

HOUSE COMMITTEE ON JUDICIARY - CRIMINAL LAW

May 12, 1999 Hearing Room 357

8:30 a.m. Tapes 191 - 192

MEMBERS PRESENT: Rep. Mannix, Chair

Rep. Prozanski, Vice-Chair

Rep. Bowman

Rep. Gianella

Rep. Hansen

Rep. Simmons

Rep. Sunseri

STAFF PRESENT: John Horton, Counsel

Patsy Wood, Administrative Support

MEASURE/ISSUES HEARD:

SB 700A Public Hearing

HB 2535 Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 191, A		
004	Chair Mannix	Calls the meeting to order at 8:38 a.m.
<u>SB 700A & HB 2535 COMBINED PUBLIC HEARING</u>		

020	Counsel Horton	SB 700A requires that the person who displays for sale or sells, leases or otherwise transfers a firearm while at a gun show must be a licensed dealer or conduct all transfers through a licensed dealer. Discusses the ñ2 amendments to HB 2535 that establishes additional mandatory minimum sentences for persons convicted of certain crimes if the person used, possessed or discharged a firearm during the commission of a crime (EXHIBIT A).
042	Sen. Neil Bryant	State Senator, Senate District 27 Testifies in support of SB 700A. Discusses why it is good public policy to expand the check of a personís background at gun shows, and not sell guns at flea markets. It may be an inconvenience, just like going through electronic checks at airports, but it is not unconstitutional.
099	Sen. Ginny Burdick	State Senator, Senate District 6 Testifies in support of SB 700A that closes the gun show loophole while having no impact on State Police record keeping. Instant check costs \$10 per check, and that fee supports the system. SB 700A only keeps criminals from buying guns. It is important to keep the 5-year record retention to be able to trace weapons. Submits articles on gun shows and crime along with a summary of SB 700A and a list of supporters of SB 700A (EXHIBITS B-D). Reads an e-mail from Roy Jackson, a gun dealer, who describes people who were denied the sale of a gun at his store and remarked they would get one at the next gun show (EXHIBIT E).
258	Rep. Sunseri	Could you support the ñ2 amendments to HB 2535 (EXHIBIT A)?
263	Sen. Burdick	I could support some parts of it, but not all of it.
276	Rep. Sunseri	If HB 2535 passed, could you support it?
278	Sen. Burdick	I could not support a bill that would weaken gun laws and require recordsí destruction.
293	Rep. Randy Leonard	State Representative, House District 21 Testifies in support of SB 700A. This legislation is needed this session to keep guns out of the hands of criminals who would do harm to us, our children or public safety personnel.
344	Pat West	Oregon State Fire Fighters Council Testifies in support of SB 700A and the importance of keeping guns out of the hands of unstable individuals or people with criminal backgrounds.
430	Rep. Gianella	The guns used in the Thurston High School shooting were not bought at a gun show, but bought by parents.

TAPE 192, A

002	Rep. Leonard	Two or three of the weapons used at the Columbine High School shooting were purchased at a gun show.
005	Chair Mannix	Whether or not the guns were purchased at a gun show, law-abiding citizens purchased them who would have received a clearance on a background check. SB 700A is trying to reduce the access to firearms by individuals who are disqualified to purchase weapons.
028	Rep. Bowman	Have you reviewed the ñ2 amendments to HB 2535?
031	Rep. Leonard	I am a co-sponsor of the bill on reciprocity and a responsible gun owner, but I canít support the ñ2 amendments because of the recordsí destruction.
050	Hardy Myers	Attorney General Testifies in support of SB 700A. Discusses the three ways Oregonians are trying to proceed with regard to firearm policy: 1) to protect and preserve the rights of law-abiding Oregonians to firearm ownership for recreation and defense; 2) to prevent firearms from coming into the hands of those judged not qualified to own them; and 3) to exclude certain types of weapons that cannot be deemed recreational. Discusses the reasons why guns should not get into the hands of the wrong people.
106	John Hellen	Oregon Gun Owners Testifies in opposition to SB 700A. Discusses the problems that will be caused by the implementation of SB 700A. Testifies in support of HB 2535. I understand reciprocity has been dropped from the ñ2 amendments to HB 2535, but we would support any amendment to allow for reciprocity under Oregon standards.
185	Rep. Prozanski	Should the Legislature place a surcharge on running background checks at gun shows rather than letting dealers determine that cost?
193	Hellen	It is problematic that dealers should have to do the background checks at gun shows because there arenít many dealers there that could cause a major backlog on the background checks. The Legislature putting a surcharge on it could be one way to address it, but it doesnít solve the problem.
207	Rep. Prozanski	Could HB 2535 be blended with the concept of SB 700A to allow an individual who operates a booth at a gun show to do background checks on their own using a cell phone?
215	Hellen	If you open up the background checks to everyone, then you wouldnít need the provision in SB 700A that requires dealers to do the checks.

