

House Committee on Judiciary Subcommittee on Crime & Corrections June 19, 1991 - Page

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

HOUSE COMMITTEE ON JUDICIARY CRIME AND CORRECTIONS

June 19, 1991Hearing Room 357 1:00 p.m.Tapes 129 - 131

MEMBERS PRESENT:Rep. Randy Miller, Chair Rep. Ray Baum Rep. Judy Bauman Rep. Tom Brian Rep. Rod Johnson Rep. Tom Mason Rep. Del Parks Rep. Ron Sunseri

STAFF PRESENT: Holly Robinson, Committee Counsel Jeff Steve, Committee Assistant

MEASURES HEARD:SJR19 - PH/WS HB 3576 - PH

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TAPE 129, SIDE A

004 CHAIR RANDY MILLER: Opens Subcommittee on Criminal Law and Corrections at 2:17 p.m.

SJR19 - PUBLIC HEARING Witnesses:Stevie Remington, ACLU Justice Michael Gillette

018 STEVIE REMINGTON: Submits and paraphrases ACLU Briefing Paper Number 9 (EXHIBIT A).

Testifies in support of SJR19.

074 REP. BAUMAN: How many states have ratified the Bill of Rights?

076 REMINGTON: Ten originally, and three others on the Sesquicentennial.

095 CHAIR MILLER: Recesses public hearing on SJR19.

Opens public hearing on HB 3576.

HB 3576 - PUBLIC HEARING

Witnesses:Rep. Vera Katz Lloyd Athearn John Nichols, Oregon State Shooting Association Augustin Enriquez, Oregon Firearms Trade Association Kevin Starrett, Gun Owners of America Bob Bell, Albany Rifle and Pistol Captain Sherwood Stillman, Oregon Sheriffs Association Major Dean Renfrow, State Police Rep. Bill Dwyer Kathleen Payne-Pruitt, Attorney General's Office Ron Harder, Oregon Sportsmen John Hosford Vic Mann, City of Eugene

100 REPRESENTATIVE VERA KATZ: Submits (EXHIBITS B and EXHIBIT C). Ninety or more percent of HB 3576 are sections which the House supported in 1989 in HB 3470.

Technical changes were suggested by the work group.

When HB 3470 was adopted, part of the bill contained a study which tried to ascertain whether the bill worked and identify what problems, of which we were not then aware, were out there.

Speaks of study and problems identified.

The group was unable to come to consensus.

167 LLOYD ATHEARN: Reviews HB 3576 Fact Sheet (EXHIBIT B).

Recites specific cases.

288 REP. KATZ: We talked about a waiting period on firearms and the possibility, when our data is sophisticated enough, to seriously take a look at an instantaneous check.

Gun interests are interested in that option.

325 ATHEARN: Speaks about process for obtaining relief from prohibition.

Recites cases of people who have sought relief.

382 REP. MASON: What is the point?

385 ATHEARN: The point is that the relief process was designed to allow the person, where there was a mix up in identity or where a person had a minor criminal offense that made them prohibited, to have a quick appeal and have their rights restored.

We presently allow individuals to seek relief to overturn felony convictions, and have had individuals who have been able to overturn those convictions, through a quick and inexpensive process, able to obtain guns.

We intend to prevent individuals from using the state relief process for obtaining relief from prohibition on felonies. They could still use it on misdemeanors, arrest warrants, or pretrial release, but would have to use the expunction process or the federal release process to overturn a felony conviction.

We would also require that law enforcement agencies be notified that a person is seeking relief.

Our concern is that the relief provision has not allowed some of the

people who have minor convictions to get relief, but some serious offenders have been able to.

TAPE 130, SIDE A

028 CHAIR MILLER: Should we require a conviction, rather than just an arrest?

032 ATHEARN: Correct. Explains circumstances of Drain case previously cited.

041 KATZ: The purpose of the 1989 legislation was to make sure that weapons do not fall into the hands of criminals. We want to protect the public from great harm with weapons available to felons and violent misdemeanants.

The post-conviction study identified the problem area regarding long guns.

