

## SENATE COMMITTEE ON JUDICIARY

March 01, 1999 Hearing Room 343

3:00 PM Tapes 51 - 55

**MEMBERS PRESENT:** Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Brown

Sen. Burdick

Sen. Nelson

Sen. Qutub

Sen. Tarno

**STAFF PRESENT:** Bill Taylor, Counsel

Kathy Courtney, Administrative Support

**MEASURE/ISSUES HEARD:** SB 700

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
<b>TAPE 51, A</b>		
006	Chair Bryant	Calls meeting to order at 3:10 PM.
008	Taylor	Introduces Legislative Counsel bills: LC484, LC 2241, LC 2244, LC 2274, LC 2474, LC 2479, LC 3402, LC3642, and LC 3908.
<b><u>SB 700 PUBLIC HEARING</u></b>		
032	Chair Bryant	Discusses agenda and procedures for offering public testimony

055	Sen. Ginny Burdick	<b>State Senator, District 6</b>  Testifies and submits written testimony on SB 700. <b>(EXHIBIT A)</b> Discusses the gun violence in schools and the need to enhance public safety.
080	Gov. John Kitzhaber M.D.	<b>Governor, State of Oregon</b>  Testifies in support of SB 700. Discusses the success of instant criminal background checks. Asserts that the federal gun law that allows unlicensed gun dealers to sell guns without criminal background checks has undermined the public safety system. Stresses that SB 700 does remove the right of law-abiding citizens to bear firearms.
168	Peter Ozanne	<b>U.S. Attorney General's Office</b>  Testifies in support of SB 700. Discusses the loophole in the federal law that allows gunshows to remain unregulated. Asserts the urgency that states regulate gunshows by requiring instant background checks for gun buyers.
243	Sen. Burdick	Introduces Mark Haas, Channel 2, 1996 gunshow video.
315		Audio of Mark Haas, Channel 2, 1996 gunshow video.
401	Sen. Burdick	Explains that SB 700 expands existing firearm statutes to gunshows. States that SB 700 is not intended to move the entire federal background check legislation into state statutes.
<b>TAPE 52, SIDE A</b>		
010	LeRon Howland	<b>Oregon State Police Superintendent</b>  Testifies and submits written testimony in support of SB 700. <b>(EXHIBIT B)</b> Discusses Oregon and national statistics regarding gunshow purchases involved in criminal activities. Discusses gang members' access to firearms through gunshows.
123	Dan Noelle	<b>Multnomah County Sheriff</b>  Testifies in support of SB 700. Encourages subjecting gunshow firearm purchasers to instant background checks. Discusses criminals' easy access to firearms at gunshows.
178	Jim Harper	<b>Association for Chiefs of Police</b>  Testifies and submits written testimony in support of SB 700. <b>(EXHIBIT C)</b> Explains that there are no safeguards for firearm purchases at gunshows. Discusses the need to standardize gunshow sales.
221	Dale Penn	<b>Oregon District Attorneys' Association</b>

		Testifies in support of SB 700. Asserts that closing the loophole in the federal statutes is essential to containing juvenile crime. Discusses the changing nature of crime with technological advances.
272	Sen. Nelson	Are firearm sales regulations the same for gunshows and flea markets?
274	Penn	Specifies that licensed gun dealers may not sell firearms at flea markets.
292	Sen. Nelson	Mr. Howland, what are the statistics that you quoted earlier?
296	Howland	Reviews federal statistics regarding gunshow firearm purchases involved in juvenile crime.
319	Chair Bryant	Explains that background checks at gunshows would provide a means to trace guns involved in crime.
327	Sen. Nelson	What are the statistics regarding gunshow weapons and crime for the state of Oregon?
330	Howland	I will secure those statistics for you.
345	Chair Bryant	Explains that SB 700 repeals the requirement to respond to criminal background checks within one business day. Are you under no time obligation to respond to licensed gun dealers?
363	<b>Claudia Scott</b>	<b>Oregon State Police, Firearms Unit</b>  Explains that 24 hours is not sufficient time to clear a case that is in disposition, especially if another state is involved. Explains that a delay for investigation is preferable to a superficial denial.
384	Chair Bryant	But SB 700 doesn't suggest a time period. What is reasonable?
388	Scott	Suggests 3 days to 2 weeks depending on the county workload.
428	Chair Bryant	Introduces written testimony in support of SB 700 by Michael Shrunk into the record. <b>(EXHIBIT D)</b>
<b>TAPE 51, SIDE B</b>		
001	<b>Mayor Vera Katz</b>	<b>Mayor's Office, Portland, Oregon</b>  Testifies and submits written testimony in support of SB 700. <b>(EXHIBIT E)</b> Discusses escalating gang violence involving firearms purchased from

