

**SENATE COMMITTEE ON JUDICIARY**

**March 19, 1999 Hearing Room 343**

**3:00 PM Tapes 83 - 84**

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

**Sen. Courtney, Vice-Chair**

**Sen. Brown**

**Sen. Burdick**

**Sen. Tarno**

**MEMBER EXCUSED: Sen. Nelson**

**Sen. Qutub**

**STAFF PRESENT: Bill Taylor, Counsel**

**Kathy Courtney, Administrative Support**

**MEASURE/ISSUES HEARD: SB 700 Work Session**

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 83, A</b>		
004	Chair Bryant	Calls meeting to order at 1:09 PM.
<b><u>SB 700 WORK SESSION</u></b>		
005	Chair Bryant	Explains SB 700 work session agenda.
<b>010</b>	<b>Lyle Lee</b>	<b>Concerned Citizen</b>

		Testifies and submits written testimony in opposition to SB 700. <b>(EXHIBIT A)</b> Discusses newspaper classified advertisement of firearms. Contrasts death statistics from accidental fires and firearms injuries. Asserts that current laws are sufficient in regulating criminal access to firearms.
087	Sen. Burdick	Lists member of SB 700 workgroup. Asserts that Oregon Gun Owners Association offered valuable input during work group sessions. Explains that the goal of SB 700 is to close loophole in current statutes without intruding upon the legitimate right to bear firearms.
110	Sen. Burdick	Discusses SB 700 ñ1 amendments. <b>(EXHIBIT B)</b>
132	Sen. Burdick	<b>MOTION: Moves to ADOPT SB 700-1 amendments dated 03/19/99.</b>
		<b>VOTE: 5-0-2</b> <b>EXCUSED: 2 - Sen. Nelson, Sen. Qutub</b>
	Chair Bryant	<b>Hearing no objection, declares the motion CARRIED.</b>
150	Dale Penn	<b>Marion County District Attorney's Office</b>  Discusses the SB 700 ñ10 amendments. <b>(EXHIBIT C)</b> Explains the rationale for prohibiting gun dealers from selling firearms at flea markets. Defines garage sale. Discusses rationale for excluding garage sales from SB 700 legislation.
200	Chair Bryant	Are pawnshops vendors subject to the handguns instant check requirement?
201	Sen. Burdick	Yes.
207	Sen. Brown	Is "garage sale" defined in the current Oregon statutes?
210	Penn	The work group specifically defined "garage sale" in the context of the SB 700 legislation.
225	Chair Bryant	Does the term "merchandise" include firearms?
229	Penn	Yes, the term "merchandise" is used within the definition of a flea market. In that context, merchandise would include firearms.
235	Sen. Tarno	Asks for clarification on the maximum amount of garage sales referenced in SB 700.

244	Chair Bryant	Explains the garage sale language: any one of up to 3 garage sales.
256	James M. Harper	<b>Dallas Police Officer</b>  Discusses decision to limit number of firearm sales allowed at private garage sales per year.
267	Sen. Burdick	<b>MOTION: Moves to ADOPT SB 700-10 amendments dated 03/19/99.</b>
		<b>VOTE: 5-0-2</b>  <b>EXCUSED: 2 - Sen. Nelson, Sen. Qutub</b>
Chair Bryant		<b>Hearing no objection, declares the motion CARRIED.</b>
278	Sen. Burdick	Introduces SB 700 ñ9 amendments. <b>(EXHIBIT D)</b>
290	Claudia Scott	<b>Oregon State Police Firearms Unit</b>  Discusses the reduced number of telephone calls to the Firearms Unit for instant background checks on Thanksgiving and Christmas. Explains that the federal instant background check system is not accessible on Thanksgiving and Christmas.
314	John Hellen	<b>Oregon Gun Owners Association</b>  States support for the SB 700 ñ9 amendments.
320	Sen. Burdick	<b>MOTION: Moves to ADOPT SB 700-9 amendments dated 03/19/99.</b>
		<b>VOTE: 5-0-2</b>  <b>EXCUSED: 2 - Sen. Nelson, Sen. Qutub</b>
Chair Bryant		<b>Hearing no objection, declares the motion CARRIED.</b>
325	Sen. Burdick	Introduces SB 700 -7 amendments. <b>(EXHIBIT E)</b>