218	Rep. Bowman	If Oregon law said that anyone who purchased a firearm had to have a background check, no matter where it was purchased, why would it be problematic to have the check done at gun shows?
243	Hellen	It is problematic having to go through gun dealers. The seller or gun owners should be able to call for the background check themselves.
258	Rep. Bowman	How does the process work to buy a gun at a gun show?
261	Hellen	A dealer would have to run a background check, but buying from a hobbyist/collector or transferring weapons would not require a check. If SB 700A passed, a dealer would have to be found and paid to run a background check for a person buying a gun at a gun show.
280	Rep. Gianella	How do your statistics compare with how gun owners feel about SB 700A?
282	Hellen	Sen. Burdick's statistics were accurate that 86% of gun owners supported the concept of having background checks at gun shows, but they did not give an opinion on how the policy should be implemented.
307	Rep. Hansen	Are record checks at gun shows done by the State Police?
311	Hellen	Currently, handgun checks are done through the State Police, and long guns checks through the federal government.
314	Rep. Hansen	Discusses the fact that no matter who is making the background checks at gun shows, they still have to go through the State Police.
323	Hellen	The State Police put on extra staff at a gun show to run the background checks.
343	Al Elkins	Oregon Hunter's Association Testifies and submits written testimony in opposition to SB 700A which would jeopardize fundraising activities of the organization (EXHIBIT F).
390	Chair Mannix	Explains that the flea market prohibition would not apply to their organization.
420	Capt. Tom Dixon	Oregon State Police Testifies and submits written testimony in support of SB 700A (EXHIBIT G). Discusses the denial rate for handgun purchases using the Instant Check System and that 192 stolen handguns were recovered over the last 2 ½ years.

TAPE 191, B

028	Luis Martinez	Private Citizen Testifies and submits written testimony in opposition to SB 700A stating that this is not a gun show bill, it is a gun registration bill. Only handgun denials should have their records retained. Discusses the number of criminals who tried to purchase a gun (over 2,000) and that only 200 arrests have been made. Background checks will not decrease crime, but it will increase the information in the Oregon State Police data banks of law-abiding citizens.
106	Tuck Wilson	Oregonians Against Gun Violence Testifies and submits written testimony in support of SB 700A (EXHIBIT D). Describes the loophole occurring in the law in 1989 when Oregon adopted the federal definition of "gun dealer", and the hobbyist being exempt from background checks. Instant checks should also apply to long guns.
173	Henry Reeves	Private Citizen Testifies in support of SB 700A. We should establish a system where all guns are registered in perpetuity. I would also advocate gun education in schools.
232	Robert Gordon	Private Citizen Testifies in opposition to SB 700A stating that this bill only makes people prove their innocence. Discusses "straw buyers" or people who legally purchase guns for people who could not qualify to buy them. SB 700A is a poll tax charged to people to protect their lives by owning a gun.
341	Kevin Starrett	Oregon Firearms Federation Testifies in opposition to SB 700A and HB 2535. The real problem is we are expanding databases of law-abiding people that will continue to erode our liberties. There is no justification for a background check on a law-abiding person to exercise a constitutional right.
365	Chair Mannix	If I don't know someone, how do I determine that they are law-abiding?
367	Starrett	I don't know. Discusses the unintended consequences of expanding databases.
402	Rep. Bowman	Can you share one case of the State Police misusing the database they have?
405	Starrett	I can share an incident of the sheriff misusing the database.
407	Rep. Bowman	Don't the State Police keep those records?