		gunshows. Explains that requiring background checks on gun buyers would decrease criminals' access to weapons.
42	Charles Moose	<b>Police Chief, Portland, Oregon</b>  Testifies in support of SB 700. Discusses the need for background checks for all gunshow purchases. Explains the difficulty in solving crimes committed with untraceable weapons.
109	Anthony Christensen	<b>Police Officer, Portland, Oregon</b>  Discusses firearm purchases made by a third party at gunshows and federal laws that allow for sales without background checks. Explains that federal laws also allow liquidation of one's private firearm collection without criminal background checks on the purchasers.
172	Chair Bryant	Questions if SB 700 would shift firearm sales from Oregon to Vancouver, Washington.
175	Moose	Explains that SB 700 has the potential to do so, but Oregon officials would communicate with Washington officials to address shared issues.
186	Katz	Discusses the current federal program tracing weapons used in crimes. States that within one year, law enforcement will be able to assess if Oregon's unregulated gunshow problems have surfaced in Vancouver.
191	Sen. Courtney	Discusses the legislative history of firearm regulation in Oregon.
202	Sen. Tarno	How many arrests do you make at gunshows?
208	Christensen	We have made 5 or 6 arrests within a 2 and ½ year period.
219	Scott Gallant	<b>Oregon Medical Association (OMA)</b>  Testifies and submits written testimony in support of SB 700. <b>(EXHIBIT F)</b> Discusses an OMA poll on attitudes regarding firearm issues by demographics: gender, location, and party.
299	Sen. Qutub	Were all the poll questions regarding firearms?
300	Gallant	No, but I have included all of the firearm questions in the exhibit.
306	Sen. Qutub	Did you investigate legal versus illegal guns?
321	Gallant	No, we limited the poll questions to SB 700 issues.

344	Sen. Burdick	Did you target households owning firearms in the poll distribution?
349	Gallant	No.
350	Sen. Burdick	Explains how the poll is biased toward gun owners.
369	Taylor	Introduces LC 2244 relating to recycling of glass containers.
370	Sen. Bryant	<b>MOTION: Moves to ADOPT LC 2244 amendments dated 02/25/99.</b>
		<b>VOTE: 7-0-0</b>
	Chair Bryant	<b>Hearing no objection, declares the motion CARRIED.</b>
385	Rod Harder	<b>National Rifle Association (NRA)</b>  Testifies and submits written testimony in opposition to SB 700. <b>(EXHIBIT G and H)</b> Explains that SB 700 is biased against people belonging to groups. Asserts that the enforcement of current law is sufficient to control illegal firearm acquisition and violence.
<b>TAPE 52, SIDE B</b>		
001	Harder	Continues with explanation of SB 700's bias against those who associate with specific organizations. Explains how criminal background checks conflict with federal law and infringes on constitutional rights.
104	Tim Pitzer	<b>Oregon State Shooting Association</b>  Testifies and submits written testimony in opposition to SB 700. <b>(EXHIBIT I)</b> Discusses the differences between federal laws regulating firearms and SB 700. Asserts that the implementation of SB 700 would result in loss of funds for education and safety programs
184	Jim Main	<b>Sheriff, Roseburg, Oregon</b>  Testifies in opposition to SB 700. Asserts that SB 700 would not curb gang related gun violence and straw purchases. Explains that the federal law is a better deterrent for crime.
253	Sen. Tarno	How do you perceive 5-6 arrests in 2 and ½ year period? Do you perceive a problem in Oregon? How does Oregon's situation compare with California's and Washington's?

268	Harder	I'm not sure. I'll try to secure some statistics.
279	Sen. Nelson	What is the largest gunshow in Oregon?
283	Harder	The one at the Portland Expo Center is the largest.
<b>301</b>	<b>Al Elkins</b>	<b>Oregon Hunters' Association</b> Testifies in opposition to SB 700.
<b>306</b>	<b>Sandy Sanderson</b>	<b>Oregon Hunters' Association</b> Testifies in opposition to SB 700. Discusses SB 700 Section 4, subsection (4a) (b) which defines "gunshow."
340	S Brown	If we changed that section, would you support the bill?
343	Sanderson	No, the Oregon Hunters' Association Board would need to review any changes to SB 700 before taking a position on it.
<b>354</b>	<b>Dr. Fred Schuster</b>	<b>Retired Physician, Monroe, Oregon</b> Testifies in opposition to SB 700. Discusses the lengthy record retention aspect of SB 700. Asserts that SB 700 is simply a gun registration bill.
<b>427</b>	<b>John Hellen</b>	<b>Oregon Gun Owners</b> Testifies and submits written testimony in opposition to SB 700. <b>(EXHIBIT J)</b> Explains how SB 700 is a gun registration bill.
<b>Tape 53, SIDE A</b>		
001	Hellen	Explains statistics on arrests of people who illegally purchase firearms. Asserts that community policing can prohibit such sales. Asserts that the criminal background checking system is inaccurate.
181	Chair Bryant	Would you participate in a work group to draft a definition of "gunshow?"
182	Hellen	Yes.
<b>188</b>	<b>John Nichols</b>	<b>Oregon Gun Owners</b> Testifies in opposition to SB 700.

