

Members of the House Committee on Judiciary,

I'm writing to urge you to oppose HB 4145. This legislation contains many flaws and does not enhance public safety. After reading the proposed bill, I wish to bring your attention to HB 4145's deficiencies.

Section 1 repeals ballot measure 114 (BM 114). If this section were the only section of the bill, I would gladly support it. However, after repealing BM 114 in its entirety, HB 4145 proposes nearly identical provisions. This brilliant, though contemptible, strategy will moot the cases challenging BM 114 currently before the Oregon Supreme Court and the Ninth Circuit Court of appeals. Mooting the cases wastes the tens or hundreds of thousands of dollars spent by opponents of BM 114 to challenge the law in court. Likewise, the taxpayers' money spent defending BM 114 will also have been wasted. Should HB 4145 become law, the process will start all over again. Oregonians will donate money to defeat a law defended by the state with tax dollars. I urge you to end this cycle of waste and vote against HB 4145. If the legislature is so confident that BM 114 is constitutional, let the current litigation conclude.

Section 4 defines the permitting agent. Permitting agents are given subjective discretion over an individual's application. Although written in a racially neutral way, the subjective discretion given to permitting agents will undoubtedly lead to disenfranchisement of disfavored groups. The Department of State Police needn't bother collecting data on the permit approval and denial rates by race or gender. North Carolina's pistol purchase permit or New York's Sullivan law provide a glimpse of the type of discrimination that is certain should HB 4145 become law.

Section 4 further burdens applicants by raising the permit fee to \$150. Combined with the required training, the cost of a permit could easily exceed \$350. For lower income Oregonians who may only be able to afford a \$200 handgun for protection a \$350 permit effectively prices them out of the exercise of their second amendment right. Were this same fee applied to the right to vote, publish a blog, or practice religion, HB 4145's sponsors would immediately recognize it as the infringement that it is.

Section 4 wastes law enforcement resources by mandating that permitting agents process thousands of applications from people who will never commit a crime with a firearm. No funding is allocated apart from the fees collected, so permitting agents must divert resources from more effective law enforcement work.

Section 4 contains BM 114's background check requirement as part of the permit to purchase a firearm. The Oregon State Police already conducts a background check at the time of purchase, making the check performed as part of the permit to purchase redundant. If background checks do any good, they are best performed at the time of purchase since no firearm is delivered to the applicant during the permit to purchase process.

Section 4 lengthens the time that a permitting agent has to reach a decision on an individual's application from 30 to 60 days. Permitting agents wishing to discourage applicants will wait the full 60 days or ignore the deadline entirely since applicants have no remedy but to hire an attorney and sue the permitting agent.

Section 5 details the process an applicant must navigate in the event that the permitting agent denies their application. An applicant who is wrongfully denied or whose application is delayed indefinitely would need to pay for legal counsel to reverse their denial, creating a massive barrier for someone to restore their rights.

Section 11 contains the provisions about large capacity magazines. A magazine's lawful owner may continue to possess the magazine if they are able to prove that they possessed the magazine before 12/08/2022. Most magazines are not serialized or even marked with a manufacturing date, making it impossible to prove that the owner possessed the magazine before BM 114 went into effect. Therefore, anytime law enforcement finds a large capacity magazine on someone, that person must surrender it or risk being charged with a Class A misdemeanor, even if they are the lawful owner.

Section 12 requires the Oregon State Police to keep a registry of all firearms acquired by each person on their permit. Firearms registries do not serve any useful crime prevention or investigative purpose. HB 4145 repeats BM 114's error of spending state law enforcement resources tracking all firearms transferred in Oregon when the overwhelming number of those firearms will not be involved in the commission of a crime.

Section 20 contains the now seemingly obligatory emergency clause. Overwhelmingly used when no real emergency exists, this clause serves to disenfranchise Oregon voters by denying them the opportunity to challenge a law through the petition process. If the term, "emergency," is to have any meaning in law, the legislature must use it appropriately. If we have to have permits to purchase for the immediate preservation of public health and safety, then you should deny all current firearms purchases.

Throughout HB 4145 exemptions for retired law enforcement officers are included. These exemptions likely violate Oregon's constitution, Section 20 of which states, "Equality of privileges and immunities of citizens. No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens."

Finally, I draw the Committee's attention to the fact that the public hearing for HB 4145 was not announced 72 hours in advance as is required by the legislature's rules. As a result, no one was able to submit testimony or register to testify until five hours before the public hearing started. For example, the first piece of testimony submitted on HB 4145 is timestamped 10:14 AM on 2/2/2026. The public hearing began at 3:00 PM. I urge the committee to consider the message sent to your constituents by conducting the hearing without the required 72 hours' notice.

Please oppose HB 4145. Do not advance a bill that compounds the mistakes of BM 114.

Regards,  
Earl C. Hixson