



# OREGON HUNTERS ASSOCIATION

## Protecting Oregon's Wildlife, Habitat and Hunting Heritage

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May 14, 2018

The Honorable Dennis Richardson  
Secretary of State  
255 Capitol St NE, Suite 501  
Salem, OR 97310

The Honorable Eileen Rosenblum  
Attorney General of Oregon  
1162 Court St NE  
Salem, OR 97301

Subject: Comments on Initiative Petition 44 Draft Ballot Title

The Oregon Hunters Association, with over 10,000 members statewide, is submitting the following comments on the draft ballot title for Initiative Petition 44. We are an association of law abiding sportsmen and women who commonly use a variety of firearms and who hunt with minors, that may be adversely impacted by IP 44. We believe IP 44 infringes on our rights under Article 1, Section 27 of the Oregon Constitution, and our Second Amendment rights under the U.S. Constitution.

The Draft Ballot Title for IP 44 is misleading by omission and does not adequately summarize the full and far-reaching effects this Initiative Petition could have on hundreds of thousands of law-abiding Oregonians including hunters and who are members of our association.

The ballot measure title seems innocuous but is misleading. It doesn't reveal the imposition or cost of compliance for gun owners. It fails to give any idea that a grandparent can't gift a firearm to a minor, since that "person" (the grandparent) would need to directly supervise the child and the parent could not, and hence the child could not use the firearm unless the grandparent was the supervisor. As we try to pass along our hunting heritage, IP 44 is extremely detrimental.

The ballot measure, title and measure summary deals with multiple subjects in violation of Article IV(1)(d) the Oregon Constitution. The measure includes the following subjects: 1) Storage and Control, 2) Transfer, 3) Reporting and 4) Minors. While item 1 and 2 may be "matters properly related therewith" under Article IV, we do not believe that item (3) Reporting, and especially item (4) Minors, are related. The safe storage of firearms is one matter. The requirement for reporting theft/loss and a creation of strict liability is a separate matter. Likewise, the direct supervision (undefined) of minors is a separate matter.

The "minors" sections states (4)(1) "A person who transfers a firearm to a minor that the minor does not own **must supervise** the minor's use of the firearm". We are very concerned that the

minor section will adversely impact "youth hunts" where a minor might be on a hunting stand or other situation where they are not "directly" supervised by an adult. There is no definition of what "directly supervise" means, leaving hunters in potential legal jeopardy if they're in the field on a youth hunt but temporarily away from the minor. There is no mention of the impact to "youth hunts" in the 'yes' statement.

The 'NO' statement also violates ORS 250.035 (2)(c) because it refers to "current laws which regulate transfer of firearms". It is not necessary to introduce any reference to current laws. By doing so, and adding the second phrase "but do not require firearms be locked during storage/transfer, loss/theft reported, minors supervised" is actively encouraging a 'Yes' vote and creates a bias. It creates a double negative, with a 'NO' vote "not requiring firearms be locked during storage/transfer, loss/theft reported, minors supervised". The 'NO' statement is written in such a way as to encourage a 'YES' vote. This does not parallel the language in the 'YES' statement as required by ORS 250.035(3).

Storage is one subject. Minor's use is another subject. The creation of **strict liability** for merely not reporting a theft (or having the law enforcement agency misplace, misfile, or lose the record of theft/loss reporting) is another major change to current law and a separate subject from gun storage. Making a person strictly liable for the actions of a third party for a period of 5 years is a tremendous change from current law. Minors use, reporting, and the creation of strict liability are not related, in violation of Article IV of the Oregon Constitution.

The draft ballot title does not comply with ORS 250.035. The measure does not conform to the Oregon Constitution (Art. IV). It should not be on the ballot, period.

Sincerely,

A handwritten signature in cursive script, appearing to read "Fred Walasavage".

Fred Walasavage, Chairman  
Oregon Hunters Association