



Written by [Joe Wolverton, II, J.D.](#) on September 4, 2017

New Oregon Law Green Lights Gun Confiscation in “Emergencies”

Oregon Governor Kate Brown signed into law a bill establishing circumstances under which citizens of that state could be forced to surrender their firearms to government agents.

Section 2 of the new statute (formerly Senate Bill 719) gives power to:

A law enforcement officer or a family or household member of a person may file a petition requesting that the court issue an extreme risk protection order enjoining the person from having in the person’s custody or control, owning, purchasing, possessing or receiving, or attempting to purchase or receive, a deadly weapon.



That’s right. File a petition in Oregon and you can disarm a relative or roommate.

The state Senate passed the bill 17-11 in May and their colleagues in the state House did likewise in July by a vote of 31-28.

Governor Brown’s approval of the act in August was never in question. During debates on the measure, she described the measure as the “best way to ensure that a person who is at risk of harming themselves or others is identified, while still ensuring their rights are protected by a court review.”

As set out in the new statute, one seeking such an order against someone else must go through a legal process that includes approval of the petition by a judge. Should the judge issue the desired decree, the prohibitions against owning, buying, possessing, receiving or trying to buy or receive a firearm will be in effect for a year.

How will the weapons and ammunition owned in defiance of an “extreme risk protection order” be seized from the person covered by the order?

The law grants authority to police to search and seize any weapons and ammo not voluntarily surrendered to the appropriate government entity (or its authorized agents) within 30 days.

The subject of the order has 30 days to appeal the order and the hearing on the appeal must be heard within 21 days of the filing of the notice of appeal.

As expected, the “grassroots” forces of disarmament have spoken out in favor of the new law.

“SB 719 is a common-sense bill that will empower families and law enforcement officers to take action to potentially prevent tragedies before they happen,” said Lisa Reynolds of the group Moms Demand Action in a statement. “That law will help save lives.”

Gun control opponents see the statute as a step toward taking from Oregonians their natural right to



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self-defense and an unconstitutional abridgment of the rights guaranteed by the Second Amendment to the U.S. Constitution.

A statement by the Institute for Legislative Action (the National Rifle Association's lobbying group) warns of the deprivations and potential for persecution in the recently enacted bill:

By allowing a law enforcement officer, family member, or household member to seek the ERPO, SB 719A would allow people who are not mental health professionals, who may be mistaken, and who may only have minimal contact with the respondent to file a petition with the court and testify on the respondent's state of mind. This ex parte order, which strips the accused of their Second Amendment rights, would be issued by a judge based on the brief statement of the petitioner. The accused would not be afforded the chance to appear in court to defend themselves against the allegations when the ERPO is issued. These orders may be issued without any allegations of criminal behavior.

As to the due process problem, there is a centuries-long commitment in Western culture to the prohibition against government from taking the life, liberty, or property of a man without due process of law.

Why is a man "due" this process? For something to be due, something must be owed. Why is a man, then owed the completion of a prescribed legal process before he can be stripped of life, liberty, or property?

Because of his humanity. All men, as Thomas Jefferson wrote in the Declaration of Independence, "are created equal and are endowed by their Creator with certain unalienable rights." These rights are not the inheritance of Americans, but the inheritance of all humanity.

The procedure established by this Oregon gun grab is susceptible — unnecessarily so, considering how many lawyers helped write the bill — to corruption and pursuit spurred by personal vendettas with little legal justification.

As for the bill's denial of an Oregonian's right to keep and bear arms, the Second Amendment is moot as it was written as a prohibition against federal infringement, not that of the state government.

There is a greater issue, though, when it comes to firearms and the ability of any government — great or small — to take them from the people and Oregon's new law when viewed through this other lens, is null, void, and of no legal effect.

Our Founding Fathers very well intended that every American be armed, believing that such was the only way to avoid being enslaved by tyrants. They knew from their study of history that a tyrant's first move was always to disarm the people, and generally to claim it was for their safety.

Appropriately, then, I'll end with this rebuke spoken by Solon, one of the famed Seven Sages of Greece, after the tyrant Pisistratus had disarmed all of Athens.

If now ye suffer grievously through cowardice all your own,
Cherish no wrath against the gods for this,
For you yourselves increased the usurper's power by giving him your guard in his hands,
And now, therefore, as his servants you must do as he commands.

The new "law" goes into legal effect on January 1, 2018.



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