

Representative Committee Assistant Samantha Koopman,

Please place the following in the official committee record for SB 719

SB 719, especially the “Extreme Risk Protection Order” will turn the American legal system on it heads and deny Oregonian due process a Right guaranteed by the Constitution Of The United State

Due Process of Law - The constitutional guarantee of due process of law, found in the Fifth and Fourteenth Amendments to the U.S. Constitution

*A fundamental, constitutional guarantee that all legal proceedings will be fair and THAT ONE WILL BE GIVEN NOTICE OF THE PROCEEDINGS AND AN OPPORTUNITY TO BE HEARD BEFORE THE GOVERNMENT ACTS TO TAKE ANYONE'S LIFE, LIBERTY OR PROPERTY Also, a constitutional guarantee that a law shall not be unreasonable, **Arbitrary**, or capricious.*

If this bill passes an accused is GUILTY UNTIL THEY PROVE THEMSELVES INNOCENCE, BUT ONLY AFTER THEY HAVE LOST THEIR RIGHTS.

It also denies the right of the accused due process and if this bill passes it will most likely be challenged on the grounds it's unconstitutional.

The PRIMARY REASON to find a person as an extreme risk under this proposed law would be a written affidavit signed by a family or household member or an oral statement before the court official hearing the request. We know for a fact divorces are bitter so what will stop a spouse from filing an extreme risk

complaints in order to use it during an upcoming divorce processing? No one should lose their rights because of the accusations of a vindictive family member. Don't be naive it will become the common place.

I urge you to oppose SB 719 which if signed passes and is signed into law it requires court to order the accused to surrender firearms, ammunition and their concealed handgun license upon issuance of order. Within the same day it requires law enforcement officer serving order to request a person immediately surrender all firearms, ammunition and to carry out a search of the home to seize all firearms and ammunition.

This unconstitutional bill needs to be opposed as it denies the accused of due process and it turns American legal system on its head. If this bill passes an accused is GUILTY UNTIL THEY PROVE THEMSELVES INNOCENCE, but only after they have lost their Second Amendment Right! Not only is that un-American, unconstitutional, it is a danger to our democracy.

Again, it denies the accused of Due Process of Law which is fundamental, constitutional guarantee that all legal proceedings will be fair and that one will be given notice of the proceedings and an opportunity to be heard before the government acts to take away one's life, liberty, or property. Also, a constitutional guarantee that a law shall not be unreasonable, arbitrary, or capricious.

How can any Senator support an unconstitutional bill like this? Set your ideology aside. Do not go down this slippery slope!

To recap why this bill must be defeated and why every Oregonian must stand up against this bill;

1. This bill turns American law on its head. If this bill passes an accused is GUILTY UNTIL THEY PROVE THEMSELVES INNOCENCE, but only after they have lost their Rights.

2. Bill establishes here-say as defacto evidence

1. The minimum required to grant the request is a written affidavit submitted by the requestor. It does not require any verification of the information provided or that the person who made the accusation has any real evidence or corroboration to substantiate these allegations.

3. Denies the right of the accused due process.

1. The accused will not be notified of pending action and in fact will not even know of the hearing to defend themselves or be allowed to submit testimony or evidence disproving this claim before a court grants the motion.

4. ONLY AFTER A PERSON'S FIREARMS AND AMMUNITION IS SEIZED can the accused request a hearing to contest the order.

1. This bill clearly states, "You may request a hearing to contest this order [after the issuance]. If you do not request a hearing, the extreme risk protection order against you will be in effect for one year unless terminated by the court. You have the right to request one hearing to terminate this order during the 12 months that this order is in effect starting from the date of this order. You may seek the advice of an attorney as to any matter connected with this order."

Scott Hoke

A Oregon Resident and a Registered Voter