204	Ken Glass	<b>Rogue City Gun Collectors</b>  Testifies and submits written testimony in opposition to SB 700. <b>(EXHIBIT K)</b> Asserts that the gunshow video feature is inaccurate. Discusses the disadvantages of an unlicensed firearm when competing with a licensed firearm dealer.
312	Sen. Qutub	How much does a gun dealer's license cost?
313	Glass	A gun dealer's license costs \$300 and \$90 for a license renewal. Explains that a hobby firearm collector cannot unload his firearms under SB 700.
339	Sen. Burdick	How many gunshows are there annually in Oregon?
342	Hellen	Oregon is 8 <sup>th</sup> and California is 5 <sup>th</sup> in the nation.
350	Glass	Discusses Oregon gunshows and locations.
339	Sen. Burdick	Relates experience of attending a gunshow.
360	Glass	Discusses the family atmosphere of a gunshow and the integrity of its participants.
405	Dr. Marvin Wallace	<b>Retired Physician</b>  Testifies in opposition of SB 700. Asserts that gun registration leads to a situation like Hitler's Germany.
<b><u>TAPE 54, SIDE A</u></b>		
002	Larry Priano	<b>Oregon Medical Association</b>  Testifies in opposition of SB 700. Criticizes the OMA poll as too limited in content and sampling to be accurate.
154	Kevin Starrett	<b>Oregon Firearms Federation</b>  Testifies in opposition of SB 700. Asserts that the ultimate goal of gun legislation proponents is the end to private firearm ownership. Explains that registration of gun owners is a vital step to banning gun ownership.
200	Sen. Tarno	Discusses the inflammatory nature of two electronic mail messages sent to his office. <b>(EXHIBIT L)</b>
318	Paul Esselstyn	<b>Hunter, Springfield Oregon</b>

		Testifies and submits testimony in support of SB 700. <b>(EXHIBIT M)</b> Asserts that the cost in dollars, time and convenience of SB 700 is well worth it. It may save lives.
<b>TAPE 53, SIDE B</b>		
<b>005</b>	<b>Sen. Ted Ferrioli</b>	<b>State Senator, District 28</b>  Testifies in opposition to SB 700. Explains how SB 700 can create an illegal market for firearms. Asserts that SB 700 is biased against those who associate with specific organizations. Explains how SB 700 is a de facto gun registration bill.
<b>168</b>	<b>Frank Kennemur</b>	<b>Concerned Citizen</b>  Testifies and submits written testimony in opposition to SB 700. <b>(EXHIBIT N)</b> Discusses his service in the United States Armed forces. Asserts that SB 700 is a gun registration bill.
<b>229</b>	<b>Roy Jackson</b>	<b>Gun Store Owner</b>  Testifies in support of SB 700. Discusses the necessity of criminal background checks for all gun purchasers. Denies the assertion that gunshow operators recognize and refuse to sell guns to criminals.
<b>342</b>	<b>Rep. Jim Welsh</b>	<b>State Representative, House District 43</b>  Testifies in opposition to SB 700. Asserts that lack of education and troubled minds lead to crime. Explains that SB 700 addresses the superficial issue of guns instead of the real issue of troubled hearts.
<b><u>TAPE 54, SIDE B</u></b>		
<b>021</b>	<b>Thomas Hoggard</b>	<b>Oregon Medical Association</b>  Testifies and submits written testimony in support of SB 700. <b>(EXHIBIT O)</b> Explains that SB 700 stops the flow of guns to criminals. Discusses statistics relating to gun purchases and subsequent crime among those with prior criminal records.
<b>051</b>	<b>Kaya First</b>	<b>Oregon Nurses' Association</b>  Testifies in support of SB 700. Discusses the potential positive impact of SB 700 to protect children from accidental shootings, suicides and firearm violence.
<b>071</b>	<b>Sen. Tarno</b>	Dr. Hoggard, where did you get your statistics?
<b>072</b>	<b>Hoggard</b>	From the American Medical Association Journal.



