

Submitter: Andrew Wong
On Behalf Of:
Committee: House Committee On Judiciary
Measure, Appointment or Topic: HB3075
Subject: Opposition to House Bill 3075 – Protecting Constitutional Rights and Ensuring Fairness

Dear Members of the House Judiciary Committee,

I am writing to express my strong opposition to House Bill 3075, which seeks to modify the firearm permit provisions established by Ballot Measure 114 (2022). While I recognize the goal of enhancing public safety, this bill presents significant concerns regarding constitutional rights, financial burdens, and fair access to self-defense.

1. Financial Barriers to Constitutional Rights

HB 3075 proposes increasing the initial firearm permit application fee to \$150, with renewals set at \$110. When combined with the costs of mandatory training and background checks, these fees create substantial financial obstacles for many Oregonians, particularly those from low-income communities. Placing such financial burdens on the exercise of a constitutional right is reminiscent of poll taxes, which were deemed unconstitutional. In *Murdock v. Pennsylvania* (1943), the U.S. Supreme Court ruled that states cannot impose a fee on the exercise of a federally protected right. By making firearm ownership cost-prohibitive for certain populations, HB 3075 effectively infringes upon the Second Amendment rights of economically disadvantaged individuals.

2. Disproportionate Impact on Marginalized Communities

The financial and procedural hurdles introduced by HB 3075 will likely disproportionately affect marginalized communities, including people of color and residents of high-crime neighborhoods. These individuals may have a more immediate need for self-defense but lack the financial means to navigate an increasingly complex and costly permit process. This disparity exacerbates existing inequalities and undermines the principle of equal protection under the law.

3. Retroactive Criminalization and Legal Ambiguities

HB 3075 also seeks to impose restrictions on large-capacity magazines, aligning with provisions from Ballot Measure 114. However, applying these restrictions retroactively could criminalize individuals who legally purchased such magazines before the bill's enactment. Retroactive criminalization raises serious legal and

ethical concerns, potentially violating the Ex Post Facto Clause of both the U.S. and Oregon Constitutions.

4. Procedural Concerns and Limitation of Judicial Review

The bill includes an emergency clause allowing it to take effect immediately upon passage, bypassing the standard referendum process and limiting public input. Furthermore, it mandates that any legal challenges must be filed exclusively in Marion County Circuit Court. Restricting judicial review in this manner raises concerns about fairness and impartiality, potentially eroding public trust in the legislative process.

5. Increased Litigation and Fiscal Impact

Similar laws in other states have faced extensive legal challenges, leading to significant costs for taxpayers. Given the constitutional concerns outlined above, HB 3075 is likely to result in prolonged litigation, diverting public funds away from critical areas such as education, healthcare, and infrastructure.

While the goal of enhancing public safety is important, HB 3075 introduces a range of legal and ethical issues that could lead to unintended and unjust consequences. I urge you to consider these concerns and vote against this bill to protect the constitutional rights and equitable treatment of all Oregonians.

Thank you for your time and consideration.

Sincerely,
Andrew