

Submitter: Michael Garfias
On Behalf Of:
Committee: House Committee On Judiciary
Measure, Appointment or Topic: HB4145

As a federal firearms licensee in Scio, Oregon, I oppose HB 4145.

The bill revives Measure 114's unconstitutional permit-to-purchase system and ban on so-called "large capacity" magazines (standard-capacity magazines that all modern firearms ship with).

Legal firearms owners, especially concealed handgun license (CHL) holders, are among the most law-abiding citizens in the country. CHL holders commit crimes at rates far lower than the general population—and lower than police officers.

Constitutionality:

The mandatory permit—requiring fingerprints, photos, fees up to \$150, safety training, background checks, and sheriff/police approval—imposes a prior restraint on the Second Amendment right to acquire arms, analogous to requiring government permission to vote or publish speech. Prior restraints on speech are presumptively unconstitutional (*Near v. Minnesota*, 1931; *NYT v. US*, 1971). Poll taxes/permits for voting were struck down (*Harper v. Virginia*, 1966). Pre-approval for a core enumerated right chills its exercise and lacks Founding-era analogues under *Bruen* (2022); courts have invalidated similar laws (e.g., Maryland PTP). The US DOJ has sued states for analogous 2A violations (California, New York); Oregon faces federal litigation risk.

Exemptions for law enforcement (current, off-duty, retired) from the permit and magazine ban violate the 14th Amendment's Equal Protection Clause by arbitrarily favoring one class over civilians without rational basis—let alone strict scrutiny for fundamental rights—denying equal treatment.

Requiring all challenges in Marion County Circuit Court chills the right to redress grievances. Rural Oregonians cannot afford travel, time, and expense to sue in Salem, creating unequal access to justice.

Business Concerns:

The magazine ban prohibits production, sale, or transfer of standard-capacity magazines, devastating inventory, revenue, and market viability for licensees like me. It forces costly redesigns or relocation, threatening jobs and local economies.

Waste of Resources:

The permit system burdens sheriffs, police chiefs, and OSP with applications,

checks, databases, and appeals, diverting scarce resources from real crimes amid staffing shortages.

Cost Savings Suggestion:

Eliminate OSP's firearms unit and rely on free FBI NICS checks to cut taxpayer costs and streamline compliance.

These provisions will trigger costly, protracted lawsuits from individuals, organizations, and likely the US DOJ. Defending an unconstitutional law will waste millions in taxpayer dollars, drain budgets, burden sheriffs and OSP, and divert resources from public safety—all while the law is enjoined or struck down.

This bill appears driven more by political tantrum than reasoned policy—punishing law-abiding citizens viewed as political enemies rather than addressing crime. While not actually doing anything about the actual criminals—who overwhelmingly obtain guns illegally (e.g., studies show most gun crimes involve prohibited persons via black market, straw purchases, or theft, not legal owners; ATF traces indicate ~80% of crime guns in some cities from prohibited possessors)—it burdens compliant citizens without evidence of reducing violent crime. We are all Americans; we should debate in good faith, respect constitutional rights, and act like fellow citizens, not adversaries.