

Submitter: Joshua Yoder  
On Behalf Of:  
Committee: House Committee On Judiciary  
Measure, Appointment or Topic: HB3075

M114 and HB3075 are federally unconstitutional and repugnant to standing case law. While the lower District Court ruled it Constitutional, M114 is pending at the 9th Circuit Court of Appeals and HB3075 is equivalent with some additional restrictions.

Federal Case Law, *Murdock v. Pennsylvania*, established "...that a state cannot impose a charge or license fee for the exercise of a right granted (or protected) by the Federal Constitution...."

Oregon already has background checks; Both Measure 114 and HB3075 purport to "Provide background checks" which is technically true, they require an additional background check to the existing one. Citizens would have to get a background check to get the permit and another at the time of firearm purchase. While the legislative body is seeking to INCREASE the background check burden for those seeking to exercise a constitutionally protected right it's simultaneously attempting to reduce the background check burden on citizens for other reasons via HB3224 which is currently in "House Committee On Early Childhood and Human Services". We can only imagine this may relate to people that provide care for children or maybe social services. HB3061 seeks to modernize and streamline the background check process for people that wish to work in public schools. Yet citizens that want to exercise a protected right, are going to get unduly burdened.

The magazine restriction, limiting standard issue magazines and restricting to 10 rounds is blatantly unconstitutional as those magazines are "in common use" by Americans for lawful purposes INCLUDING BUT NOT LIMITED TO, self-defense, as outlined in *Heller vs. DC* case law. Regarding 'Common Use', in *Caetano v. Massachusetts* it was determined that a mere 200,000 stun guns counted for being in common use.

A majority of firearms come standard with 12, 13, 15, 17 and larger round magazines. It's clear that handguns are in common use, as per *Heller*. Furthermore the AR-15 rifle is without a doubt the most commonly owned rifle in America, with numbers owned in the MILLIONS. Almost every AR-15 owner I've ever met or heard of owns MULTIPLE magazines, and the standard capacity is 30 rounds. If MILLIONS of rifles are owned, then TENS or HUNDREDS of MILLIONS of standard capacity magazines (What this legislative body calls Large Capacity Magazines) are currently owned by Americans for lawful purposes. The simple ownership is a lawful use. Going to the range, or hunting is a lawful act. Defense of self or others, is a lawful act. Anything other than using them for a crime is a lawful act, and just because an extremely small

amount of people may have used something for a crime doesn't mean it's used typically for crime.

Look at cars, some people drive drunk. Does that mean we should ban cars because some people have driven drunk?

Should we restrict cars to be single seat because having passengers can cause you to be distracted?

Absolutely not.

Furthermore, we already have laws that deem it illegal to shoot other people or discharge firearms in city limits. Criminals that violate those laws, that this legislation purports to target clearly by definition do not care about laws. If they did, they wouldn't assault people, shoot at people, harm society, steal, etc. These laws will NOT stop criminals from engaging in crime. If criminals really want these, and they are outlawed by the state, they will get them. Just like criminals get banned weapons in places like Chicago, or Los Angeles. Gun laws don't work. We have a mental health problem, and that's where resources need to be allocated.

This gun control legislation will deprive citizens of protected rights under color of law. Every day that the a protected right is infringed is irreparable harm.

I promise that if this legislation is enacted, I will file a federal Section 1983 suit against Oregon and seek damages for every day violated.

This legislation will harm Oregon, and our rights.

Oppose this legislation!