



OREGON HOUSE OF REPRESENTATIVES

COMMITTEES:
Behavioral Health &
Health Care,
Emergency
Management, General
Government &
Veterans, & Judiciary

May 2, 2023

Timothy G. Sekerak
Chief Clerk of the House
State Capitol Building, H271
Salem, OR 97301

RE: Vote Explanation for HB 2005 B

Dear Chief Clerk Sekerak,

HB 2005 B is a compilation of HB 2006 & HB 2007, which combine to significantly change Oregon laws regarding firearms. HB 2005 B does several things (all section references are to 2005 B):

1. Bans/restricts the sale, transfer, and manufacturing of unserialized or undetectable firearms (ghost guns) and firearm components (Sections 1 -5, 14, 16-17)
2. Raises the age to possess/purchase a firearm to 21, unless specific exemptions are met (Sections 6 – 7, 15)
3. Prohibits possessing firearms on public property if the government entity has banned them (Sections 8-12)

The tragic number of mass shootings and incidents involving gun violence throughout the country is shameful and a sad commentary on the inability of people in our society to cope with stress and accept people who are different. Unfortunately, the popular media narrative by some outlets only serves to foster fear and confusion in people who are unable to rationally manage their thoughts and actions. This media influence, combined with the lack of a sufficient mental and behavioral health system, are only two ingredients in a complex issue long in the making.

I voted “No” on HB 2005 B because it is unconstitutional and will not solve the gun violence problem in our country or state. Specifically, the sections restricting the possession of firearms by people 18 -20 years old has already been deemed unconstitutional in numerous courts cases at various levels throughout the country. Each of these cases decided that constitutional rights vests in people when they turn 18, including:

- US District Court of Minnesota -
<https://storage.courtlistener.com/recap/gov.uscourts.mnd.194951/gov.uscourts.mnd.194951.84.0.pdf>

- US District Court for the Northern District of Texas - <https://storage.courtlistener.com/recap/gov.uscourts.txnd.355835/gov.uscourts.txnd.355835.76.0.pdf>.
- US Court of Appeals – 4th Circuit - <https://law.justia.com/cases/federal/appellate-courts/ca4/19-2250/19-2250-2021-07-13.html>
- US Court of Appeals – 9th Circuit - <https://www.cnn.com/2022/05/11/us/california-gun-ban-under-21-federal-ruling/index.html>

As a result, this bill is likely to be immediately challenged upon passage and tied up in court for an extended period of time, and then likely overturned. I respect the bill's proponents and their desire to stem the tide of gun violence, but unfortunately I don't think the proposed legislation will be the solution.

I also have concerns with other aspects of the bill such as the lack of a definition for "adjacent grounds" as used in Sections 8 -12, and how the bans on unserialized and undetectable guns will be implemented given that many people currently own guns that fall into this category. But my principal opposition is to the age limits - I will not support legislation that is clearly unconstitutional.

In the meantime, my focus is on repairing our failed mental and behavioral health system in order to identify and help people who might commit these crimes in the first place and restrict them from owning or accessing guns. Additionally, we need to focus on our judicial system to prosecute criminals so that they can't repeat their crimes, but more importantly, we need to improve our community youth programs to help them avoid pursuing a lifestyle of gun violence.

The legal use of firearms by responsible guns owners should not be abridged, but I think it is incumbent on all of us to craft a society and culture where resorting to shooting someone is not the first, nor the second, impulse. Working together, we can achieve this vision by investing in and strengthening our mental and behavioral health system.

Sincerely,



Representative Charlie Conrad
Oregon House District 12