409	Starrett	Yes, but they share them with the county sheriff.
412	Rep. Bowman	Tell me about the county sheriff misusing the database.
414	Starrett	Discusses that disclosure of firearms transactions prior to 1996 was illegal. In a civil case in Multnomah County, firearm database information was disclosed illegally, but the police stated they did not know what the law was, so they could not be held accountable.
TAPE 192, B		
005	Joel West	Portland Citizen Testifies in support of SB 700. I have lived and taught in Australia, a country where guns are banned and the people enjoy a full range of freedoms. I have met many Oregonians who like to hunt, but SB 700A is not about hunting guns it is about handguns and concealed weapons. My response to the talk that law-abiding citizens are having their rights infringed upon is that everyone is a law-abiding citizen until they use a gun for the first time to harm someone else. Gun owners should be required to follow the same rules as anyone who drives a car by being a certain age, passing a test and carrying identification.
090	Rep. Gianella	Are guns registered or are they outlawed in Australia?
092	West	They are outlawed because there was a mass execution using a handgun.
103	Rep. Gianella	Did the citizens willingly give up their guns?
104	West	I don't know.
107	Rep. Gianella	Do you feel that leaves the citizens of Australia helpless?
109	West	No.
124	Manual Martinez	Private Citizen Testifies in opposition to SB 700A and HB 2535 stating that gun registration will not solve crimes. Discusses the lack of gun safety education in the United States.
213	Rep. Bowman	No one said these bills will stop crime, but shouldn't we develop a policy so that people who shouldn't have firearms don't have access to firearms?
224	Martinez	I don't oppose legislation against criminals, but I oppose gun registration of law-abiding citizens.

240	Chair Mannix	Closes the public hearing on SB 700A and HB 2535.
240	Chair Mannix	Adjourns the meeting at 10:18 a.m.

Submitted By, Reviewed By,

Patsy Wood, Sarah Watson,

Administrative Support Office Administrator

EXHIBIT SUMMARY

A - HB 2535, -2 amendments (LC 2435), dated 5/11/99, staff, 28 pgs.

B - SB 700A, written testimony submitted by Sen. Ginny Burdick, 1 pg.

C - SB 700A, written testimony submitted by Sen. Ginny Burdick, 1 pg.

D - SB 700A, List of Supporters submitted by Sen. Ginny Burdick, 1 pg.

E - SB 700A, E-Mail from Roy Jackson submitted by Sen. Ginny Burdick, dated 5/4/99, 1 pg.

F - SB 700A, written testimony submitted by Al Elkins, Oregon Hunter's Assoc., 1 pg.

G - SB 700A, written testimony submitted by Tom Dixon, OSP, dated 5/12/99, 2 pgs.

H - SB 700A, written testimony submitted by Luis Martinez, 2 pgs.

I - SB 700A, written testimony submitted by Tuck Wilson, OAGV, dated 5/12/99, 3 pgs.

J - HB 2535, written testimony submitted by Anne Kelly Feeney, OAGV, dated 5/12/99, 3 pgs.

K - HB 2535, written testimony submitted by Rep. Kevin Mannix, 2 pgs.

L - HB 2535, Comparison of HB 2535 and SB 700A submitted by Rep. Kevin Mannix, dated 5/11/99, 3 pgs.

M - SB 700A, written testimony submitted by Dr. Barbara Ketchum, 2 pgs.