

Jack Applegate
48530 McFarland RD
Oakridge, OR 97463
Inspbuild@hotmail.com
503-812-9399

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House Committee on Judiciary
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

Re: Opposition to HB 4145 – Modifications to Firearm Permit Provisions

Dear Members of the House Committee on Judiciary,

I am writing as a law-abiding resident of Oregon, small business owner, a war veteran, and a responsible firearm owner to express my strong opposition to House Bill 4145. This bill, which seeks to modify and implement the firearm permit provisions of Ballot Measure 114 (2022), imposes unnecessary and unconstitutional barriers to the exercise of a fundamental right protected by both the Second Amendment to the U.S. Constitution and Article I, Section 27 of the Oregon Constitution. By increasing fees, extending processing times, and mandating training requirements, HB 4145 creates undue burdens on Oregonians' right to keep and bear arms, particularly for low-income individuals, while treating all citizens as potential criminals rather than presuming them innocent until proven otherwise.

The core of my opposition stems from the fact that law-abiding gun owners rarely, if ever, commit crimes with firearms. Statistics consistently show that the overwhelming majority

of firearm-related crimes are perpetrated by individuals who obtain guns illegally, not through lawful purchases. Yet HB 4145 treats every prospective firearm purchaser as a suspect, requiring them to navigate a labyrinth of fees, training, fingerprinting, and background checks simply to exercise a constitutional right. This is inconsistent with how we treat other fundamental rights enshrined in the Constitution. Imagine if the same threshold were applied to the First Amendment right to free speech: Would we require citizens to pay a \$150 fee, complete mandatory training, and wait up to 60 days for approval each time they wished to speak publicly or publish an opinion? Of course not. Such prior restraints would be rightly seen as unconstitutional censorship. The fee is as much as a 50% tax penalty on common affordable firearms.

Consider how politicians and advocates for this bill might feel if they were in the minority and had to jump through similar hoops to exercise free speech because a few individuals have abused it to incite violence or harm. History is replete with examples of speech leading to unrest, yet we do not impose blanket restrictions on all speakers. Instead, we punish those who break the law while assuming the vast majority will use their rights responsibly. The same principle should apply here: All citizens should be presumed law-abiding until evidence suggests otherwise. HB 4145 flips this presumption on its head, creating a system of guilty until proven innocent for firearm ownership.

Moreover, the bill exacerbates socioeconomic disparities by making firearm ownership more costly and delayed. The increased permit fee from \$65 to \$150, combined with training costs and potential lost wages during the extended 60-day processing period (doubled from 30 days), disproportionately affects low-income Oregonians who may need firearms for self-defense in underserved areas. This resembles a modern poll tax, burdening a constitutional right based on financial means. Should citizens have to pay fees, undergo training, and incur additional costs each time they choose to speak freely? No—and the same logic applies to the Second Amendment. Delaying the permit requirement until January 1, 2028, does nothing to mitigate these flaws; it merely postpones an unconstitutional scheme.

HB 4145 also reveals inherent inequalities through its exemptions for active and retired law enforcement officers, parole and probation officers, and others in similar roles. These individuals are exempt from the permit requirement for purchases and can possess large-capacity magazines off-duty or in retirement. If the bill's restrictions are truly necessary for

public safety, why carve out special privileges for one class of citizens? This unequal treatment underscores that the bill is not about safety but about control, violating the Equal Protection Clause of the Fourteenth Amendment by creating arbitrary distinctions without a compelling justification.

Beyond these issues, HB 4145 suffers from deeper constitutional flaws. The U.S. Supreme Court's decision in *New York State Rifle & Pistol Ass'n v. Bruen* (2022) established that firearm regulations must be consistent with the nation's historical tradition of firearm regulation. There is no historical analogue for requiring permits, fees, training, and extended waits to purchase a firearm—unlike the may-issue carry permits struck down in *Bruen*, which lacked objective criteria. Permit-to-purchase schemes like Oregon's are a modern invention without roots in Founding-era practices, making them presumptively unconstitutional under *Bruen*.

Other states with similar laws have faced successful challenges. For instance, in *Maryland Shall Issue v. Moore* (2023), a Fourth Circuit panel struck down Maryland's Handgun Qualification License, which required training, fingerprints, and applications similar to HB 4145's provisions, finding no historical tradition supporting such barriers to acquisition. Closer to home, Ballot Measure 114 itself—the foundation of HB 4145—was ruled unconstitutional by Harney County Circuit Court Judge Robert Raschio in November 2023, who found it violated Oregon's constitutional right to bear arms for self-defense. Although the Oregon Court of Appeals reversed this in March 2025, the case is now before the Oregon Supreme Court, with arguments heard in November 2025 and no final decision yet. Enacting HB 4145 now would prematurely implement a flawed measure likely to face further legal defeats, wasting taxpayer resources on inevitable litigation.

In conclusion, HB 4145 does not enhance public safety; it infringes on constitutional rights, creates barriers for law-abiding citizens, and disproportionately harms vulnerable populations. I urge you to vote NO on this bill and respect the rights of Oregonians to defend themselves without undue government interference. Thank you for considering my views. I am available to discuss this further.

Sincerely,

Jack Applegate