

For the Senate Judiciary Committee record ,

I strongly oppose SB 797 which gives the Oregon State Police the power to deny a firearm's transfer, literally forever. Currently the OSP regularly delay or deny firearm's sales to buyers who are qualified to purchase. In fact, Representative Jennifer Williamson has stated that 95% of firearms transfer delays are in error. It makes no sense to delay, indefinitely, a transfer to a qualified buyer simply because OSP cannot correctly do their job. This is especially true in cases where the firearms dealer knows the buyer personally and knows he or she is qualified.

It seems to me that time and effort would be better spent correcting the flaws in the current Oregon background checking system, assuring responsible gun ownership and improving public safety. The State Police released the statistics for 2016: 20,591 of them. That averages out to 216 denials a month. Of those, 78% were denials to "prohibited persons" who are *prohibited persons, have a restraining order, have been convicted of controlled substance crimes, certain misdemeanor crimes, or are on probation*. In other words, people who should not have guns. So what happens when the Firearms Instant Check Unit identifies one of these people?

In all of 2016, of the 2030 felons and other "prohibited persons" who attempted to buy guns, a grand total of 14 were arrested, less than 1%. Of the 226 people OSP said were actually *wanted* when they attempted a purchase only 12 were arrested.

Given that the number of unjustified *delays* is about 95%, it's safe to say that the number of unjustified *denials* is also almost certainly quite high, but it's still obvious that there is room for serious effort to improve the background check system follow up on inappropriate and illegal attempts to purchase a firearm by prohibited buyers. So what purpose does this background check serve? It serves to harass and inconvenience legitimate gun buyers. It seems that if a denial is in order it is a responsibility of the Firearms Instant Check Unit to inform the party that is being denied why so the denied party can respond to the allegation and benefit from due process. Not responding at all is not due process, or reasonable treatment of a citizen. The 3 day rule is a good protection against the current flaws in the background check system. I could support a broad reform of the background check system and its effectiveness that provided for timely due process on denials and follow up on illegal activity with appropriate arrest and prosecutions. SB 797 does not approach what needs to be done and should be defeated.

I also strongly oppose SB 868. This bill would allow a person to have his rights to own a gun stripped away simply because he bought a firearm or ammunition within the last 180 days! Most of the behavior listed in the bill as reasons to take away a person's firearms are already disqualifiers for firearm ownership but the bill also allows a person to lose his gun rights because of "unlawful and reckless ... display or brandishing of a firearm.." What exactly is "reckless display or brandishing?" The bill provides exactly **no** help for a person who is a danger to themselves and **no** protection for any family member who is in danger from the person whose rights will be taken. If the person who loses his or her rights is really dangerous, nothing in this bill addresses that danger.

I urge you to vote NO on both these bills.

Sincerely,  
James Tuttle