

Submitter: Michael Getty
On Behalf Of:
Committee: House Committee On Judiciary
Measure, Appointment or Topic: HB3075

First of all, I am a citizen of the United States of America, and a resident of Oregon. Therefore, the United States Constitution and laws, as well as the rulings of the United States Supreme Court, takes precedent over the Oregon Constitution and laws. All Oregon legislation must comply constitutionally with the Federal Constitution and the laws thereof. HB 3075 does not comply. United States Constitution Article XIV: "No State shall make or enforce any law which shall abridge the privileges of citizens of the United States..."

The Oregon Constitution specifically states that "The people shall have the right to bear arms for the defence [sic] of themselves, and the State". According to the Supremacy Clause (Article VI, clause 2) of the Federal Constitution, Federal law shall be the supreme law of the land, and the judges in every state shall be bound thereby. Obviously, judges in Oregon have violated that. So does HB 3075.

Federal Preemption: In the law of the United States, federal preemption is the invalidation of a U.S. state law that conflicts with Federal law. The United States Supreme Court in *Altria Group v. Good*, 555 U.S. 70 (2008), a federal law that conflicts with a state law will trump, or preempt, that state law. In *Maryland v. Louisiana*, 451 U.S. 725),...state laws that conflict with federal law are "without effect."

In (*Murdock v. Pennsylvania* 319 US 113), requiring a permit or license to exercise a federal constitutional right is unconstitutional and a state may not impose a charge for the enjoyment of a right granted by the Federal Constitution. HB 3075 violates our right of the federal Second Amendment which requires no permit to purchase or training – only a background check. If a state converts a right (liberty) into a privilege, the citizen can ignore the license and fee and engage in the right (liberty) with impunity. (*Shuttlesworth vs City of Birmingham Alabama*, 373 US 262).

In *New York State Rifle & Pistol Association v. Bruen* the court ordered federal and state courts to strike down laws restricting the possession of certain types of firearms and magazines. The Ninth Circuit Court recently struck down California's ban on high-capacity magazines on the basis that it restricts the US Second Amendment and noted that it would criminalize half the magazines in the U.S. HB 3075 violates that decision. Federal law prohibits keeping a record of firearm transactions in a data base, whether accessible to the public or not. HB 3075 violates that law.

According to the Oregon Department of Human Services Oregon Suicide Data

Dashboard in 2023, 4 out of 5 deaths related to firearms are suicides. Suicide is caused by depression and drugs, including marijuana, that cause schizophrenia, violence, anxiety disorders, mental illness and paranoia, all of which cause suicidal tendencies. HB 3075 is not the solution to Oregon's so called "gun violence" – it is a medical and drug use problem.

The emergency clause has been abused (possibility illegally) for years. Requiring that a legal challenge to this bill be commenced in the Circuit Court in Marion County is unconstitutional in that it denies the residents in 35 counties from filing a challenge. HB 3075 and Measure 114 is entirely unnecessary and unconstitutional. There is no "gun violence emergency." The problem Oregon has is a medical, mental and drug problem that is primarily caused by the state, i.e., expensive medical care, the serious lack of mental health care, and the legalization of drugs. I could go on and on.

Michael Getty, Lakeview, OR