

**State Representative
Kim Thatcher
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***Oregon Universities Gun Law Struck Down by
State Court of Appeals
Rep Kim Thatcher Touts Victory for Gun Owners***

(Salem) “This has been an emotional and frustrating battle, but today gun owners across Oregon should feel vindicated,” said [Representative Kim Thatcher](#) (R-Keizer, Newberg and St. Paul) after learning that the Oregon Court of Appeals has struck down an administrative rule used by the Oregon University System (OUS) to punish lawful citizens from carrying firearms on campus.

Thatcher has been on the forefront of this issue for several years and supported efforts by the Oregon Firearms Educational Foundation to challenge the OUS policy in court. Representative Thatcher and others maintained the rule used by the University System violated a state law which said only the Oregon Legislature can regulate “the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms” under [Oregon Revised Statute 166.170](#).

Today the Court of Appeals ruled [Oregon Administrative Rule 580-022-0045\(3\)](#) “is an exercise of an ‘authority to regulate’ firearms that is not expressly authorized by the Legislative Assembly, and that it is preempted by ORS 166.170. Accordingly, the rule exceeds the agency’s authority, ORS 183.400(4)(b), and is invalid.”

“This is a victory for 2nd Amendment rights in Oregon. We’re talking about law abiding Oregonians who are following the laws enacted by the state Legislature,” explained Thatcher. “I hope this decision sends a strong message to other agencies which have tried to supersede state law in this area.”

Although legislators have been complaining about the OUS rules for many years, the issue came to a head in [February of 2009](#) when a [disabled veteran student](#), Jeff Maxwell, was suspended from Western Oregon University for packing a small pistol in his pocket. A few months later, 34 legislators signed a [letter urging the Oregon University System to change their policies](#).

“We are pleased that the bureaucrats can no longer use invented rules to destroy peoples’ reputations,” said Kevin Starrett, Executive Director of the Oregon Firearms Educational Foundation. “In Jeff Maxwell’s case his academic career and future employment opportunities were seriously damaged due this arbitrary and unlawful attack on his character. The University System needs to be held accountable for infringing on the rights of those who access our public college campuses.”

It is unclear as to whether OUS will appeal this new ruling to the Oregon Supreme Court, but Representative Thatcher added, “clearly the University System has spent a lot of taxpayer dollars defending an unlawful policy which has violated the rights of Oregon residents for the past twenty years. I hope they do not continue to waste more money defending such an illegitimate rule.”

To read the full opinion issued by the Oregon Court of Appeals today go to this link:
<http://www.publications.oid.state.or.us/A142974.pdf>

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