

Testimony on House Bill 4145 As Introduced

(reference: <https://olis.oregonlegislature.gov/liz/2026R1/Downloads/MeasureDocument/HB4145/Introduced>)

1. Overall? We're OPPOSED to this bill. The bill has two parts: a permit to purchase system, and an over 10-round magazine ban. We're AGAINST both parts.

2. No other Constitutional right requires a state-issued permit and payment of a fee before it can be exercised.

Requiring a permit to purchase a firearm is analogous to requiring a permit to practice one's faith or requiring a permit to engage in political speech, or requiring payment of a poll tax to vote. These obstacles are inherently unconstitutional.

3. What is the object of the new permit-to-purchase system? Prevention of purchases by criminals or other unauthorized parties? Reduction in dangerous firearms-related behaviors? Imposition of a de-facto cooling off period? Something else? The envisioned five year permit-to-purchase (involving payment of a fee of up to \$150) entails:

- **A background investigation** (conducted at the time of permit issuance). This permit-to-purchase background investigation will quickly become stale (since permits run for five years), and is duplicative of the insta-check background investigation already performed at time of sale. It contributes nothing to improving safety.
- **Mandatory firearms training:** Firearms training is good, but shouldn't be "mandatory" or "one size fits all." This requirement will likely be satisfied for many applicants by completing the Oregon State Sheriff's online Concealed Handgun License training course (<https://oregonsheriffs.org/chl/>). The fee for this course is \$60, and as such, it is perhaps one of the lowest cost options available, but nonetheless still serves to increase the cost for a permit-to-purchase to \$210. It will likely also drive an increase in CHL applications. Is that your intention?
- **Proof of competence handling a firearm**, entailing demonstration of the ability to "lock, load, unload, fire and store a firearm." This is one of the more absurdly performative "feel good" requirements of the draft bill.

To understand why I say that, note that firearms differ widely in how they work. For example, what's required to safely operate a break action shotgun is vastly different than what's required to safely operate a single-action revolver or a lever-action deer rifle, yet the bill just requires that the applicant demonstrate the required capabilities with **SOME** sort of firearm.

Perhaps this is a sign that requirement is more about introducing hurdles that need to be surmounted than actually imposing meaningful requirements that might potentially contribute to firearms safety?

I would also urge the bill to clarify what's meant by each demonstration requirement. Consider "lock" -- does this mean "lock the action open?" "Put the firearm's safety on (in the safe position), locking the bolt on some firearms?" "Install a trigger lock on the firearm?" As currently used, the term "lock" is totally ambiguous.

And is there really any doubt that people will be able to simply fire a gun? Once loaded, many guns such as double action revolvers just require a pull of the trigger. How hard is that, eh? Is the bill author hoping that the user will have to demonstrate how to fire a gun **SAFELY**? Is the hope that they'll show they can actually hit what they're aiming at? (If so, is a "live fire" demonstration required? How many rounds? What score on what target?)

The requirement to demonstrate "storing" a firearm is also incredibly vague. Is the expectation that people will have trouble putting a gun into a gun case? Or is the storage demonstration supposed to involve opening a safe, inserting a gun, and locking the safe? Does the gun need to be disassembled and cleaned before it gets stored?

- **Creation of a statewide registry of firearms owners.** Why does such a list need to be created? How would it be routinely used? Firearms owners rightly fear creation of such lists because when those sort of lists are breached,

as they inevitably seem to be (remember the massive June 2023 Oregon DMV "MoveIT" data breach?¹), criminals then have a "shopping list" of homes to target if they want to steal a gun. ALL records related to the permit-to-purchase program should also be completely protected from mandatory FOIA disclosures, thereby preventing legally-compulsory FOIA "breaches" of confidential information.

- **Creation of a statewide database of firearms purchases made after the permit was obtained** (e.g., see PDF page 21 lines 1-7). Yet another list. Why is THIS list needed? Is it so that subsequent legislation can more effectively target owners of certain TYPES of guns, such as semiautomatic rifles or handguns? Or is it meant to allow the state to identify individuals who might have "too many" guns or "bad" guns (whatever that may mean)?

Millions of guns that already exist in Oregon will NOT initially be part of this database. Is the next step perhaps requiring that all of THOSE guns ALSO be added to this database? (Gun owners have learned to be wary of allowing the camel's nose under the tent given that incremental concessions end up never being "enough").

