

Submitter: Zachary Hutchins
On Behalf Of:
Committee: House Committee On Judiciary
Measure, Appointment or Topic: HB3075

Dear Chair Kropf and Members of the Committee,

I am writing to express my strong opposition to House Bill 3075 (HB 3075), which proposes modifications to the firearm permit provisions established by Ballot Measure 114 (2022). While I acknowledge the importance of enhancing public safety, I believe that HB 3075 introduces measures that are both unconstitutional and detrimental to law-abiding citizens of Oregon.

1. Constitutional Concerns

- Second Amendment Infringement:** HB 3075 imposes a permit-to-purchase requirement, extended waiting periods, and increased fees, which collectively infringe upon the Second Amendment rights of Oregonians. The U.S. Supreme Court, in *District of Columbia v. Heller* (2008), affirmed that individual firearm possession is a constitutional right. The additional burdens introduced by this bill could be seen as obstacles to exercising that right.

- Equal Protection Clause:** The bill provides exemptions for active-duty law enforcement and military personnel but does not extend similar considerations to other trained individuals, such as retired officers or qualified civilians. This selective exemption raises concerns under the Equal Protection Clause of the Fourteenth Amendment, as it creates unequal treatment among citizens without a compelling justification.

2. Financial and Administrative Burdens

- Increased Fees:** Raising the maximum application fee from \$65 to \$150, along with higher renewal fees, imposes a financial strain on low-income individuals. This fee increase could effectively price out economically disadvantaged citizens from exercising their constitutional rights, leading to a de facto infringement based on economic status.

- Extended Processing Time:** Extending the permit processing period from 30 to 60 days delays individuals' ability to lawfully purchase firearms for self-defense or other lawful purposes. Such delays are particularly concerning for those facing immediate threats to their safety. ?

3. Retroactive Criminalization

- Magazine Capacity Restrictions:** HB 3075 seeks to modify affirmative defense language concerning large-capacity magazines. This could potentially criminalize individuals who lawfully purchased such magazines prior to the enactment of this bill, leading to retroactive punishment, which is both unjust and legally questionable.

4. Legal Challenges and Fiscal Implications

- Anticipated Litigation: Similar laws in other states have faced extensive legal challenges, resulting in significant costs to taxpayers. Enacting HB 3075 is likely to invite lawsuits, diverting public funds from essential services to defend a law that may ultimately be deemed unconstitutional.

5. Emergency Clause Misuse

- Circumventing Democratic Processes: The inclusion of an emergency clause to expedite the bill's implementation undermines the democratic process by limiting public discourse and the possibility of a referendum. Such a clause should be reserved for genuine emergencies, not to bypass standard legislative procedures.

In conclusion, while the intent to enhance public safety is commendable, HB 3075 introduces measures that infringe upon constitutional rights, impose undue burdens on law-abiding citizens, and risk significant legal and financial repercussions for the state. I respectfully urge the committee to reconsider this bill and explore alternative approaches that effectively address public safety concerns without compromising the rights and freedoms of Oregonians.

Thank you for considering my testimony.