



OREGON HOUSE REPUBLICAN OFFICE

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House passes constitutionally tenuous gun legislation amid bipartisan opposition

Salem, Ore. - Amid bipartisan opposition, House Democrats today advanced legislation that establishes a constitutionally tenuous legal process for allowing courts to compel an individual to surrender their firearms. House Republicans argued that SB 719 infringes on constitutionally protected self-defense rights, could put law enforcement officers in harm's way by requiring them to remove firearms from individuals even if they have not been convicted of a crime, and ultimately fails to address the root causes of violence in Oregon communities.

"I do not begrudge the sponsors of this bill nor the spirit in which this legislation was brought forward, but there are several pieces of this bill that should give us pause," said Representative Bill Post (R-Keizer). "SB 719 sets up a constitutionally tenuous process for stripping Oregonians of their rights and puts the burden of enforcement on the backs of our already strained law enforcement community. If we want to reduce violence in our communities, we need to get serious about investing in mental health programs and ensuring that Oregonians have access to the care they desperately need."

SB 719 creates what sponsors of the legislation have dubbed an Extreme Risk Protection Order (ERPO). The process for obtaining an ERPO as outlined by the bill allows an individual who either lives with, or is in an intimate relationship with, a person who they believe may be at risk of harming themselves or others to seek a court order to have the potentially at risk person's firearms and any items that could qualify as dangerous weapons removed from them. An ERPO can be requested by an individual in secret and does not provide an opportunity for an individual to contest the order until after it has already been issued. Courts may consider an overly broad list of factors when determining whether to issue an ERPO, including convictions for nonviolent crimes and subjective statements.

"The proponents of SB 719 have sought to protect Oregonians from domestic- and self-inflicted violence - a goal we all share," said Representative David Brock Smith (R-Port Orford). "But the process established under this bill has some significant flaws that could allow for abuse of the system and result in innocent Oregonians having their rights compromised without just cause. We have an obligation to preserve and protect the freedoms guaranteed by our constitution, including the right to bear arms, and I believe this bill runs the risk of coming into conflict with that obligation."

In opposing the bill, Republicans argued that the best way to reduce violence in Oregon communities would be to invest in mental health services. They cited a study showing Oregon ranking as the [worst in the U.S. for mental health](#), and called for policymakers to prioritize investments in mental health education and services. Lawmakers have done little to expand mental health treatment this session, including failing to advance SB 1054, which would have led to expanded care options for veterans.

SB 719 passed the House on a 31-28 vote, with several Democrats joining Republicans in opposition to the bill. The bill now heads to Governor Brown's desk, where it is expected to be signed into law.

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