4. A "permit to purchase" should NOT be required if the purchaser is a current Oregon Concealed Handgun License (CHL) holder. That is, Oregon CHL holders have already been carefully vetted, and are already trusted by the State to carry a concealed handgun. Just like retired law enforcement officers, security guards, and members of the miliary, CHL holders should also be trusted to merely purchase firearms without requiring what's essentially a redundant permit.

5. The draft bill exempts transactions between "persons licensed as **dealers** under 18 U.S.C. 923." (draft at PDF page 11, lines 1-2, emphasis added). The BATF explains at <https://www.atf.gov/resource-center/fact-sheet/federal-firearms-and-explosives-licenses-types> that there are MANY types of FFLs, including:

- Federally licensed **dealers** (types 01, 02, and 09)
- Federally licensed **manufacturers** (types 06, 07, 10)
- Federally licensed **importers** (types 08 or 11), and
- Federally licensed **collectors of curios and relics** (type 03).

Transactions between parties where both sides of the transaction each have ANY type of Federal Firearms License (FFL) should be exempted, not just transactions between Federally licensed **dealers** (e.g., FFL types 01, 02 and 09).

6. Section 11 of the draft bill proposes a **10 round magazine limit**. This proposed limit is profoundly flawed.

The bills authors apparently fail to recognize that firearm owners can and routinely do carry spare magazines and a trained shooter can rapidly replace an empty magazine with a full spare in a flash. Thus, in many cases, three ten round magazines will be fully as lethal as two 15 round magazines or one 30 round magazine.

Imposing an arbitrary 10 round magazine limit will also actually encourage handgun owners to move to higher-powered cartridges. Effectively, "if I can only have ten rounds, I suppose I should make those ten shots as powerful as possible."

Likewise, gun size is strongly determined by magazine capacity. If I can only have ten rounds in my firearm, many gun owners will reason, "if I can only have ten rounds, I might as well carry the smallest gun with that capacity."

In concrete terms, that means that someone who might have once carried a relatively large and low-powered .380 ACP handgun with 13 rounds may now replace that gun with a much MORE powerful and MORE concealable firearm such as an Armscor BBR 3.10 (a 10+1 shot .45 ACP pistol that's only 4.55" tall, 6.85" long, and less than 1.5" wide).

Same thing for long gun shooters. Consider a hypothetical before/after scenario to see the impact:

¹ https://www.oregon.gov/odot/dmv/pages/data_breach.aspx

- *Before:* Perhaps a gun owner has chosen a relatively-low-powered pistol-caliber carbine (PCC) with a 17 round magazine shooting a handgun class cartridge such as the popular 9mm Luger handgun cartridge. That magazine would NOT be OK under the draft bill since $17 > 10$.
- *After:* If the draft bill passes, some gun owners might replace their 9mm PCC's with Korean War-era M1 Garand rifles (like the one Clint Eastwood was shown with in the movie "Grand Torino"). The M1 Garand "only" fires from an eight round *en bloc* clip, but it shoots is a powerful deer-rifle-class (.30-06) cartridge, one that's decidedly more lethal than a 9mm Luger.

Is promoting that sort of exchange a good policy outcome? Do you REALLY want to move gun owners from LESS lethal cartridges to MORE lethal ones? I think not.

7. The Oregon State Court System has 27 judicial districts, but the draft bill requires challenges only be brought in Marion County. While I'm sure this is convenient for the State, challenges should be able to be filed in ANY Oregon judicial district, not just the one that is most convenient for those who live and work in Salem. "Oregon is not just Portland and the Willamette Valley."

8. The bill is 27 pages long, and needlessly redundant and complex. It should be cleaned up and made concise and readable (don't forget the lesson of <https://www.pbs.org/newshour/politics/oregon-gop-are-basing-their-boycott-on-an-obsolete-law-requiring-bill-summaries-to-be-at-high-school-reading-level>).

Just to highlight a few of many flaws that merit clean up:

- By my count, there are three (3) sections of that bill where blocked purchase attempts are required to be reported for potential followup by law enforcement, prosecutors, mental health authorities, etc. See for example PDF page 3 at 2(a)(A-D), PDF pages 9-10 at 7(c-f), and PDF page 21 at (c-f). Please take the time to identify and consolidate those **needlessly redundant provisions** into a single section.
- Some provisions appear to be **mutually contradictory**. For example, page 13 on lines 21-25 (Section 8(2)) seems to imply that a person who is NOT a gun dealer could apply for permission to transfer a firearm at a gun show.

