

Submitter:

Resident Resident

On Behalf Of:

Committee:

House Committee On Judiciary

Measure, Appointment or Topic:

HB4145

I am writing to you as a constituent and a lifetime Democrat to express my firm opposition to HB 4145.

For decades, I have voted for our party because I believe in equality, civil liberties, and the protection of the marginalized. It is with a heavy heart that I watch my fellow Democrats in Salem advance HB 4145, a bill that not only erodes the Second Amendment but does so in a way that is fundamentally elitist and constitutionally unsound.

My opposition is based on the following legal and constitutional principles:

- **Equal Protection and the "Second-Class Citizen" Problem:** HB 4145 creates a tiered system of citizenship. By exempting active and retired law enforcement (including parole officers) from the magazine capacity limits and permit requirements, the State is declaring that one class of citizens is more entitled to self-defense than another. Under the Fourteenth Amendment, laws must apply equally; there is no constitutional basis for a retired officer to possess a "standard capacity" magazine while a law-abiding single mother in a high-crime neighborhood is turned into a felon for doing the same.
- **The Bruen "History and Tradition" Standard:** The U.S. Supreme Court in *NYSRPA v. Bruen* (2022) made it clear: firearm regulations must be consistent with the nation's historical tradition. The 130% fee increase (raising the permit cost to \$150) and the 60-day processing window act as a "pay-to-play" barrier that would never be tolerated for the First or Fourth Amendments. These financial and administrative hurdles have no founding-era analogue and serve only to disenfranchise low-income Oregonians.
- **Unconstitutional Subjective Standards:** By allowing for subjective law enforcement "judgment" in the denial of permits, HB 4145 risks the very "may-issue" discretion the Supreme Court explicitly struck down. As a Democrat, I am particularly concerned that such subjective power historically leads to biased enforcement against minority communities and those with unpopular political views.
- **Procedural Overreach:** Attaching an "emergency clause" to avoid a public referendum and restricting legal challenges to Marion County are attempts to circumvent the judicial and democratic process. This is not the transparency or "power to the people" our party is supposed to stand for.

I believe we are on a collision course with the federal courts. Passing HB 4145 will lead to years of expensive litigation that the State will likely lose, wasting taxpayer dollars that should be spent on education, housing, and healthcare.

I urge you to reconsider this path. Please vote NO on HB 4145.