082	Luis Martinez	<b>Concerned Citizen</b>  Testifies in opposition to SB 700. Discusses statistics on firearm and non-firearm violence. Asserts that gun control proponents seek to ban private ownership of guns.
201	Manuel Martinez	<b>Concerned Citizen</b>  Testifies in opposition to SB 700. Asserts that most violent crimes are committed with knives, not guns. Insists that the committee honor the United States Constitution.
302	Chair Bryant	We are familiar with and have taken an oath to uphold the Constitution.
306	Manuel Martinez	Discusses countries at war to preserve their freedom to bear arms.
339	Kathryn Firestone	<b>Oregon Congress of Parents and Teachers (PTA)</b>  Testifies and submits written testimony in support of SB 700. <b>(EXHIBIT P)</b> Discusses that adults must take responsibility for children's safety and welfare. Explains the need for consistent laws regulating the sale of firearms.
377	Lisa Thirkill	<b>Oregon Congress of Parents and Teachers (PTA)</b>  Testifies and submits written testimony in support of SB 700. <b>(EXHIBIT Q)</b> Discusses the Bureau of Alcohol, Tobacco and Firearms trace on weapons involved in crimes in Oregon.
<b>TAPE 55, SIDE A</b>		
027	Daniel Close	<b>Community Action Forum</b>  Testifies and submits written testimony in support of SB 700. <b>(EXHIBIT R)</b> Asserts that SB 700 is necessary to create a uniform application of firearm laws.
144	Jamie Simon	<b>Oregon State University Think First Injury Prevention</b>  Testifies and submits written testimony in support of SB 700. <b>(EXHIBIT S)</b> Explains that gun violence is the 2 <sup>nd</sup> leading cause of spinal cord and brain trauma injuries in young people. Asserts that we must make guns inaccessible to children.
215	Andy Harris	<b>Physicians For Social Responsibility</b>  Testifies in support of SB 700. Discusses the need to close the loophole in the federal law that allows for gunshow purchases without a criminal background check. Asserts that SB 700 will make guns less accessible to violent and mentally unstable people

241	Chair Bryant	Closes SB 700 Public Hearing.
242	Chair Bryant	Adjourns meeting at 7:00 PM.

Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson

Administrative Support Office Manager

#### **EXHIBIT SUMMARY**

##### **A. Statement on SB 700, Sen. Ginny Burdick, 1p**

- B. Written testimony in support of SB 700, LeRon Howland, 3pp**
- C. Written testimony in support of SB 700, Jim Harper, 1p**
- D. Written testimony in support of SB 700, Michael D. Schrunck, 1p**
- E. Written testimony in support of SB 700, Vera Katz, 4pp**
- F. Written testimony in support of SB 700, Scott Gallant, 3pp**
- G. Written testimony in opposition of SB 700, Rod Harder, 12pp**
- H. Project Exile, Rod Harder, 23pp**
- I. Written testimony in opposition to SB 700, Tim Pitzer, 3pp**
- J. Written testimony in opposition to SB 700, John Hellen, 6pp**
- K. Written testimony in opposition to SB 700, Ken Glass, 2pp**
- L. Written testimony in opposition to SB 700, Kevin Starrett, 4pp**
- M. Written testimony in support of SB 700, Paul Esselstyn, 1p**
- N. Written testimony in support of SB 700, Frank Kennemur, 2pp**
- O. Written testimony in support of SB 700, Thomas Hoggard, 2pp**
- P. Written testimony in support of SB 700, Kathryn E. Firestone, 1p**
- Q. Written testimony in support of SB 700, Lisa Laursen Thirkill, 3pp**
- R. Written testimony in support of SB 700, Daniel W. Close, 5pp**
- S. Written testimony in support of SB 700, Jamie Simon, 1p**
- T. Written testimony in support of SB 700, Paula Krane and Kappy Eaton, 1p**
- U. Written testimony in support of SB 700, Robert R. Schuessler, 1p**
- V. Written testimony in support of SB 700, Tuck Wilson, 3pp**
- W. Written testimony in support of SB 700, Margaret Brown, 3pp**
- X. Written testimony in support of SB 700, Serena Cruz, 2pp**
- Y. Written testimony in support of SB 700, James Torrey, 1p**
- Z. Written testimony in support of SB 700, Lisa Naito, 1p**