

Submitter: Devin Burgi
On Behalf Of:
Committee: House Committee On Judiciary
Measure, Appointment or Topic: HB3075

I am strongly apposed to the implementation of this measure for the following reasons:

Second Amendment Violation: The U.S. Supreme Court's ruling in *New York State Rifle & Pistol Association v. Bruen* (2022) established that firearm regulations must be consistent with the nation's historical tradition of firearm regulation. HB 3075's extended waiting periods, heightened fees, and discretionary permitting process—allowing law enforcement to deny permits based on subjective judgments of “dangerousness”—lack clear historical analogs. These restrictions unduly burden the right to keep and bear arms for law-abiding citizens, likely failing the Bruen test.

Ex Post Facto Clause: The bill retroactively criminalizes possession of large-capacity magazines legally purchased prior to its enactment. This violates Article I, Section 10 of the U.S. Constitution and Article I, Section 21 of the Oregon Constitution, both of which prohibit ex post facto laws—laws that punish actions lawful when committed. Courts have consistently struck down similar retroactive firearm restrictions.

Due Process Concerns: The vague standard for permit denial (“likely to be a danger”) grants excessive discretion to law enforcement, risking arbitrary or discriminatory enforcement. The Fifth and Fourteenth Amendments require clear guidelines and fair processes, which HB 3075 lacks, making it susceptible to a due process challenge.

Equal Protection Issues: Critics argue the bill disproportionately impacts lower-income and minority individuals due to increased fees and discretionary permitting, which historically have been applied unevenly across demographics. This could violate the Fourteenth Amendment's Equal Protection Clause if shown to result in systemic bias.

This bill ultimately feels like a side-step to bypass the legislative hold that has been placed on OBM 114. With it recently being ruled as constitutional from an appellate court, this bill is unnecessary and adds even more provisions to BM114 that further erodes the constitutional rights and cultural spirit that Oregonians enjoy. As a proud democratic voter I cannot fathom why our lawmakers have elected to pursue this kind of legislation with the current presidential administration we live under.

Please, do not pass this measure.