

Submitter:

Cliff Myers

On Behalf Of:

Committee:

House Committee On Judiciary

Measure, Appointment or Topic:

HB4145

I am opposed to this legislation for a number of reasons, namely because it violates the Second Amendment to the United States Constitution: "A well-regulated militia, being necessary to the security of a free state, the RIGHT of the people to keep and bear arms, shall not be infringed." and Article I, Section 27 of the Oregon State Constitution: "The people shall have the RIGHT to bear arms for the defense of themselves, and the State." When our nation was founded, states had laws requiring people to own firearms, and when they were called to serve in the militia people were expected to use their own firearms; the militia depended on the people being armed, they did not make them wait for the government's permission to be armed. There is no historical precedent to support the requirement for a permit to obtain a firearm, and as the Supreme Court of the United States ruled in *NYSRPA v. Buren* (2022), a gun control law must align with historical tradition. If an activity requires a permission slip from the government, and requires a person to fulfill certain obligations before obtaining said permission slip, it is no longer a RIGHT, it is a PRIVILEGE. During oral arguments for the case *Arnold v. Kotek*, the majority of the Oregon Supreme Court Justices appeared to be uncomfortable with the state requiring a permit to exercise a constitutional right, to get training for that right, and pay for it out of their own pocket. Justice James pointed out that no other constitutional right in Oregon requires special training, or permission to exercise. More to the point of this proposed legislation, this bill aims to more than double the cost of a purchase permit from \$65 to \$150 (130% increase), the courses that provide the required training for the permit cost \$150-\$200, making the combined cost of the permit \$300-\$350, that is nearly the cost of the last handgun I purchased. With the ever-increasing cost of living in Oregon, the cost of this permit requirement becomes a hardship for many Oregonians, especially those such as myself who are disabled and on a very limited income, and for the disabled having a firearm for self-defense is even more crucial. Placing undue burdens, such as high cost, on the requirement to obtain a permit is also something the Supreme Court deemed unconstitutional in the *Bruen* case. This amendment of Measure 114 also retains the ambiguous language for a CLEO to deny a permit based upon a person's constitutionally protected speech, and their subjective opinion on possible future behavior, as the statute states a CLEO may deny a permit if someone has made "threats of unlawful violence"; Justice James also pointed out the inherent contradiction of how the requirement to review an applicant's "past pattern of behavior involving... threats of unlawful violence" could allow the state to deny a permit based on speech protected under both the First Amendment and Article 1, Section 8 of the Oregon Constitution, as the mere threat of violence is protected speech. It's also worth noting, several Oregon law enforcement agencies and personnel submitted testimony to *Arnold v. Kotek* opposing the law, and stated they

do not have the resources to implement or enforce it, Justice Tookey expressed his concern on this. Measure 114, and this amendment, gives the government control over something that is supposed to be a right, allows police to deny a permit based on mere speech, and places undue burdens on exercising the right to bear arms, especially for those that need that right the most, after all in the United States there are an estimated 1.5-3 million instances of guns being used in self-defense each year (CDC 2013 report), for every firearm misused in a homicide, there are 35 firearms used in self-defense. I respectfully ask you to not strip any more of our rights away, just consider the outrage if people were required to get a permit to speak in public or go to church. Thank you for your consideration.