This directly conflicts with page 12 lines 6-8 ("(2) Except as provided in ORS 166.436 and 166.438 and subsection (4) of this section, a transferor may not transfer a firearm to a transferee unless the transfer is completed through a gun dealer as described in subsection (3) of this section."

- Still other provisions appear to have developed **inconsistencies as a result of sections being renumbered without updates to corresponding cross references**. For example, the bill states that "(d) Proof of successful completion of a training course in order to meet the requirements for a concealed handgun license issued under ORS 166.291 and 166.292 may be submitted for a permit as a substitute for the requirements in paragraph (c) of this subsection, provided the completed course included each of the components set forth in paragraph (c) of this subsection.]" We *think* that paragraph (c) is now irrelevant and paragraph (b) is likely what was meant.

9. Processing timelines are so long that they will likely have unexpected side effects. For example, the draft bill allows for 60 (calendar? business?) days for application processing. That's a LONG time for a potential victim of domestic abuse to have to wait for Oregon's permission to purchase a gun for self defense. Given the high price that's being charged, applicants should rightfully expect express processing of most permits to purchase (or timely denial thereof).

That said, given that potential delay, the obvious prudent thing for Oregonians to do is to purchase a gun NOW, "just in case" one is needed later, and the at-risk party can't safely wait for up to 60 days while the state "gets around to" processing their permit application. This misfeature may inadvertently make the State of Oregon into one heck of a good gun salesman. Is that what you intended?

10. Fees are set to the "actual cost" of the process, not to exceed \$150. As any accountant could tell you, **what gets included in the "actual cost" of something can vary tremendously**. Does the "actual cost" include "overhead," such as building and utility costs? Personnel costs? (and WHICH personnel, just the permit clerks, or also some portion of supervisory and executive staff costs)? Will the legislature collect and publicly report on what permit fees per permit-issuing party?

11. The **renewal process** needs a hard look, too. Renewals should be a routine matter if a permit holder has had no issues during the prior permit term. However, as-written, renewals potentially require:

- **Re-fingerprinting** (PDF page 5 lines 15-16 mentions that fingerprints don't need to be retaken if they were retained by the permit agent, but page 3 lines 15-17 states that "The department shall request that the Federal Bureau of Investigation [shall] return the fingerprint cards used to conduct the criminal background check and [may] not keep any record of the fingerprints." [sounds to us like the State of Oregon is the one who shouldn't be keeping any record of the fingerprints]). Why is this necessary? The State already established the identity of the permit holder as part of the initial permit application! Why would that process need to be repeated?
- **Re-training every five years** (PDF page 6 lines 16-18 states that "A training course or class described in paragraph (a)(A) or (B) of this subsection must have been completed within five years prior to the date of application for issuance of the permit."). If re-training is not required for renewals, this should be clarified.
- **Payment of a fee of up to \$110.** This fee is significantly above the cost of concealed handgun license fees in most states and will likely have negative impacts on the ability of poor (but law abiding) Oregonians to exercise their constitutional right to purchase firearms. I would suggest amending the bill to offer free or reduced fees for applicants at or below the national poverty level, those who are disabled, senior citizens, and former law enforcement officers.

12. When it comes to magazines of more than 10 round capacity, the bill's authors appear to have unrealistic expectations for magazines currently possessed in the state:

- PDF page 17, lines 15-19 discusses markings on magazines "after December 8th, 2022" -- that's when Ballot Measure 114 was originally supposed to go into effect. Ballot Measure 114 remains on hold pending a decision by the Oregon Supreme Court (and potentially appears there after). In the mean time, magazines remain unmarked. There will be a huge volume of magazines whose provenance will be uncertain from dates prior to the date when -- if -- HB 4145 or BM114 becomes law. That date should be changed to the effective date of the new draft bill so as to not retroactively criminalize lawfully owned gun magazines.
- PDF page 17 lines 43-page 18 line 17 envisions a sort of magazine usage log or diary. This is unrealistic. Gun magazines are not tracked in the way that this section seems to envision. No one will have a record of their magazine usage this way.

In conclusion, I would suggest reworking this bill to focus on something that would actually help improve firearms safety in the state, perhaps financial subsidies helping to underwrite purchase of gun safes.

Gun safes help ensure firearms stay out of the hands of unauthorized people (such as children and thieves), and represent something that gun owners and gun control advocates alike should be able to support.