336	Scott	Discusses procedure of the Oregon State Police Firearms unit staff when current information is not readily available with regard to a handgun instant check request.
259	Chair Bryant	Explains gun dealersí objection to delays in processing an instant background check request.
370	Sen. Burdick	<b>MOTION: Moves to ADOPT SB 700-7 amendments dated 03/18/99.</b>
		<b>VOTE: 5-0-2</b> <b>EXCUSED: 2 - Sen. Nelson, Sen. Qutub</b>
Chair Bryant		Hearing no objection, declares the motion <b>CARRIED.</b>
377	Sen. Burdick	Discusses the SB 700 -8 amendments which exempts antique firearms from instant background checks. <b>(EXHIBIT F)</b>
398	Sen. Burdick	<b>MOTION: Moves to ADOPT SB 700-8 amendments dated 03/18/99.</b>
		<b>VOTE: 5-0-2</b> <b>EXCUSED: 2 - Sen. Nelson, Sen. Qutub</b>
Chair Bryant		Hearing no objection, declares the motion <b>CARRIED.</b>
400	Sen. Burdick	Discusses the SB 700 ñ6 amendments. <b>(EXHIBIT G)</b>
<b>TAPE 84, SIDE A</b>		
010	Chair Bryant	Discusses SB 700 ñ6 amendments and the "good faith effort" provision.
021	Hellen	Expresses continued concern about the interpretation of "good faith effort."
030	Sen. Burdick	<b>MOTION: Moves to ADOPT SB 700-6 amendments dated 03/18/99.</b>

		<b>VOTE: 5-0-2</b>  <b>EXCUSED: 2 - Sen. Nelson, Sen. Qutub</b>
	<b>Chair Bryant</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
039	Chair Bryant	Discusses the success of the instant background check system. Reports that 257 people have been arrested for attempting to purchase firearms. <b>(EXHIBIT H)</b>
053	Sen. Burdick	<b>MOTION: Moves SB 700 to the floor with a DO PASS AS AMENDED recommendation.</b>
055	Sen. Brown	<b>VOTE: 4-1-2</b>  <b>AYE: 4 - Brown, Burdick, Courtney, Bryant</b>  <b>NAY: 1 - Tarno</b>  <b>EXCUSED: 2 - Nelson, Qutub</b>
	<b>Chair Bryant</b>	<b>The motion CARRIED.</b>
070	Chair Bryant	Closes SB 700 Work Session. Adjourns hearing at 1:40 PM.

Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson

Administrative Support Office Manager

#### **EXHIBIT SUMMARY**

**A ñ Testimony in opposition to SB 700, Lyle E. Lee, 7pp**

**B. SB 700 ñ1 amendments, Bill Taylor, 1p**

**C. SB 700 ñ10 amendments, Bill Taylor, 2pp**

**D. SB 700 ñ9 amendments, Bill Taylor, 1p**

- E. SB 700 ñ7 amendments, Bill Taylor, 1p**
- F. SB 700, -8 amendments, Bill Taylor, 1p**
- G. SB 700 ñ6 amendments, Bill Taylor, 1p**
- H. Firearm Unit Arrest Statistics, Thomas Dixon, 12pp**
  - I. Testimony in opposition to SB 700, Dave Simmons, 2pp**
  - J. Testimony in support of SB 700, Ruth Lefevre, 1p**
- K. Overview of SB 700 amendments, Virginia R. Vanderbilt, 1p**
- L. Testimony in support of SB 700, Elinor Hall, 2pp**