

Submitter:

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On Behalf Of:

Committee:

House Committee On Judiciary

Measure, Appointment or Topic:

HB4145

Section 18 forces all legal challenges to the law into Marion County Circuit Court only. This is blatant forum-shopping to steer cases toward a potentially favorable venue, limiting citizens' ability to challenge the law in their home counties and undermining fair judicial access.

Doubling the permit processing time to 60 days and raising the initial fee over 130% (from \$65 to \$150) creates financial and temporal barriers to exercising a constitutional right. Post-Bruen (2022 Supreme Court), such subjective schemes, high costs (akin to a poll tax), and delays are likely unconstitutional. These changes disproportionately harm low-income, rural, and minority Oregonians.

HB 4145 grants broad exemptions to active and retired law enforcement (including parole/probation officers) from both the permit-to-purchase requirement and the large-capacity magazine ban, even off-duty or in retirement. This creates a privileged class of citizens while imposing severe restrictions on everyone else. The Oregon Constitution, Article I, Section 20, prohibits granting privileges or immunities to any class that do not equally belong to all citizens. If magazines over 10 rounds are truly dangerous (as Measure 114 proponents claimed), why are they safe for retired officers? This favoritism undermines equal protection and betrays ordinary Oregonians.

In *Duncan v. Bonta* California's "high capacity" magazine ban was found to be unconstitutional and was thus struck down. The court found no historical analogue for prohibiting commonly owned magazines, noting millions in circulation for self-defense, militia use, and other lawful purposes. Benitez argued bans disarm law-abiding citizens without meaningfully reducing criminal misuse.

Also, *Oregon Firearms Federation v. Kotek* Declared Measure 114's magazine ban unconstitutional under Oregon Constitution Article I, Section 27. The court reasoned that limiting magazines to 10 rounds renders firearms ineffective for core self-defense (e.g., against multiple attackers), and such restrictions lack historical basis in Oregon tradition.