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On Behalf Of: General Public
Committee: House Committee On Judiciary
Measure, Appointment or Topic: HB4145

Opposition to House Bill 4145: Infringement on the Second Amendment

To the Oregon House Committee on Judiciary and Members of the Legislature:

I strongly oppose House Bill 4145, which modifies and seeks to implement core provisions of Ballot Measure 114 (2022). This legislation imposes significant new barriers on the lawful acquisition, transfer, and ownership of firearms by law-abiding citizens, directly violating the Second Amendment: "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." In *New York State Rifle & Pistol Association v. Bruen* (2022), the U.S. Supreme Court held that firearm regulations must be consistent with the Nation's historical tradition of firearm regulation. Laws requiring government permission, extended delays, increased fees, or subjective eligibility criteria before exercising a constitutional right are presumptively unconstitutional absent clear historical analogues from the Founding or Reconstruction eras. HB 4145 fails this test.

Key Infringing Provisions

Permit-to-Purchase Requirement

Requiring a government-issued permit before purchasing or transferring a firearm is a prior restraint on a fundamental right. Delaying full enforcement until January 1, 2028, does not eliminate the infringement—it merely postpones it. No widespread historical tradition supports such permission schemes for acquiring arms for self-defense.

Doubled Processing Time (30 to 60 Days)

Extending the permit decision window to 60 days creates an unconstitutional delay in exercising the right to armed self-defense, especially during times of immediate threat (*Heller*, 2008; *Bruen*). A two-month wait effectively denies access when it may be needed most.

Increased Fees

Raising application and renewal fees, with portions funding state police background checks, functions as a financial barrier—or poll tax—on a constitutional right. Combined with mandatory training (even with added alternatives), these costs disproportionately burden lower-income citizens and deter exercise of the right.

Added Eligibility Criteria and Database Provisions

New eligibility requirements invite arbitrary or subjective denials without adequate due process. Exempting permit-holder databases from public disclosure does not offset the creation of a government registry of gun owners, raising longstanding

concerns about potential abuse.

Large-Capacity Magazine Adjustments

While primarily permit-focused, the bill modifies affirmative defenses for Measure 114's magazine restrictions. Standard-capacity magazines are in common use for lawful purposes, including self-defense. Bans lack historical precedent and infringe on the protected right to possess arms "in common use" (Heller).

Unequal Exemptions

Exempting active and retired law enforcement officers while burdening ordinary citizens violates equal protection principles. The Second Amendment protects "the people," not a select class.

Conclusion HB 4145 does not align with historical tradition and does not demonstrably enhance public safety in a constitutional manner. It targets law-abiding Oregonians with bureaucracy, delays, costs, and unequal treatment while criminals disregard such rules. Ongoing legal challenges to Measure 114 underscore these constitutional defects; this bill exacerbates rather than resolves them. I urge the Committee and Legislature to reject House Bill 4145 in its entirety. The right to keep and bear arms is a fundamental constitutional guarantee—not a privilege subject to government permission slips, lengthy waits, or escalating fees.

Violations of the Second Amendment cannot be enforced. If attempt is made, the NRA will be brought in for regarding this mistake of a bill. Those who proposed it will be brought to light for willful intent to remove rights of American citizens protected by the US Constitution.