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On Behalf Of:
Committee: Senate Committee On Rules
Measure, Appointment or Topic: SB243

Thank you for reading this and not advancing this bill.

Here are a few reasons why it isn't feasible nor beneficial:

1. Delay in Self-Defense

The waiting period could delay individuals from acquiring firearms for immediate self-defense, directly conflicting with Section 27's guarantee of the right to bear arms "for the defence of themselves." In urgent situations, such as domestic violence or immediate threats, a 72-hour delay might leave individuals vulnerable, undermining their constitutional right. This concern is particularly relevant in rural areas where law enforcement response times may be longer, highlighting the practical impact on self-defense capabilities.

2. Unnecessary Restriction on Constitutional Rights

For restrictions on constitutional rights to be valid, they must be narrowly tailored to serve a compelling state interest. The 72-hour waiting period applies universally, regardless of the background check's approval time, which can often be instantaneous. This blanket approach may not be narrowly tailored, as it affects all lawful purchases, including those with no identified risk, potentially infringing on the right to bear arms under Section 27. Legal analyses suggest such broad restrictions could face scrutiny for lacking justification.

3. Lack of Proven Public Safety Benefit

Research on waiting periods shows mixed results regarding their effectiveness in reducing gun violence or suicide rates. For instance, studies cited by RAND suggest waiting periods may reduce firearm suicides in the short term, but their impact on homicides is less clear, with some research indicating a 17% reduction in gun homicides in states with waiting periods. However, critics argue these benefits are not substantial enough to justify restricting constitutional rights, especially given the lack of direct evidence linking Oregon's proposed 72-hour wait to significant public safety outcomes.

4. Conflict with the Spirit of Section 27

Section 27's historical context emphasizes immediate access to firearms for self-defense and state defense, reflecting the 1859 constitutional intent. Imposing a 72-hour delay could be seen as contrary to this spirit, as it introduces an arbitrary barrier not contemplated by the framers. This conflict is particularly notable when compared to Oregon's current lack of waiting periods, as noted in Giffords Law Center, suggesting a shift that may not align with constitutional principles.

5. Burden on Law-Abiding Citizens

The waiting period primarily affects law-abiding citizens who comply with legal

processes, while criminals, who often obtain firearms illegally, are unlikely to be impacted. This disproportionate burden on lawful gun owners could infringe on their rights under Section 27, especially given the lack of evidence that waiting periods deter illegal gun use. Discussions from gun rights advocates, such as Oregon Citizens Lobby, highlight concerns that such measures do not address the root causes of gun violence, further supporting the argument of infringement.

Oregon SB 243's 72-hour waiting period for firearm transfers raises significant concerns about infringement on gun rights under Oregon Constitution Section 27, particularly regarding delays in self-defense, lack of narrow tailoring, and burden on law-abiding citizens. While research on waiting periods is mixed, the constitutional emphasis on immediate access for defense suggests potential legal challenges. This analysis aims to inform stakeholders of the complex interplay between public safety measures and constitutional rights, encouraging further discussion as the bill progresses.