

Paul L Evans
STATE REPRESENTATIVE
DISTRICT 20



HOUSE OF REPRESENTATIVES

April 29, 2021

To: Chief Clerk Sekerak

Re: Vote Explanation for SB 554B

Chief Clerk Sekerak,

I wish to submit the following explanation for my vote on Senate Bill 554B:

Senate Bill 554B is a well-intentioned but unfortunately inherently flawed measure. I believe the Supreme Court of the United States of America will determine that a part, parts, and/or the whole of this measure as sent to us today, to be offensive to the Oregon Constitution and, perhaps, the US Constitution.

As we all know, the language of another measure, House Bill 2510, has now been "stuffed" into Senate Bill 554B. That bill sought to implement a thoughtful approach for firearms safety and storage. I had intended to support House Bill 2510 as it was originally sent to the Floor of the Oregon House of Representatives because it met the three tests I apply for all firearms violence reduction measures: 1) Is it rational? 2) Is it reasonable? And 3) Is it responsible?

At some point, for some unknown reasons, a decision was made to merge HB 2510 and SB 554. While this decision may be deemed a strategic necessity for some reason, all I know for sure is that the language inserted made my support inconceivable.

My record of taking hard but necessary votes is well-known. Over the past four Legislative Sessions, I have supported many firearms violence reduction measures, including a few that passed the Oregon House of Representatives only to promptly die upon arrival in the Oregon State Senate.

However, I believe in a traditional understanding of the hierarchy of law. Our Oregon and US Constitutions are the foundation for the statutory frameworks we build to fulfill our duties as stewards of the public trust. Administrative rules are then fashioned onto statutes to provide agencies with the necessary details to implement policies.

The Oregon Constitution clearly outlines a specific individual right to bear arms for self-defense separate and distinct from traditional "militia" associations. It states (Article I, Section 27 Right to bear arms; military subordinate to civil power), "**The people shall have the right to bear arms for the defense [sic] of themselves, and the State, but the Military should be kept in strict subordination of the civil power [.]**."

Senate Bill 554B fails the reasonableness test. As drafted, it effectively prohibits a reasonable expectation and/or opportunity for self-defense from use of a firearm for citizens holding a Concealed Handgun License (CHL) a license that requires both a demonstration of legitimate possession/ownership above the standard for citizens without a CHL, and a demonstrated knowledge/mastery of a firearm.

As drafted, SB 554B now denies the exercise of a right of citizens writ large when inside buildings identified through the statutory authorities outlined in the measure's language.

Instead of prohibiting people who may or may not have a legitimate right to a firearm when in buildings outlined by the measure (as demonstrated by an absence of an on-the-spot demonstration of holding a current CHL), this bill denies rights to all citizens regardless of background, experience, and/or legal standing. This bill expressly grants the authority to disregard CHL possession.

While the safety and storage sections of the bill could help prevent accidental discharges (especially among children), and the intentions by the sponsors of HB 2510 are admirable, this measure knowingly denies firearms access to people who have a demonstrated right to self-defense.

Accordingly, this measure does not warrant passage in its current form. We can do better, and we must insist upon it.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul L. Evans", with a long horizontal flourish extending to the right.

Representative Paul L. Evans
State Representative
Oregon House District 20