

## **I. First, A Non-Starter for Legislative Staff Wading Through Comments:**

Requiring a permit to purchase firearms is plainly unconstitutional under Oregon's constitution.

That's clearly not going to give this bill's supporter pause, but needed to be said.

## **II. Serious Flaws of BM114 Repeated with These Proposed Amendments**

### 1. Uniform Application of the Law Highly Unlikely

There are 36 county sheriff offices and about 125 city police agencies (not to mention 7 tribal law enforcement agencies) in Oregon, thus adding up to over 150 "Permit Agents" (better described as Permit Agencies) that can OK/deny permit applications. In reality, that's probably 300 or more individuals tasked with making near-clinical diagnoses whether:

*"... the applicant has been or is reasonably likely to be a danger to self or others, or to the community at large, as a result of the applicant's mental or psychological state or as demonstrated by the applicant's past pattern of behavior..."*

Given the number of Permit Agent personnel multiplied by the psychological judgments that they have to make for each permit request—it's foolish to think there will be a uniform, consistent application of the law across the state. You're bound to see a lot higher rate of permit approvals in Grant County than Multnomah County. A poor outcome for a statewide law.

### 2. Proving Previous Ownership of "High Capacity" Magazines Pretty Much Impossible

The proposed amendments would continue making the possession of a large capacity magazine after the effective date an "affirmative defense." That means the owner must be able to prove they owned said magazines before the effective date (which is being assumed guilty unless you can prove innocence).

Essentially this makes criminals of nearly all holders of such magazines because few, if any, could prove ownership. Not many would have receipts from magazines purchased over a span of what may be decades. Even if they did, the assumption seems to be that a receipt would somehow document magazines by serial number or other identifying mark. Many, if not most, magazines do not have such a mark. In other words, there is no way to link listing on a receipt with any particular magazine. It's the same as trying to prove ownership of a specific screwdriver bought off the rack at Home Depot 10 years ago.

### 3. Cannabis Users Likely Barred from Future Gun Purchases

The proposed amendments state that a person is qualified to be issued a permit if they are "*not prohibited from possessing, purchasing or acquiring a firearm under state or federal law.*" The Bureau of Alcohol, Tobacco Firearms and Explosives' Firearms Transaction Record requires prospective gun buyers to answer this:

*21g. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana*

*remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.*

Those Oregonians who honestly affirm that, yes they are (federally) unlawful users would not be qualified for a State of Oregon-issued permit.

### III. Other

- If you have to ask the government permission to do something AND pay for the privilege of doing it, then that's all it is—a privilege, not a right. Perhaps having other rights subsumed to government approval would improve our world—like a worship permit or a journalism license.
- If gun ownership ought not to be a right in Oregon, the first order of business would be to rectify our state Constitution through the amendment process.
- Instead of the millions of dollars to stand up and implement this program (which will have little impact on gun violence), those dollars would be far better spent educating local law enforcement about our relatively new red-flag laws or flooding communities with gun safes and pistol vaults.