060 CHAIR MILLER: Recesses public hearing on HB 3576.

Reconvenes public hearing on SJR19.

SJR19 - PUBLIC HEARING

063 JUSTICE MICHAEL GILLETTE: Testifies in support of SJR19 and urges committee adoption.

112 CHAIR MILLER: Closes public hearing on SJR19.

Opens work session on SJR19.

SJR19 - WORK SESSION

109 MOTION: REP. BAUMAN: Moves SJR19 to Full Committee on Judiciary with a do pass recommendation.

VOTE: On a roll call vote, motion passes. All members are present.

126 CHAIR MILLER: Reopens public hearing on HB 3576.

HB 3576 - PUBLIC HEARING

128 JOHN NICHOLS, OREGON STATE SHOOTING ASSOCIATION: Testifies in opposition to HB 3576 as written and is concerned about subjects which have been included and those that have been left out.

Does not think prohibited persons list needs to be expanded. Opposes instant check system for long guns unless it also applies to hand guns. Concerned about lack of clean up of some defects of HB 3470 (1989 Session). Concerned that State Police has refused to certify any other states' handgun permits as valid in Oregon.

If HB 3576 goes to a work session we would like to submit a list of amendments.

185 AUGUSTIN ENRIQUEZ, OREGON FIREARMS TRADE ASSOCIATION: Testifies in opposition to HB 3576.

States dealers concerns: >New forms required >Finger printing customer

on the long guns >I.D. fee requirement >Making a phone call >Delay of one third or more of the sales because state police say that many people will not be on their data base >Dealers required to mail in another form

246 KEVIN STARRETT, GUN OWNERS OF AMERICA: Testifies in opposition to HB 357 6 reading written testimony (EXHIBIT D).

Submits testimony in opposition to HB 3576 from Oregon Pro Gun Civil Rights Lobby, Inc. (EXHIBIT E).

345 BOB BELL, ALBANY RIFLE AND PISTOL: Testifies in opposition to HB 3576.

393 CHAIR MILLER: Recesses Subcommittee on Criminal Law and Corrections at 3:13 p.m. for Floor Session.

394 CHAIR MILLER: Reconvenes Subcommittee at 4:40 p.m..

For the record, all members have been advised the hearing was to be reconvened.

Continues public hearing on HB 3576.

409 CAP. SHERWOOD STILLMAN, OREGON STATE SHERIFF'S ASSN: States Association's concerns.

Testifies in support of HB 3576.

TAPE 129, SIDE B

040 CHAIR MILLER: You do not have the legal authority to seize the license, but you are doing it anyway?

043 STILLMAN: It is not provided for by statute, but as a matter of public concern, the sheriffs want those licenses seized and returned to them so that they can go through the formal revocation process.

061 CHAIR MILLER: Did you discuss that issue last year?

062 STILLMAN: Was not involved in the original draft of HB 3470. Became aware of the problems with the concealed hand gun as the project director for the uniformity requirements.

Asks committee to close up specific loopholes in current law.

The law enforcement community does endorse HB 3576 which would close a lot of the loopholes which we are concerned with.

098 REP. CLARK: Has there been a substantial increase in the number of concealed weapons permits under HB 3470?

099 STILLMAN: Yes. From 250 in 1989 to 1,500 in 1990. No substantial increase in problems related to concealed weapons permits because there is a series of checks and balances that allow us to weed out the bad ones.

117 TEX SHIVELEY: Testifies in opposition to HB 3576.

177 MAJOR DEAN RENFROW, OREGON STATE POLICE: Testifies in support of HB 357 6. Gives statistical information on fire arms sales study.

237 REP. SUNSERI: What happens to people who falsely attempt to get a permit for a firearm?

238 RENFROW: Local law enforcement agency would be notified. State police role is to positively identify to a criminal history, persons purchasing weapons.

It should be a felony to purchase a firearm when you should not be allowed to, with a penitentiary sentence upon conviction. We are not enforcing the law to the degree it should be.

Most of the 337 who had the wrong I.D. in the statistics I presented were persons with name changes applicable to marriage or those using surnames different from those in the criminal history files, and were not necessarily prohibited persons.

