



CEASEFIRE oregon

Building safe and healthy communities free from gun violence

May 17, 2011

Public Safety Subcommittee
Joint Committee on Ways and Means
Oregon Legislature

Re: Vote No on House Bill 2791—Keep Oregon jobs and thorough firearms background checks.

Dear Subcommittee Co-Chairs and Members,

Thank you for the opportunity to offer testimony on House Bill 2791, which seeks to weaken the firearms background check system by removing the Oregon State Police as the point of contact for firearms-related background checks requested by gun dealers. Firearms background checks are required by law. Right now, they are being done well in Oregon by Oregonians. HB 2791 would cost over \$2.5 million in revenue to the Oregon State Police and eliminate 18 of these Oregon jobs (13.5 jobs in this biennium and 4.5 in the next).¹ It would also put firearms into the hands of people legally ineligible to own them.

Persons ineligible to purchase firearms, including felons, domestic abusers, persons with serious mental illness, and others, are identified through a national system of mandatory background checks which, since 1998, has been implemented through the National Instant Criminal Background Check System (NICS). States have the option of serving as the point of contact (POC) for background checks, or allowing the background checks to be initiated directly with the NICS. Oregon has elected to serve as a POC state, and our firearms background checks are made through the Oregon State Police (OSP). Gun purchasers pay a fee to OSP for the service.

HB 2791 would remove the Oregon State Police as the POC for firearms-related background checks requested by gun dealers. OSP would have to continue maintaining and updating background check records, and provide background check services required by state law for certain purchases (e.g., over 1,000 private party sales last year²), without the revenue provided by the POC service.

In addition to the adverse economic impact on the state, removing the Oregon State Police as the POC would have an adverse impact on public safety, allowing more ineligible persons to purchase firearms in Oregon. The background check performed by OSP is more thorough than a NICS check. There is widespread recognition in law enforcement, including the FBI, that state POC background checks do a better job of identifying ineligible persons, because states check their own databases in addition to the federal databases that comprise the NICS.³ The Oregon POC check includes enhanced purchaser identity verification, determines whether the gun being sold has been reported stolen or lost, and most significantly, checks mental health records not yet available in a NICS check. The deficiencies in the federal NICS databases have prompted efforts at improvement, including passage of the federal NICS Improvement Act of 2007, but implementation is not complete.

The potential impact of HB 2791 on public safety was quantified a few years ago in a study funded by the U.S. Department of Justice which found that use of the Oregon State Police as the POC resulted in a 22.2% increase in the number of denials.⁴ That is, 22.2% more people were correctly identified as ineligible for firearms purchases when OSP served as the originating contact for background checks than when the inquiry went directly to the NICS.

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HB 2791 proponents argue that the less effective NICS system is faster at peak sales times like “black Friday.” But, at both the state and federal level, the check usually takes only a few minutes and, if it’s not completed within three days, the sale can go through anyway.⁵ Until the federal NICS system is equal to Oregon’s, the Oregon State Police should remain the point of contact agency for firearms-related background checks. Ceasefire Oregon urges you to vote No on HB 2791.

Respectfully submitted,



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Executive Director, Ceasefire Oregon



Elise Gautier
Ceasefire Oregon

1. HB 2791 Fiscal Impact Statement, at <http://www.leg.state.or.us/comm/sms/SMS11Frameset.html>.
2. Written testimony of Ralph Groener, AFSCME, on HB 2791, Oregon House Judiciary Committee, April 19, 2011, at <http://www.leg.state.or.us/committees/exhib2web/2011reg/HJUD/04-19-2011meetingmaterials/Testimony/HB%202791,%20Ralph%20Groner.pdf>.
3. Statement of Rachel L. Brand, Assistant Attorney General for Legal Policy, U.S. Department of Justice, before the Committee on Oversight and Government Reform, Subcommittee on Domestic Policy, U.S. House of Representatives, May 10, 2007, page 6, at <http://www.justice.gov/olp/pdf/guns07a.pdf>.
4. Dr. James M. Tien, Michael F. Cahn, David M. Einstein, Robin C. Neray, *Cost-Benefit of Point-of-Contact (POC) Versus Non-POC Firearm Eligibility Background Checks*, June 2003, page 37, at <http://www.ncjrs.gov/pdffiles1/bjs/grants/222674.pdf>.
5. 18 U.S.C. 922(t)(1).