

TO: Chair Kropf, Vice-Chair Chotzen, Vice Chair Wallen and Committee Members

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SUBJECT: I am opposed to HB 3075 and HB 3075-1

I consider this a very important issue Oregon issue, and I am testifying on this legislative House Bill 3075 and HB 3075-1 Amendment while on vacation with my family in Hawaii.

**HB 3075** is supposed to be the fix-all to BM 114, but again it lacks clearly defined requirements for the training requirement. For example, Oregon HB 3075 does not clearly define the specific requirements of the live-fire exercise beyond having applicants demonstrate safe firearm handling and operation. This leaves room for interpretation and could result in varying standards depending on the training provider. Essentially, as the bill stands, applicants are only required to fire a firearm in a controlled setting without needing to meet a specific performance standard or skill qualification. In plain language, "shoot the gun and don't hit anybody!"

If there is going to be a live fire component there should be a minimum standard or defined live fire training, i.e. the NRA Basic Pistol Course, which explains safe firearm handling, and live fire training and at the end a proficiency test, which is simple, but demonstrates safe firearm handling and minimal firearm proficiency as required in HB 3075.

Another issue is for individuals who are first time firearm buyers and are applying to buy their first firearm. The firearm training program must include firearms to loan to the student(s) for the firearms training class. Oregon law regulates the transfer of firearms, including loans, under **ORS 166.435**. This statute defines "transfer" broadly to include the sale, gift, loan, or lease of a firearm. However, there are exceptions where temporary loans are allowed without requiring a background check. These exceptions include:

1. **Shooting Ranges:** Temporary loans are permitted at shooting ranges or similar areas for target practice or training courses.
2. **Hunting or Target Shooting:** Firearms can be loaned temporarily for hunting or target shooting during the activity.
3. **Presence of the Transferor:** The firearm can be loaned temporarily if the transferor remains present with the transferee.

The exceptions found in HB 3075 for demonstrating firearm basic skills listed below are ok, but cumbersome. Simplification would be better prior military service, law enforcement officers active, retired, anyone certified by DPSST to carry a firearm, NRA Firearms Instructors and others as listed below.

(8)(a) As used in this section, “proof of completion of a firearm safety course” means the following:

(a) Proof of completion of any firearms training course or class available to the general public that is offered by law enforcement, a community college, or a private or public institution an approved or organization or firearms training school utilizing instructors certified by a law enforcement agency, and that includes the components set forth] described in paragraph [(c)]

(b) of this subsection; [or] [(b) Proof of completion of any law enforcement firearms training course or class that is offered for security guards, investigators, reserve law enforcement officers, or any other law enforcement officers, and that includes the components set forth in paragraph (c) of this subsection;] (B) Proof of completion of a training course or class for a concealed handgun license issued under ORS 166.291 and 166.292, provided that the course includes all of the components described in paragraph (b) of this subsection;

(C) Prior or current certification as a police officer, corrections officer or armed parole and probation officer, as those terms are defined in ORS 181A.355, or a federal officer as defined in ORS 133.005.

(D) Certification as an instructor approved by the National Rifle Association.

(E) Proof of qualification with a pistol, rifle or other small arms while serving in the Armed Forces of the United States as defined in ORS 352.313, as documented on a federal DD Form 214 (Certificate of Release or Discharge from Active Duty), if the qualification occurred within the 10 years prior to the date of application for issuance of the permit; or

(F) Current certification as an armed private security professional under ORS 181A.840 to 181A.918.

[(c)] (b) A firearms training course or class required for issuance of a permit-to-purchase must include: (A) Review of federal and state laws in place at the time of the class and other safe practices related to ownership, purchase, transfer, use and transportation of firearms.

(B) Review of federal and state safe storage laws in place at the time of the class and other safe practices related to safe storage, including reporting lost and stolen guns.

(C) Prevention of abuse or misuse of firearms, including the impact of homicide and suicide on families, communities and the country as a whole; and

(D) In-person demonstration of the applicant’s ability to lock, load, unload, fire and store a firearm before an instructor [certified] approved by a law enforcement agency. This requirement may be met separately from the other course requirements in subparagraphs (A), (B) and (C) of this paragraph, which may be completed in an online course, provided the online course has been conducted by an instructor approved by a law enforcement a trainer certified by law enforcement agency.

(c) A training course or class described in paragraph (a)(A) or (B) of this subsection must have been completed within five years prior to the date of application for issuance of the permit.

(d) Proof of successful completion of a training course in order to meet the requirements for a concealed handgun license issued under ORS 166.291 and 166.292 may be submitted for a permit as a substitute for the requirements in paragraph (c) of this subsection, provided the completed course included each of the components set forth in paragraph (c) of this subsection.

(A) As used in this subsection, “instructor approved by a law enforcement agency” means an instructor who has written certification from an Oregon law enforcement agency to provide firearms training or who is currently approved to provide the firearms training required for an Oregon concealed handgun license under ORS 166.291.

(B) A law enforcement agency, the political subdivision governing the law enforcement agency and their officers, employees and agents are not civilly liable for the actions or in actions of an approved trainer if the law enforcement agency acted in good faith providing the approval.

(9) The department may adopt rules to carry out the provisions of this section.

### **HB3075-1**

HB 3075-1 prohibits high-Capacity Magazines (any magazine that could hold 10 plus rounds) and requires any magazine manufactured in Oregon to include a date stamp prominently displayed on the side of the magazine. The proposed ban on high-capacity magazines is currently working their way through the courts, some examples are:

There have been several notable legal cases involving high-capacity magazine bans across the United States. Here are a few examples:

1. **Duncan v. Bonta (California):** This case challenges California's ban on high-capacity magazines. In 2023, a federal judge ruled the ban unconstitutional, stating it violated the Second Amendment. However, the Ninth Circuit Court of Appeals granted a stay, keeping the ban in effect while the case is under review.
2. **Washington v. Gator's Custom Guns (Washington):** In this case, a Cowlitz County Superior Court judge ruled that Washington's ban on the sale of high-capacity magazines was unconstitutional. The state Attorney General is appealing against the decision, and the case is currently pending in the Washington State Supreme Court.

3. **New York State Rifle & Pistol Association, Inc. v. Bruen (New York):** While not specifically about high-capacity magazines, this landmark Supreme Court case set a precedent for evaluating gun laws under the Second Amendment. It has influenced the challenges of magazine bans and other firearm regulations across the country.

It would be much simpler to change the language and get rid of the “you’re breaking the law, now prove it” to simply state high-capacity magazines can only be used on a person’s private property, a private or public range or public shooting area.”

I would be happy to sit down with any legislator or staff member to make this a simpler and easier understood segment of HB 3075 and HB3075-1.

Rick Coufal