265 REP. JOHNSON: Were only five out of the 337 who bought guns people who should not have bought them?

266 RENFROW: 223 were prohibited persons who were disqualified through their criminal history records. 337 were identified based on thumb prints through the system.

271 REP. JOHNSON: How many people walked out of gun stores with guns, which, if everything had been known, they would not have been allowed to do so because they were prohibited?

274 RENFROW: 223.

275 REP. JOHNSON: Of that 223, how many of them were forced to return their illegal guns?

276 RENFROW: They did not walk out with the guns because of the 15 day waiting period during which time it was found they were prohibited.

282 REP. JOHNSON: Were long guns included in your study?

285 RENFROW: Yes.

286 REP. JOHNSON: What happened to prohibited people who purchased long guns?

288 RENFROW: 470 prohibited people took delivery the same day because of no waiting period.

292 REP. JOHNSON: What efforts were made to get the illegal guns back?

293 RENFROW: No aggressive attempt to recover the guns or charge those persons.

299 REP. JOHNSON: Realizes that law enforcement has to make priority decisions on the use of resources.

305 RENFROW: Continues his statistical information and testimony.

TAPE 130, SIDE B

022 REP. BILL DWYER: Testified in opposition to HB 3576.

090 KATHLEEN PAYNE-PRUITT, ATTORNEY GENERAL'S OFFICE: Minor technical changes in HB 3576 are needed. As presently written, Section 8 does not include a named respondent, and that is needed.

Would like to change Section 8 to make it clear what people are supposed to do.

Lists other technical changes needed: >Sec. 2. To add black powder closes a loophole that would allow ex-felons in possession to possess antique fire arms

Will submit other proposed amendments to subcommittee members.

119 ROD HARDER, OREGON SPORTSMEN: Testifies in opposition to HB 3576. Submits letters from City of Eugene (EXHIBIT F).

Notes written statement from National Rifle Association (EXHIBIT G).

155 JOHN HOSFORD, CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS: Testified in opposition of HB 3576.

The new Katz team was not of the same mold that we worked with in 1989. The 1989 team was genuinely concerned about individual rights and liberties, especially the right to privacy.

The new team showed little regard for individual rights. During the hotly debated subjects of requiring a full set of fingerprints on handgun purchases, one member of the law enforcement team stated that law enforcement should have an intelligence file on every gun owner in the state. That scares me.

330 REP. JOHNSON: For the record, it scares me, too.

316 HOSFORD: Another team member said that once a person commits a crime they should never be allowed to have a gun no matter how circumstances might change.

HB 3576 represents nothing of any real benefit to Oregon's gun owners and does contain almost all of the anti-gun and restrictive proposals we have opposed before.

Requests that committee vote No on HB 3576.

366 REP. JOHNSON: How much involvement was there by other representatives in the current legislative session?

372 HOSFORD: Rep. Clark attended a couple of the meetings and an aide from Sen. Shoemaker's office attended most meetings.

Augustin Enriquez and Ken Glass were told they could not attend the meetings.

406 VIC MANN, CITY OF EUGENE: HB 3576 contains important technical changes that are needed and should be seriously considered by the committee.

TAPE 131, SIDE A

031 REP. JOHNSON: What is the current petition language that addresses what burden a person must meet in order to overcome the initial denial

of his right to own a gun?

043 MANN: Unable to answer.

045 Testimony of Robert Tardiff, Stayton Police Chief, is submitted for the record.

048 ACTING CHAIR SUNSERI: Adjourns meeting at 5:20 p.m. Transcribed by,

Pat Zwick

EXHIBIT LOG A:SJR19 Exhibit - Stevie Remington - 4 pages B:HB 3576
Testimony - Rep. Katz - 1 page C:HB 3576 Testimony - Rep. Katz - 7 pages
D:HB 3576 Testimony - Ken Starrett - 2 pages E:HB 3576 Testimony - Ken
Starrett - 1 page F:HB 3576 Exhibit - Ron Harder - 2 pages G:HB 3576
Exhibit - National Rifle Association - 8 pages H:HB 3576 Exhibit -
Robert Tardiff - 3 pages