



March 13, 2017

The Honorable Brian Boquist
900 Court St. NE, S-311
Salem, Oregon 97301

RE: SB 868 (Boquist) “Extreme Risk” Protection Orders
POSITION: OPPOSE
LOCATION: Senate Judiciary

Dear Senator Boquist,

On behalf of the members and supporters of the Firearms Policy Coalition I submit our opposition to SB 868, which seeks to confiscate legal, privately owned property via secret hearings, without due process.

The premise of SB 868 could likely condemn a person accused of no crime to be an “extreme risk” and order confiscation of legally held firearms--without explanation or opportunity to address false accusations or hearsay evidence. In addition, an “ex parte” (legalese for secret and one-sided) hearing would be held to supposedly determine the accused’s assumed guilt, or “pre-crime” and seize the private property of the accused.

The “Extreme Risk” in this case is actually SB 868 itself

SB 868 seeks to deny the dignity of the subject of the order and the most basic of rights in a civil and ordered society:

- SB 868 offers no assessment, counseling, follow-up, intervention or treatment for a victim of an Extreme Risk Protection Order--implying this person is not at all an “extreme risk”
- SB 868 denies the victim of an order the right to confront their accuser
- SB 868 denies the victim of an order the right to counsel
- SB 868 denies the victim of an order an evaluation by a professional in the field of the supposed risk
- SB 868 denies the victim of an order the right to trial by jury
- SB 868 denies the victim of an order any notification that hearing is taking place
- SB 868 victims are threatened with prison time, rather than professional help
- Orders are issued in secret--until the subject is told there is something wrong--a surefire way to upset someone the state has determined to be an “extreme risk”, potentially creating more problems

- SB 868 allows potentially hundreds of people to request orders and present hearsay evidence, not just if they are related by blood or marriage--but also via prior sexual trysts, former roommates, estranged partners, or distant relatives
- SB 868 allows for “evidence” to include most any transgression, going back years, and even decades
- SB 868 claims “evidence” of risk includes the lawful purchase of a firearm

Conclusion: We Are Better Than This

The unsubstantiated assertion that this “extreme risk” order would actually stop someone with truly malicious intent is a fanciful notion and not grounded in any fact-based empirical evidence. Furthermore, the penalty for violation of this law is a Class C Felony; however, abuse of this measure would only be punishable with a Class A Misdemeanor. As written, this law could obviously add a pitiful new new law to every nasty divorce or family feud.

SB 868’s misguided, grim view of society and all gun owners attempts to live out the Hollywood fantasy of “pre-crime” guilt. Thus creating a dystopian new law predicated on paranoia and lack of any due process rights--where friends, family, enemies, exes, and in-laws alike may secretly approach the state to have your rights taken away.

After the victim has been blindsided by this law, the unnamed accuser goes about their life without consequence, while the subject victimized by the order lives in fear that someone in their life, a former partner, roommate, or distant relative, has secretly convinced the government that he or she is a threat--and must be stripped of their right to self-defense.

There is no outreach, no help, no counseling, no evaluation--just a threat of 4 cold prison cell walls for non-compliance. Rather than finding actual help for someone that may be in need, the person instead will be faced with jailing, stigmatization, and the isolating fear that someone they know went behind their back and sent armed agents of the government to strip them of valued possessions and their means of self-defense.

SB 868 is only outweighed in its lack of empathy by its stark and hopeless view of those in need--and of the legal system it must pervert to achieve its veiled goal of civilian disarmament.

For the reasons above we must oppose this measure and ask that it be withdrawn from consideration immediately.

Respectfully,



Philip Watson
Rights Advocate

Cc: Judiciary Committee, Senate Leadership