firearms purchase. If you were to extrapolate that dismal success rate for the past 17 years against Mr. Reese's 30,000 denials, the enforcement is well below 1%. From a management point of view I'd have to say there are systemic problems with the current FICS/NICS program. Until that arrest, prosecution, and incarceration rate approaches something closer to 90% of the offending felons dealt with according to the present law, it would be absurd to compound the problem by expanding it at this time.

My point is that just the denial alone is not an effective, nor the intended application of the FICS/NICS law. The only consequence for the majority of felons denied is simply to be turned away. They are free to walk straight to the black market for their firearm, or commit a burglary in search of firearms. Which is pretty much what they do, given there is so much gun violence committed by felons, if the media is to be trusted. They want that firearm, and no store clerk, or gun show stall denial is going to stop them. They are free to work on their 76% recidivism, creating mayhem, more victims, more property damage, and requiring costly police time in communities like mine who are suffering budget constraints already. This could all be prevented if the authorities actually enforced the current law in its entirety.

29,999.5 of Mr. Reese's denied felons are never held to account for breaking the law, for attempting a firearm purchase in the first place. I can find no OSP statistics to dissuade me of that conclusion. They are free from consequences, and free to illegally acquire a firearm elsewhere. And rest assured when they do get that illegally obtained firearm it won't be used for self-defense, or sport, or hunting. I urge you to put your effort and our tax dollars into fixing these glaring, and dangerous inefficiencies before compounding them with SB 941. Please vote no on SB 941.

Thank you for your consideration.

Regards,

Harry W Wallace

Sheridan, Polk Cty