

Submitter: Brian Accuardi
On Behalf Of:
Committee: House Committee On Judiciary
Measure, Appointment or Topic: HB4145

Hello,

I respectfully submit this testimony in strong opposition to HB 4145. Supporters claim this bill simply implements Ballot Measure 114, yet the core permitting system from that measure has never taken effect because it remains under a court-ordered stay. More than three years after Measure 114 passed, the state has not even begun to build the infrastructure necessary to administer such a system. No statewide process, training standards, or functional framework currently exist. Rather than recognizing this reality, HB 4145 seeks to expand an unimplemented system by increasing fees, extending waiting periods, and granting broad discretionary power to government officials.

These changes would make it harder and more expensive for ordinary, law-abiding citizens to exercise a constitutional right, while simultaneously granting sweeping exemptions to active, off-duty, and retired law enforcement. Constitutional rights should not depend on occupation or status, yet this bill creates an unequal two-tiered system where some citizens receive special privileges that others are denied.

The emergency clause in HB 4145 is also deeply troubling. The bill would take effect immediately, even though most major provisions would not begin until 2028. This makes clear that the clause is not about urgency, but about preventing Oregonians from exercising their right to challenge the law through the referendum process—similar to what occurred with the 2025 transportation legislation. Using an emergency clause this way undermines voter rights and public trust.

Furthermore, the justification for the emergency clause appears to rely on an “interest-balancing” approach. The U.S. Supreme Court in *New York State Rifle & Pistol Association v. Bruen* rejected interest balancing for Second Amendment issues and held that firearm regulations must be evaluated based on the text, history, and tradition of the Constitution. Because HB 4145 directly affects a core constitutional right, attempting to force immediate enactment through an interest-balancing rationale conflicts with that standard and is constitutionally improper.

Finally, this is not the type of legislation that should be rushed through a short session. Oregon faces serious challenges, including excessive state spending and declining revenues as businesses continue to leave due to Oregon’s unfriendly economic climate. Lawmakers should be focused on reducing spending and improving economic conditions, not advancing divisive bills that further burden

responsible citizens.

For these reasons, I urge the Legislature to reject HB 4145 and focus on policies that respect constitutional rights and strengthen Oregon.